

DEPARTMENT OF FOOD AND AGRICULTURE

**SECOND 15- DAY NOTICE OF MODIFICATIONS TO THE RULEMAKING FILE
RELATING TO INFORMAL HEARINGS**

NOTICE IS HEREBY GIVEN of modifications to the originally proposed regulatory text for the Department of Food and Agriculture (Department), Animal Health and Food Safety Services.

The proposed modifications pertain to the action described in the Informative Digest published in the *California Regulatory Notice Register* on October 26, 2012 [Notice File #Z2012-1016-02, Register 2012, No. 43-Z] relating to the Department's informal hearing process. The Department is now providing notice of additional proposed modifications to section 1310 of Article 1, Chapter 9, Division 2, of Title 3 of the California Code of Regulations. The reason for the modifications is to add to the sections cited from the Food and Agricultural Code that the Department may impose a penalty and utilize the option of the informal hearing process. Enclosed is a copy of the modified text.

Any person who wishes to comment on the text, as modified, may do so by submitting a written comment beginning April 17, 2013 and ending at 5:00 p.m., May 2, 2013, to the following person:

Douglas Hepper, DVM, Chief
Department of Food and Agriculture
Meat, Poultry and Egg Safety Branch
Mailing: 1220 N Street
Sacramento, CA 95814
Email: douglas.hepper@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst
Department of Food and Agriculture
Animal Health and Food Safety Services
Mailing: 1220 N Street
Sacramento, CA 95814
E-mail: nancy.grillo@cdfa.ca.gov

Materials relating to this proposal may be found on the Department's website at:
<http://www.cdfa.ca.gov/ahfss/regulations.html>

Dated: April 10, 2013


Douglas Hepper, DVM

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

SECOND MODIFIED TEXT

Legend for Modified Text:

- Single underline and ~~strikeout~~ is text that was noticed to the public for a 45-day comment period ending December 10, 2012.
- ~~Double strikeout~~ and single underline for deleted text, and double underline for added text, is the first modified text that was noticed to the public for a 15-day comment period ending March 6, 2013.
- Second modifications to the text is shown in ~~double strikeout~~ and **bold** for deleted text, and double underline and **bold** for added text.

All written comments must address the second modified text only.

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 estrays 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) Requirements for processing inspectors pursuant to sections 18982, 18983, 18991, 19001 and 19002.

(11) Requirements pertaining to transporters of inedible kitchen grease pursuant to sections 19310, 19310.5, 19310.7, 19311, 19312, 19313, 19313.1, 19313.5, 19314, 19315, 19316, 19316.5 and 19317.

~~(10)~~ (12) Unrecorded, forfeited, or canceled brands requirements pursuant to section 20222.

~~(11)~~ (13) Requirements for enforcement of brand registration pursuant to sections 20604, 20605, 20606, 20607, and 20608, ~~20609, and 20610.~~

~~(12)~~ (14) Requirements for cattle record brands pursuant to sections ~~20901, 20902, 20903,~~ 20904, ~~20905~~ and 20906.

~~(13)~~ (15) 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), and Article 9 (commencing with section 21281) ~~and Article 10 (commencing with section 21321)~~ of Chapter 6, Division 10.

~~(14)~~ (16) Requirements for the inspection of hides and carcasses pursuant to sections ~~21453, 21455, 21456, 21457, 21458, and 21459, 21482, 21531, 21532, 21561, 21562, 21563, 21563.5, and 21565.~~

~~(15)~~ (17) 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)~~ (18) Requirements relating to the slaughter of cattle pursuant to section 22001, ~~22001.5, 22002, 22003, 22004, 22004.1,~~ 22006, 22008, 22009 and 22010.

~~(17)~~ (19) Requirements for brands and brand records pursuant to section 23251.

~~(18)~~ (20) Requirements for the sale or gift of an animal hide or carcass pursuant to sections ~~23801 and 23802.~~

~~(19)~~ (21) Requirements for the transportation of sheep pursuant to section 23981.

(6) ~~(20)~~ ~~(22)~~ 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)~~ ~~(23)~~ 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)~~ ~~(24)~~ 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, 16441, 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, 17951, ~~18982~~, ~~18983~~, ~~18991~~, ~~19001~~, ~~19002~~, ~~19310~~, ~~19310.5~~, ~~19310.7~~, ~~19311~~, ~~19312~~, ~~19313~~, ~~19313.1~~, ~~19313.5~~, ~~19314~~, ~~19315~~, ~~19316~~, ~~19316.5~~, ~~19317~~, 20222, 20251, 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, 23901, and 23981, 24007 and 32814, 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), and 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.

* * *

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.