

DEPARTMENT OF FOOD AND AGRICULTURE
Animal Health and Food Safety Services
PROPOSED REGULATIONS – INFORMAL HEARINGS

The Department of Food and Agriculture, Animal Health and Food Safety Services, proposes to amend sections 1310 and 1310.1 of Article 1, Chapter 9, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Section 1310. Scope of Coverage.

(a) Any person, or his or her duly authorized representative, may contest a notice of adverse determination and request an informal hearing as outlined in this article. The informal hearing proceedings pertain to a violation of any of the following sections of the Food and Agricultural Code:

(1) Importation requirements for horses or other Equidae pursuant to section 9641.5.

(2) Brucellosis vaccination requirements pursuant to sections 10341, 10342 and Article 4 (commencing with section 10351), Chapter 3, Part 2, Division 5.

(3) Importation requirements for cattle pursuant to section 10610.

(4) Importation requirements for swine pursuant to section 10721.

(5) Approved processing or disposal of garbage aboard any vessel or aircraft in the state pursuant to sections 16101, 16151, 16152, 16153 and 16154.

(6) Requirements for animals at large pursuant to section 16441 including but not limited to, pedigree and proof of ownership requirements pursuant to sections 16501, 16521, 16522, 16522.5, 16523, 16524, 16525, 16526 and 16527.

(7) Requirements for the transportation of animals pursuant to sections 16901, 16902, 16903, 16904, 16905, 16906, 16907, 16908 and 16909.

(8) Requirements for strays under Article 2 (commencing with section 17041), Article 3 (commencing with section 17061), Article 4 (commencing with section 17091) and Article 5 (commencing with section 17121 of Chapter 7, Part 1, Division 9.

(9) Unlawful marking and branding requirements pursuant to sections 17551, 17552 and 17553.

(10) Unrecorded, forfeited, or canceled brands requirements pursuant to section 20222.

(11) Requirements for enforcement of brand registration pursuant to sections 20604, 20605, 20606, 20607, 20608, 20609, and 20610.

(12) Requirements for cattle record brands pursuant to sections 20901, 20902, 20903, 20904, 20905 and 20906.

(13) Requirements for the Inspection of cattle under Article 1 (commencing with section 21051), Article 2 (commencing with section 21081), Article 3 (commencing with section 21111).

Article 4 (commencing with section 21141), Article 6 (commencing with section 21201), Article 7 (commencing with section 21231), Article 9 (commencing with section 21281) and Article 10 (commencing with section 21321) of Chapter 6, Division 10.

(14) Requirements for the inspection of hides and carcasses pursuant to sections 21453, 21455, 21456, 21457, 21458, 21459, 21482, 21531, 21532, 21561, 21562, 21563, 21563.5, and 21565.

(15) Requirements for the sale and gift of cattle and their carcasses and hides pursuant to sections 21702, 21702.1, 21703, 21704, 21705, 21706, 21707, 21708, 21709 and 21710.

(16) Requirements relating to the slaughter of cattle pursuant to section 22001, 22001.5, 22002, 22003, 22004, 22004.1, 22006, 22008, 22009 and 22010.

(17) Requirements for brands and brand records pursuant to section 23251.

(18) Requirements for the sale or gift of an animal hide or carcass pursuant to sections 23801 and 23802.

(19) Requirements for the transportation of sheep pursuant to section 23981.

~~(6)~~ (20) Control of performance and disposition enhancing medications for horses in public horse shows, events, competitions, or sales pursuant to Chapter 8 (commencing with section 24000), Division 11.

~~(7)~~ (21) Inspection and sampling of milk, milk products, and products resembling milk pursuant to Article 2 (commencing with section 32731), Chapter 2, Part 1, Division 15.

~~(8)~~ (22) Testing of milk and milk products for the presence of drug residues pursuant to Article 4 (commencing with section 32761), Chapter 2, Part 1, Division 15.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 9166, 9641.5, 10341, 10342, 10610, 10721, 16101, 16151, 16152, 16153, and 16154, 16501, 16521, 16522, 16522.5, 16523, 16524, 16525, 16526 and 16527, 16901, 16902, 16903, 16904, 16905, 16906, 16907, 16908, 16909, 17150, 17151, 17152, 17153, 17551, 17552, 17553, 20222, 20604, 20605, 20606, 20607, 20608, 20609, 20610, 20901, 20902, 20903, 20904, 20905, 20906, 21453, 21455, 21456, 21457, 21458, 21459, 21482, 21531, 21532, 21561, 21562, 21563, 21563.5, 21565, 21702, 21702.1, 21703, 21704, 21705, 21706, 21707, 21708, 21709, 21710, 21852, 21855, 21856, 21881, 21882, 21844, 21886, 22001, 22001.5, 22002, 22003, 22004, 22004.1, 22006, 22008, 22009, 22010, 23251, 23801, 23802, and 23981, Food and Agricultural Code; Article 4 (commencing with section 10351), Chapter 3, Part 2, Division 5, Food and Agricultural Code; Article 2 (commencing with section 17041), Article 3 (commencing with section 17061), Article 4 (commencing with section 17091) and Article 5 (commencing with section 17121) of Chapter 7,

Part 1, Division 9, Food and Agricultural Code; Article 1 (commencing with section 21051), Article 2 (commencing with section 21081), Article 3 (commencing with section 21111), Article 4 (commencing with section 21141), Article 6 (commencing with section 21201), Article 7 (commencing with section 21231), Article 9 (commencing with section 21281) and Article 10 (commencing with section 21321) of Chapter 6, Division 10, Food and Agricultural Code; Chapter 8 (commencing with section 24000), Division 11, Food and Agricultural Code; Article 2 (commencing with section 32731), Chapter 2, Part 1, Division 15, Food and Agricultural Code; and Article 4 (commencing with section 32761), Chapter 2, Part 1, Division 15, Food and Agricultural Code.

Section 1310.1. Filing Deadlines and Procedures.

(a) The respondent may contest a notice of adverse determination for any violation specified in section 1310 and may request an informal hearing by written correspondence to the Department of Food and Agriculture, 1220 "N" Street, ~~Room A-107~~, Sacramento, California 95814.

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NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2, Government Code; and Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2, Government Code.