

TITLE 3. FOOD AND AGRICULTURE  
DIVISION 2. ANIMAL INDUSTRY  
CHAPTER 2. LIVESTOCK DISEASE CONTROL (ANIMAL QUARANTINE)  
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](mailto:angelina.velez@cdfa.ca.gov) or mail to the address listed below. The written comment period closes on May 31, 2022. 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) 708-4467  
E-mail: [angelina.velez@cdfa.ca.gov](mailto:angelina.velez@cdfa.ca.gov)

**AUTHORITY AND REFERENCE**

Existing law, Code of Federal Regulations Title 9, Part 93.304, provides the import permit requirements for horses from regions affected with CEM, which includes being quarantined in a facility maintained or approved by USDA.

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 9561 of the Food and Agricultural Code authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this state.

Existing law, section 9562 of the Food and Agricultural Code authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

Existing law, section 9570 of the Food and Agricultural Code authorizes the State Veterinarian of the Department to prescribe the conditions, if any, under which animals, animal products, or property may be imported into this state if section 9562 is invoked, and the importation of animals, animal products, or other property from any state, territory, or foreign country may transmit, carry or disseminate the illness, infection, pathogen, contagion, toxin, or condition designated pursuant to Section 9562.

Existing law, section 8101.1 of the California Code of Regulations, specifies the requirements for all stallions or mares over 731 days of age imported into California under a United States Department of Agriculture (USDA) permit from a foreign country where Contagious Equine Metritis (CEM) exists.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Department is proposing the amendment of section 810.1 under of Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to update the address of the currently approved CEM quarantine facility and add a new additional approved facility for the University of California Davis, Center for Equine Health, both under the control and management of the University of California Davis.

Anticipated Benefits of the Proposal: This amendment will provide the public with an additional location in Southern California to utilize in those cases where importation of stallion and/or mares requires quarantine for inspections, treatment and testing required to determine the disease status for CEM, as set forth in CCR section 810.1. The primary equine health benefit is decreased length of travel and transportation stress for imported horses, as well as improved transportation logistics for stakeholders importing the equines. Currently the only UC Davis Center for Equine Health CEM quarantine facility closest is the location in Davis, California.

## **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.

Business Impact: 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.

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 specific record keeping, paperwork or reporting requirements.

Effect on Housing Costs: None.

Effect on Small Business: The Department has initially determined that the proposed changes to the regulations would have no significant 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. All CFMs and vendors would be operating under the same regulatory structure with regards to the regulatory changes.

## **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 the health of California residents, worker safety or the State's environment.

The proposed regulation benefits welfare of California residents, including animal health, the equine industry and the State's economy by serving to prevent the spread of CEM in the State of California when stallions or mares are imported from foreign countries where CEM exists.

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) 708-4467  
E-mail: [angelina.velez@cdfa.ca.gov](mailto:angelina.velez@cdfa.ca.gov)

The backup contact person is:  
Emily Nietrzeba, DVM, MPH  
Equine Veterinarian  
Department of Food and Agriculture  
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Animal Health Branch  
1220 N Street, Sacramento, CA 95814  
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