

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS
Title 3. Food and Agriculture
Division 3. Economics
Chapter 1. Fruit and Vegetable Standardization
Subchapter 4. Fresh Fruits, Nuts and Vegetables
Article 7. Apples

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

The Initial Statement of Reasons/Plain English Policy Statement Overview is still valid. No public hearing was requested or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JUNE 3, 2011 THROUGH JULY 18, 2011

COMMENT 1: Bill Denevan (see Comments, p. 1) strongly urged the Department to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the California Code of Regulations (CCR). In addition, the commenter stated that under the current starch-iodine standard, the California apple industry is missing out on significant marketing opportunities.

RESPONSE: This comment must be summarized pursuant to Government Code §11346.9(a)(3). Accordingly, the Department accepts the commenter's recommendation to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the California Code of Regulations (CCR).

COMMENT 2: Alexander Ott (see Comments, p. 2) requested the Department to initiate the process to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR. The commenter stated that under the current starch-iodine standards, the California apple industry is missing out on nearly half of its consumers. In addition, the commenter stated that the California Apple Commission believes that repealing the current starch-iodine standard will provide for an expanded consumer base, allowing the market to dictate the consumers' preferences.

RESPONSE: See response to COMMENT 1.

COMMENT 3: Dick Rider (see Comments, p. 3) strongly urged the Department to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR. The commenter stated that repealing the starch-iodine standard will assist the industry in letting the market decide the necessary quality of apples while assisting the industry in the orderly marketing of the crop.

RESPONSE: See response to COMMENT 1.

COMMENT 4: Doug Hemly (see Comments, p. 4) stated that he is a California Granny Smith apple grower, packer, and shipper. The commenter expressed his support of the repeal of Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR. The commenter stated in order to level the playing field and give consumers the fruit they are looking for, it is time to repeal the starch-iodine standard.

RESPONSE: See response to COMMENT 1.

COMMENT 5: Mike Jackson (see Comments, p. 5) iterated that he is a granny smith apple grower in the Central Valley and is in favor of repealing Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR.

RESPONSE: See response to COMMENT 1.

COMMENT 6: Mike Jackson (see Comments, p. 6) stated that he is a granny smith apple grower in the Central Valley and is in favor of repealing Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR.

RESPONSE: See response to COMMENT 1.

COMMENT 7: Mike Jackson (see Comments, p. 7) expressed that he is a granny smith apple grower in the Central Valley and is in favor of repealing Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR.

RESPONSE: See response to COMMENT 1.

COMMENT 8: George Jackson (see Comments, p. 8) iterated that he is a granny smith apple grower in the Central Valley and is in favor of repealing Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR.

RESPONSE: See response to COMMENT 1.

COMMENT 9: Chris Briton (see Comments, p. 9) strongly urged the Department to repeal Title 3, Division 3, Chapter 1, Subchapter 4, Article 7, §1400.9.1 et seq. of the CCR. In addition, the commenter stated that repeal of the starch-iodine standard will assist the industry in letting the market decide the necessary quality of apples while assisting the industry in growing current market share that prefer a maturity of 1.0 and 2.0.

RESPONSE: See response to COMMENT 1.

ALTERNATIVES DETERMINATION

The Department has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

[Pursuant to Government Code section 11346.9(a)(5), if anyone proposes an alternative that would lessen the adverse economic impact on small businesses, the final statement of reasons must include an explanation setting forth the Department's reasons for rejecting any proposed alternatives.]

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.