

State of California
Office of Administrative Law

REGISTRY
13 JUL 9 10:56 AM '13

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. 2013-0524-01 S

Adopt sections:
Amend sections: 1310
Repeal sections:

In this rulemaking action, the Department of Food and Agriculture adds a number of statutes to the list of those which, if allegedly violated, may be contested by way of an informal hearing.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2013.

Date: 7/2/2013



Dale P. Mentink
Senior Staff Counsel

For: DEBRA M. CORNEZ
Director

Original: Karen Ross
Copy: Nancy Grillo

The Department of Food and Agriculture, Animal Health and Food Safety Services, hereby amends section 1310 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, 16524, and 16525.

(7) Requirements for the transportation of animals pursuant to sections 16901, 16902, 16903, 16905, and 16908.

(8) Requirements for estrays pursuant to sections 17042, 17043, 17045, 17061, 17062, 17092, 17121, and 17122.

(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, and 19317.

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

(13) Requirements for enforcement of brand registration pursuant to sections 20604, 20605, 20606, and 20607.

(14) Requirements for cattle record brands pursuant to sections 20904 and 20906.

(15) Requirements for the inspection of cattle pursuant to sections 21051.3, 21051.5, 21052, 21058, 21060.7, 21062, 21064, 21066, 21081, 21082, 21172, 21173, 21174, 21175, 21204, 21205, 21208, 21231, 21232, 21236, 21237, 21238, 21281, 21281.5, 21282, 21283, 21283.5, 21285, 21288, and 21288.5.

(16) Requirements for the inspection of hides and carcasses pursuant to sections 21455, 21456, 21457, 21458, and 21459.

(17) Requirements for the sale and gift of cattle and their carcasses and hides pursuant to sections 21702, 21702.1, 21703, 21705, 21707, 21708, 21709 and 21710.

(18) Requirements relating to the slaughter of cattle pursuant to section 22001, 22006, 22008, 22009 and 22010.

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

(20) Requirements for the sale or gift of an animal hide or carcass pursuant to section 23801.

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

~~(6)~~ (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)~~ (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)~~ (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, 16524, 16525, 16901, 16902, 16903, 16905, 16908, 17042, 17043, 17045, 17061, 17062, 17092, 17121, 17122, 17551, 17552, 17553, 17951, 18982, 18983, 18991, 19001, 19002, 19310, 19310.5, 19310.7, 19311, 19312, 19313, 19313.1, 19313.5, 19314, 19315, 19316, 19317, 20222, 20251, 20604, 20605, 20606, 20607, 20904, 20906, 21051.3, 21051.5, 21052, 21058, 21060.7, 21062, 21064, 21066, 21081, 21082, 21172, 21173, 21174, 21175, 21204, 21205, 21208, 21231, 21232, 21236, 21237, 21238, 21281, 21281.5, 21282, 21283, 21283.5, 21285, 21288, 21288.5, 21455, 21456, 21457, 21458, 21459, 21702, 21702.1, 21703, 21705, 21707, 21708, 21709, 21710, 22001, 22006, 22008, 22009, 22010, 23251, 23801, 23981, and 24007, Food and Agricultural Code; and Article 4 (commencing with section 10351), Chapter 3, Part 2, Division 5, 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.