



Notice of Public Hearing
**To Consider the Adoption of a Temporary Standard for
Almond Milk Cream Cheese and Almond Milk Ricotta
pursuant to Food and Agricultural Code sections 36631
through 36638**

The Milk and Dairy Food Safety Branch (hereinafter "Branch") of the California Department of Food and Agriculture (hereinafter "CDFA") is calling a public hearing to receive comments as to whether temporary standards for Almond Milk Cream Cheese and Almond Milk Ricotta as set forth in a petition submitted by Lyrical Foods, Inc., on February 12, 2019, should be adopted.

Food and Agricultural Code (FAC) section 36632(b) provides that, upon the request of any interested person, CDFA may grant a temporary standard for an initial period of one year for a new milk product or product resembling a milk product. FAC section 36632(b) requires that the petition "shall include a proposed definition, standard, nomenclature, and label for the new product". CDFA has determined that the petition of Lyrical Foods, Inc., satisfies the requirements of this section.

As provided by FAC section 36632(a), the public hearing shall be conducted exclusively by written brief, unless an oral hearing is specifically requested by an interested person.

Written briefs must be received by the Branch before the close of the public hearing at 5:00 p.m. on Monday, April 15, 2019. Written briefs may be sent to the Branch by mail via the U.S. Postal Service, e-mailed in electronic pdf format to MDFSBinfo@cdfa.ca.gov, or faxed to the Branch at (916) 900-5337. Any interested party must request an oral hearing by the close of business, Thursday, March 14, 2019.

Consistent with FAC section 36633, the hearing shall be conducted to determine whether:

- (1) each product proposed for a temporary standard qualifies for that standard; and
- (2) whether a temporary standard has been properly sought for each proposed product definition, standard, nomenclature, and label offered by the petitioner.

Following the hearing, as set forth in FAC section 36633(b), CDFA shall evaluate the temporary standard request on the basis of all of the following:

- (1) testimony submitted by interested persons;
- (2) the health and safety conditions under which each proposed product will be processed and distributed; and
- (3) definitions and standards established for comparable products, if they exist.

Accordingly, respondents to this hearing notice are respectfully requested to address these issues, if possible, in their written briefs.

If CDFA subsequently decides, after the hearing, to grant the petition, it shall establish an appropriate definition and nomenclature as well as quality and labeling requirements applicable to the permitted



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product(s) pursuant to FAC section 36633(c). CDFA shall notify the petitioner of its decision not later than 30 days following the close of the hearing.

A copy of the petition and the subsequent decision by CDFA, will be available on the following website:
<http://www.cdfa.ca.gov/ahfss/regulations.html>

If you do not have internet access, the Branch will provide a copy by fax or other means of delivery. Please contact the Branch at (916) 900-5008 to request a copy.

A temporary standard approved by CDFA shall take effect upon being adopted as set forth in FAC sections 36634(d) and 36637.

If you have questions regarding this hearing, please call the Branch at (916) 900-5008.

Dated: February 27, 2019



Dr. Stephen Beam, Chief
Milk and Dairy Food safety Branch
Animal Health and Food Safety Services