

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Food and Agriculture**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Regulatory Action:**

**Government Code Section 11349.3**

**Title 3, California Code of Regulations**

**OAL File No. 2013-1125-02 SR**

**Adopt sections:**

**Amend sections: 1300, 1300.1, 1300.3,  
1300.11, 1300.12, 1300.13,  
1300.14, 1300.15**

**Repeal sections: 1300.2, 1300.4**

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This re-submitted regulatory action amends and repeals various sections of the California Code of Regulations in title 3, division 2, chapter 7, which is entitled "Control of Diseased Animals." It updates terminologies, changes the requirements for obtaining a permit for transporting diseased animals into California, lists the available remedies for violations of these regulations, and modifies the period during which records should be maintained from six months to two years.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2014.

**Date: 1/9/2014**



**Thanh Huynh  
Attorney**

**For: DEBRA M. CORNEZ  
Director**

**Original: Karen Ross  
Copy: Thami Rodgers**

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2013-0207-02</b>	REGULATORY ACTION NUMBER <b>2013-1125-02SR</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2013 NOV 25 PM 1:54 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (if any)

ENDORSED FILED  
IN THE OFFICE OF

2014 JAN -9 PM 3:18

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2013, 82</b>	PUBLICATION DATE <b>2/22/13</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Diseased Animals	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-0703-025
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

ACTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1300, 1300.1, 1300.3, 1300.11, 1300.12, 1300.13, 1300.14, and 1300.15
	REPEAL 1300.2 and 1300.4

*(renumbered as 1300.2) per agency request 1/9/14*

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
10/21/13 - 11/5/13

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Thami Rodgers	TELEPHONE NUMBER 916-698-3276	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) thamara.rodgers@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>James Houston</i>	DATE 11/14/13
TYPED NAME AND TITLE OF SIGNATORY James Houston, Deputy Secretary	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED  
JAN 09 2014  
Office of Administrative Law

The Department of Food and Agriculture, Animal Health Branch, hereby adopts changes to Article 1 and Article 2 of Chapter 7, Division 2, Title 3 of the California Code of Regulations to read as follows:

**Article 1. Permits for Transportation and Sale of Diseased Animals to Slaughterers, Salesyards and Stockyards**

**Section 1300. Compliance with Federal Regulations.**

(a) ~~(Reserved)~~

~~(b) Federal Regulations. These articles have been adopted after consultation with the United States Secretary of Agriculture.~~ The requirements of these articles are supplementary to those of the Secretary United States Department of Agriculture in Title 9, Code of Federal Regulations, Part 71.3 (2012 Edition). Whenever any permit is required by these articles, such requirements may be satisfied by filing with the Director Department of Food and Agriculture (Department) a copy of a permit or comparable documents issued by the Secretary United States Department of Agriculture and containing substantially the same information and requirements.

NOTE: Authority cited for ~~new Subchapter 6: Sections 407, 9572, 18735, 19380, Food and Agricultural Code. Reference: Sections 9562, 9570, and 18735, Food and Agricultural Code.~~

**Section 1300.1. Permit for Transportation of Diseased Animals into California.**

(a) ~~No person shall transport into the State, any livestock~~ A permit for transporting diseased animals into California is required for any livestock, as defined in Section 18663 of the Food and Agricultural Code, known to have any of the following conditions or diseases or manifesting any of the following diseased conditions except under permit of the Director:

~~(1) Inability to walk normally or stand~~

~~(2)~~(1) Abnormal temperature (high or low)

~~(3)~~(2) Difficult breathing

~~(4)~~(3) Abnormal swellings

~~(5)~~(4) Foul odor and running sores

~~(6)~~(5) Tumors or cancer growths

~~(7)~~(6) Gangrene of the udder (blue bag)

~~(8)~~(7) Water belly or swollen brisket

~~(9)~~(8) Infections of the region of eye (epithelioma-eye cancer in which the eye is destroyed or covered with a tissue mass showing infection, suppuration, and necrosis, usually accompanied with a foul odor).

(9) Any other condition as determined by the State Veterinarian that may pose a threat for the introduction or spread of livestock conditions or diseases into the State.

(b) Applications Requests for permits required under subsection (a) shall be made to the California Department of Food and Agriculture, Animal Health and Food Safety Services, Animal Health Branch, 1220 "N" Street, Sacramento, CA 95814, and may also be made by telephone, electronic transmission, or other means approved by the Department. Requests for permits shall be made before the animals are transported to California and shall include the name and address of both the consignor and consignee, and the number, breed, and type of livestock.

