

TITLE 3. FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning **February 18, 2011**, and ending at 5:00 p.m. on **April 4, 2011**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 19380, 19381, 19382, 19383, 19384, and 19385, Food and Agricultural Code, and to implement, interpret or make specific sections 19227, 19228, 19240, 19260, 19280, 19300, 19300.5, 19301, 19302, 19303, 19305, 19310, 19310.5, 19310.7, 19312, 19313.1, 19313.5, 19313.8, 19315, 19320, 19321, of said Code, the Department proposes to adopt, amend, and repeal various sections of Subchapter 2, Chapter 4, Division 2, of Title 3, California Code of Regulations, as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, Food and Agricultural code section 407, authorizes the Department to adopt such regulations that are reasonably necessary to carry out the provisions of the Food and Agricultural Code, which it is authorized to administer or enforce.

Existing law, Chapter 5 (commencing with section 19200), of Part 3, Division 9, of the Food and Agricultural Code, authorizes the Department to regulate, in part, the rendering industry, which includes renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease.

Rendering establishments, dead animal haulers, and collection centers are exempt from inspection by the United States Department of Agriculture (USDA) but require a license and inspection in California.

Transporters of inedible kitchen grease are required to be registered with the Department. For transporters of inedible kitchen grease, statutes allow for a reduced registration fee for persons transporting grease for their personal, noncommercial use.

Existing regulations for the rendering industry are found under Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends, reorganizes, and repeals various sections, and adopts new sections, of Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations relating to regulation of the rendering industry. This proposal also incorporates by reference specified forms utilized by the Meat and Poultry Inspection Branch of the Department for use by the rendering industry. It also incorporates by reference specified sections of the 2007 California Building Code.

Comparable Federal Regulations

There are various federal rules and regulations relating to slaughter and processing establishments inspected by the USDA. However, there are no comparable federal rules and regulations for standards and requirements for State-licensed and inspected rendering establishments, collection centers, dead animal haulers and registered transporters of inedible kitchen grease.

Incorporation by Reference

The forms and materials listed below, as specified in this proposal, are incorporated by reference. The Department has included a copy of these documents in the rulemaking file which is available for public inspection. Any person may request a copy of these documents or view them during regular businesses hours of the Department by contacting the persons named below in this Notice.

- MPI Form 79-005A (Rev. 12/04) Dead Animal Hauler License Application
- MPI Form 79-006A (Rev. 11/08) Collection Center License Application
- MPI Form 79-007A (Rev. 11/07) Licensed Renderer Application
- MPI Form 79-012A(1) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application, or
- MPI Form 79-012A(2) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application, or
- MPI Form 79-012A(3) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application, or
- MPI Form 79-012A(4) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application
- MPI Form 79-015 (Rev. 08/08) Driver/Vehicle Information for Renderers
- MPI Form 79-015A (Rev. 08/08) Registration of Transporters Of Inedible Materials
- MPI Form 79-016A (Rev. 12/04) Inedible Permit Application.
- MPI Form 79-019A (Est. 08/07) Inedible Kitchen Grease Renderer Application
- MPI Form 79-020 (Rev. 08/08) Driver/Vehicle Identification for Collection Centers
- MPI Form 79-028 (Rev. 01/75) California Retain/Reject Tag
- MPI Form 79-121 (04/10) Permit Request To Dispose of Carcass(es) At A Landfill
- MPI Form 79-122 (04/10) Permit To Transport Carcass(es) To A Landfill
- Division VI, Chapter 4A, Volume 1, Part 2, Title 24, California Building Code (2007)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

This proposal affects persons or businesses in the rendering industry, operating a collection center, or transporting inedible kitchen grease, or hauling dead animal carcasses. This proposal includes the following compliance requirements for businesses:

- There are existing record keeping, reporting, and paperwork requirements for renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease.
- There are existing costs for license and registration application and renewal, which are specified in statute. There are no new fees imposed by this proposal and all specified forms are provided by the Department. There are two enforcement fee categories for transporters of inedible kitchen grease (specified in statute) effective January 1, 2009, for commercial use, and a reduced fee for persons transporting inedible kitchen grease for noncommercial use.
- Record keeping: Standard business records for persons engaged in the rendering industry, or operating a collection center, dead animal hauler, or transporter of inedible kitchen grease, including receipts, logs, accounting records, and inspection records.
- Paperwork/Reporting: Application forms for licensure, vehicle registration, survey forms, and schedule of operation forms that are provided by the Department and must be submitted to Department as specified in this proposal.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will have no impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The Department is aware of the following cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:

This proposal affects persons engaged in the business of rendering, operating a collection center, transporting inedible kitchen grease, or hauling dead animal carcasses. This proposal includes the following compliance requirements:

- There are existing costs for license and registration application and renewal, which are specified in statute. There are no new fees imposed by this proposal and all specified forms are provided by the Department. There are two enforcement fee categories for transporters of inedible kitchen grease (specified in statute) effective January 1, 2009, for commercial use, and a reduced fee for persons transporting inedible kitchen grease for noncommercial use.

- Record keeping: Standard business records for persons engaged in the rendering industry, operating a collection center, hauling dead animals, or transporting inedible kitchen grease, including receipts, logs, accounting records and inspection records.
- Paperwork/Reporting: Application forms for licensure, vehicle registration, survey forms, and schedule of operation forms that are provided by the Department and must be submitted to Department as specified in this proposal.

In making these determinations the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- The consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Effect on Housing Costs: None

Finding of Necessity for Report: The Department finds that it is necessary for the health, safety, and general welfare of the people of the state that these regulations requiring a report apply to businesses.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments, facsimiles, or electronic mail concerning this proposal are to be addressed to the following:

Douglas Hepper, DVM, Chief
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The backup contact person is:

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Website Access:

Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>