

## TITLE 3. FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning **September 23, 2011 and ending at 5 p.m. November 7, 2011**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 33805, 33806, and 33807, Food and Agricultural Code, and to implement, interpret or make specific sections 33805, 33806, and 33807, of said Code, the Department proposes to adopt section 588 of Article 21, of Chapter 1, Division 2, of Title 3 of the California Code of Regulations, as follows:

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

Existing law, section 33085 of the Food and Agricultural Code, authorizes the Department to establish an advisory committee to assist the Secretary in the administration of inspection services related to milk and milk products, as cited in Chapter 4, Part one, Division 15 of the Food and Agricultural Code. The members are appointed by and may hold office at the pleasure of the Secretary.

Existing law, section 33086 of the Food and Agricultural Code, authorizes the Department to include persons representing producers, milk products plants, approved milk inspection services personnel, and the public generally on the advisory committee, and to limit the number of members not to exceed 7 but to consist of such number of members as necessary to assist in the administration of Chapter 4.

Existing law, section 33087 of the Food and Agricultural Code, states a member of the advisory committee shall not receive a salary but may be reimbursed for expenses incurred while engaged in committee duties.

In compliance with sections 33085 through 33087, the Department proposes to adopt section 588 of Article 21 (Milk Inspection Services), of Chapter 1, Division 2, of Title 3 of the California Code of Regulations. This proposal specifies the terms of service for members of the Milk Inspection Advisory Committee (MIAC).

### **Comparable Federal Regulations**

There are no comparable federal regulations relating to this proposal.

## **FISCAL IMPACT ESTIMATES**

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 Sections 17500 - 17630 Require Reimbursement: None

Business Impact: 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.

Impact on Jobs/New Businesses: 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.

Cost Impacts on Private Persons or Entities: 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.

Effect on Housing Costs: None

## **EFFECT ON SMALL BUSINESS**

The Department has determined that the proposed regulations would affect small businesses; however, there is no adverse impact, and no fiscal or economic impact upon small businesses is anticipated as a result of this proposal.

## **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention 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 described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

## **INITIAL STATEMENT OF REASONS**

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## **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.

## **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

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Website Access:

Materials regarding this proposal can be found by accessing the following Internet address:  
<http://www.cdfa.ca.gov/ahfss/regulations.html>