

**TITLE 3. FOOD AND AGRICULTURE
DIVISION 2. ANIMAL INDUSTRY
CHAPTER 2. LIVESTOCK DISEASE CONTROL
Article 11 Emergency Control and Eradication of Animal Diseases**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as “Department”) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments can be submitted via e-mail to angelina.velez@cdfa.ca.gov or mail to the address listed below. The written comment period closes on June 12, 2023. The Department will consider only comments received at the Department by that time.

Submit comments to:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 718-8284
E-mail: angelina.velez@cdfa.ca.gov

AUTHORITY AND REFERENCE

Existing law, section 11342.2 of the Government Code section, allows state agencies to adopt regulations that are reasonably necessary to effectuate the purpose of a statute, based on implied authority within that governing statute.

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as

are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Existing law, section 10610 of the Food and Agricultural Code, authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases by requiring permits before entry of, and limitations on the importation of, cattle and other animals or materials that might act as a cause or a vector of a disease or condition that is infectious or contagious to cattle.

Existing law, section 10781 of the Food and Agricultural Code, authorizes the Director to adopt regulations to control or eradicate hog cholera, swine brucellosis, pseudorabies, and other swine diseases by limitations on the movement of swine.

Existing law, section 9641.5 of the Food and Agricultural Code, provides that any horse or other Equidae brought into this state shall be accompanied by a certificate of health from the state of origin issued by an accredited veterinarian stating that the horse or other Equidae is free from evidence of any communicable disease.

Existing regulations under Section 799 of the California Code of Regulations, specifies the requirements for interstate movement of all susceptible animals that have been potentially exposed to Vesicular Stomatitis Virus (VSV).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department is proposing the amendment to section 799 under of Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to update the interstate movement requirements for VSV susceptible animals during an active outbreak in the United States of VSV.

Anticipated Benefits of the Proposal: This amendment will provide the public with clear and accurate information for the requirements for importation of animals susceptible to VSV, upon the Department's notification by the USDA that a state or country has a confirmed or suspect VSV premises. This amendment also ensures the Department has the ability to properly control, manage, and prevent the spread or introduction of VSV within the State.

CONSISTENCY EVALUATION

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The anticipated compliance requirements as a result of this proposal: The proposal contains no additional record keeping or paperwork.

Effect on Housing Costs: None.

Effect on Small Business: The Department has initially determined that the proposed changes to the regulations would have no impact directly affecting small businesses. These regulations do not require any additional costs or outputs for small businesses. These regulations do not establish any new limitations on small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any specific benefits this proposal will have on worker safety or the State's environment.

The proposed regulation benefits the health and welfare of California residents, including animal health, public health, the food supply, and the economy by serving to prevent the spread of VSV in the State of California during a VSV outbreak.

Occupations/Businesses Impacted: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Business Reporting Requirement: There are no new reporting requirements as a result of this proposal.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION AND TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Angelina Velez at the address listed below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the persons named below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <https://www.cdfa.ca.gov/ahfss/regulations.html#AHB-rulemaking>

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 718-8284
E-mail: angelina.velez@cdfa.ca.gov

The backup contact person is:
Emily Nietrzeba, DVM, MPH
Equine Veterinarian
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 508-3302
E-mail: emily.nietrzeba@cdfa.ca.gov