(c) The consignor, as a condition for the issuance of the permit, shall agree to comply with requirements thereof, which may include:

- (1) Description and marking, or individual identification of the livestock;
- (2) Designation of the carrier and the time and place of destination;
- (3) Segregation and holding of the livestock for inspection at destination by the consignor; and

(4) Obtaining a certificate signed by a Federal or State ~~veterinary~~ veterinarian or livestock inspector, or an accredited veterinarian, that the livestock to be shipped have been examined and ~~none of the animals appears or is known to be affected with a contagious disease.~~

(d) The consignee, as a condition for the issuance of the permit, shall agree to comply with the requirements thereof which shall include the requirements of ~~Section~~ Section 1300.11.

~~(e)~~ (e) Each permit granted pursuant to subsection (a) shall state the destination of each shipment, without diversion, as

(1) A slaughter establishment under inspection by the ~~Director~~ Department or the ~~Secretary~~ United States Department of Agriculture;

(2) An establishment licensed by the ~~Director~~ Department as a pet food and ~~horse~~ slaughterer or renderer;

(3) A named livestock saleyard or public stockyard; ~~or~~

(4) An institution conducting research into animal diseases, employing a professional staff for such purpose; or

(5) An establishment providing veterinary care.

(f) A copy of the required permit shall accompany each shipment. It shall be made available to inspectors of the Department, the United States Department of Agriculture, or law enforcement officers upon request.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, ~~9574~~, 18663, 18735, 18851 and 19380, Food and Agricultural Code.

~~Section 1300.2. Verification of Shipments Under Permit.~~

~~A copy of the required permit specified in Section 1300.1 shall accompany each shipment. It shall be exhibited to inspectors of the Department, the Secretary, or other law enforcement officers upon request.~~

Section 1300.3 2. Violations.

~~(a) Any owner or person in possession of livestock manifesting disease as specified in Section 1300.1 and transported in violation of the requirements of that section are a public nuisance. The Director may require the owner or person in possession of such livestock may be required to dispose of them the animals at his own expense as prescribed by the Department, and in a manner suitable under the circumstances for accomplishing the purposes of this chapter.~~

~~(b) Failure to comply with any part of this article constitutes a violation.~~

~~(c) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:~~

~~(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;~~

~~(2) Civil or administrative penalties;~~

~~(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,~~

~~(4) Reimbursement to the Department for any costs incurred due to any violation of this article.~~

~~NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9166, 9561, 9562, 9570, 9574, Food and Agricultural Code.~~

~~Section 1300.4. Revocation of Permit.~~

~~The Director may revoke any permit issued under this article for violation of any of the conditions specified therein, and may suspend such permit when he deems it necessary for the purposes of this chapter. Any person aggrieved by the actions of the Director may, within 30 days of such action, appeal to the Director for a hearing thereon. Such hearing shall be held, in so far as practicable, under the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5), provided, however, the filing of the appeal shall not stay the suspension or revocation.~~

Section 1300.11. Receipt of Shipment.

(a) This article applies to livestock shipped into California pursuant to Article 1 and also to livestock from within this State shipped to a consignee stated in Section 1300.1(e)(e).

~~(b) Each~~ Any person receiving any livestock which may be manifesting any disease condition specified in subsection (a) of Section 1300.1, or which were transported into California pursuant to a permit required by Section 1300.1, or which were required to be shipped pursuant to a permit specified in Section 1300.12 of this subchapter, shall:

(1) Notify the ~~Director~~ Department ~~of the arrival of the shipment~~ as specified on the permit;

(2) Segregate the animals in specifically marked pens or enclosures;

(3) Hold the animals for inspection when ~~required by this article, or specifically~~ required by the permit;

(4) Dispose of such animals by sale or otherwise only in accordance with this article; and

(5) Prepare and maintain records of the transaction involving the animals showing compliance with such requirements.

~~(b)(c)~~ The provisions of this section are not intended to apply to livestock not required to be transported under permit which were apparently normal and healthy when received for transportation to a premises where livestock are commercially held for feeding (feed lot) in preparation for slaughter.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 18851, Food and Agricultural Code.

