

DEPARTMENT OF FOOD AND AGRICULTURE
Animal Health and Food Safety Services
ECONOMIC IMPACT ASSESSMENT

SUBJECT MATTER OF PROPOSED REGULATIONS: Informal Hearings

SECTIONS AFFECTED: 1310 and 1310.1

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL: The Department of Food and Agriculture (Department) 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 add specified provisions of the Food and Agricultural Code to the Department's informal hearing process and to make a technical change, as specified.

Food and Agricultural Code sections 9562 and 9570 authorize the State Veterinarian to quarantine animals or animal products if there is any serious threat to public health and safety, or the safety of the State's food supply. Sections 1301.2 and 1301.3 of Title 3 of the California Code of Regulations specify the informal hearing procedures for a person to contest a quarantine order issued by the State Veterinarian. For violations that do not result in an immediate quarantine order, the Department would serve a notice of adverse determination against an individual. Regulations currently exist, sections 1310–1310.3 of Title 3 of the California Code of Regulations, which allow a person to appeal such adverse determinations to the Department through an informal hearing process.

This proposal amends section 1310 to allow a person in violation of specified provisions of the Food and Agricultural Code the immediate access to an internal, informal hearing process, and provides the opportunity for a person to present and rebut evidence in a timely manner pursuant to Government code section 11445.10 et seq. This proposal also includes a technical change in section 1310.1 to update the mailing address of the Department.

Based on an initial evaluation, the Department does not believe that the proposed regulations are inconsistent or incompatible with existing state or federal regulations.

BUSINESS IMPACT: The Department of Food and Agriculture (Department) has determined that this regulatory proposal will not have any impact 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 would have no significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will impact any person (after examination of a complaint and evidence) found to be in violation of specified agriculture-related provisions of the Food and Agricultural Code.

The Department's proposal may affect small businesses.

BENEFIT OF PROPOSED REGULATIONS: This proposal benefits both the Department and the public. The purpose is to provide the informal hearing process to persons found to be in violation of specified provisions of the Food and Agricultural Code who are issued adverse determinations by the Department. The intent is to handle certain, less grievous offences in a cost effective and timely manner.

ECONOMIC IMPACT ASSESSMENT CONCLUSION: The Department of Food and Agriculture (Department) has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation only affects persons found to be in violation (after examination of the complaint and evidence) of specified provisions of the Food and Agricultural Code pertaining to the authority of the Bureau of Livestock Identification (for example, violations for agriculture-related misdemeanors that are typically small penalties of \$500 or less). As part of its Economic Impact Assessment, the Department has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, that it will not create or eliminate jobs or occupations. The Department's proposal does not impact multiple industries.