#### Section 1300.12. Sale or Disposal.

(a) Livestock received under the provisions of Section 1300.11 shall be sold, transferred, transported, or otherwise disposed of only as follows:

~~(a)~~ (b) If the receiving consignee is a person operating a slaughter establishment under inspection by the ~~Director or Secretary~~ Department or United States Department of Agriculture, the livestock may be presented for inspection and disposition as provided pursuant to Sections 18721 and 18722 of the Food and Agricultural Code and comparable provisions of the Federal Meat Inspection Act. The animals shall be slaughtered only at times specified by the ~~Director~~ Department, for an establishment under State inspection, or by the ~~Secretary~~ United States Department of Agriculture for a Federally inspected establishment. Such livestock need not be held for other inspections unless specifically required by the ~~Director or Secretary~~ Department or United States Department of Agriculture; provided, however, records shall be prepared and maintained as required herein and such animals may not be sold, transferred, or transported to another person unless authorized by permit pursuant to this article;

~~(b)~~ (c) If the receiving consignee is a person licensed by the ~~Director~~ Department ~~as a pet food and horse slaughterer to slaughter animals for pet food~~, the livestock may be used for food purposes in accordance with the limitations of the license after passing inspection by the ~~Director~~ Department at the establishment. Records shall be prepared and maintained as

required herein and such animals shall not be sold, transferred, or transported to another person unless authorized by permit;

~~(e)~~ (d) If the receiving consignee is a renderer licensed by the ~~Director~~ Department, the livestock may be killed and rendered without holding such animals for inspection unless specifically required by the permit or other order of the ~~Director~~ Department. Records shall be prepared and maintained as provided herein and such animals shall not be sold, transferred, or transported to another person unless authorized by permit pursuant to this article;

~~(d)~~ (e) If the receiving consignee is a saleyard or public stockyard, the livestock shall be held for inspection and proof of its identity furnished to the ~~Director~~ Department. Such animals may not be sold, transferred, or transported to another person except under permit of the ~~Director~~ Department. Records shall be prepared and maintained as provided herein.

~~(e)~~ (f) If the receiving consignee is a person engaged in the business of buying or transporting animals the livestock may be disposed of only in accordance with this regulation to a slaughter establishment under inspection by the ~~Director~~ Department or ~~Secretary~~ United States Department of Agriculture, to a licensed pet food ~~and horse~~ slaughterer, to a licensed renderer or to a saleyard or public stockyard. Records shall be prepared and maintained as required herein and such animals shall not be sold, transferred or transported to another person or destination unless authorized by permit.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 18721, 18722, and 18851, Food and Agricultural Code.

#### Section 1300.13. Permit for Transfer or Sale of Livestock Manifesting Disease.

(a) Livestock which are received by a consignee operating a saleyard or public stockyard, may be sold, transferred or transported to another person specified in ~~Section~~ Section 1300.12 ~~(a), (b), or (c), or (d)~~ when authorized by a general permit of the ~~Director~~ Department. Such permit shall not require a separate approval for each transaction.

(b) Livestock which are received by a consignee operating a saleyard or public stockyard may be sold, transferred or transported to another person not specified in ~~Section~~ Section 1300.12 ~~(a), (b), or (c), or (d)~~ when authorized by a special permit of the ~~Director~~ Department. Such permit shall be signed by both the transferor and transferee and shall provide for the identification and segregation of the animals, a statement of intended use of the animals, notification to the ~~Director~~ Department of the movement and location of such animals, and the preparing and maintaining of pertinent records.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 18851, Food and Agricultural Code.

Section 1300.14. Retention of Documents.

(a) Records required by this subchapter ~~to be prepared and maintained~~ shall be maintained for a period of ~~six months~~ two (2) years after the date of receipt of the animals and shall be ~~exhibited on the demand of any peace officer or~~ made available to any agent of the Department.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 18727, Food and Agricultural Code.

Section 1300.15. Violations.

(a) Any owner or person in possession of livestock sold, transferred, or transported in violation of the permit requirement of ~~§~~section 1300.12, ~~are a public nuisance. The Director may require the owner or person in possession of such animals~~ may be required to dispose of them the animals at his own expense as prescribed by the Department, and in a manner suitable under the circumstances for accomplishing the purposes of this chapter.

(b) Failure to comply with any part of this article constitutes a violation.

(c) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties;

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,

(4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9166, 9561, 9562, 9570, 9574, Food and Agricultural Code.