

DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS  
California Code of Regulations  
Title 3. Food and Agriculture  
Article 27. Lettuce

**INITIAL STATEMENT OF REASONS**

**DESCRIPTION OF THE PUBLIC PROBLEM, ADMINISTRATION REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

New growing techniques have produced a variation of the traditional head of lettuce. This much smaller head, marketed as baby head lettuce, has become a favorite for the food service industry. The proposed changes are intended to allow more flexibility in marketing of baby lettuce.

**SPECIFIC PURPOSE AND FACTUAL BASIS**

Current regulations on standard containers and pack regulations apply to all head lettuce. Due to size differences, baby lettuce cannot conform to either standard container or pack regulations. The California Food and Agricultural Code Section 42682 requires standard container or pack regulation changes to first go through an experimental container/pack permit process. The lettuce industry has complied with this law and wants the ability to continue marketing baby lettuce. Industry does not want to add the several different containers necessary to satisfy the food service industry. Nor does it want to change the current pack requirements for standard containers. It does wish to create exemptions within the current regulatory framework by placing a maximum size requirement on baby lettuce.

**FACTUAL BASIS FOR THE DEPARTMENT DETERMINING THE NEED FOR THE AMENDMENT OF THESE REGULATIONS:**

The Secretary of the Department has proposed these regulation changes based upon a petition received from Western Growers Association.

Western Growers Association is a grower-based organization representing over three thousand members that grow, pack, and ship over ninety percent of all vegetables grown in California.

**DOCUMENTS RELIED UPON**

The Department is relying upon the following document pertaining to the proposed regulation changes:

- Petition received from Tom Oliveri, Director, Trade Practices & Commodity Services, Western Growers.

### **ALTERNATIVES**

The Department has initially determined no alternative considered by the Department would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

### **ESTIMATED COSTS OR SAVINGS TO PUBLIC AGENCIES OR AFFECTED PRIVATE INDIVIDUALS OR ENTITIES**

The Department of Food and Agriculture has initially determined these proposed regulations do not impose a mandate on local agencies or school districts. The Department has also initially determined that no savings or increased costs to any State agency, no reimbursable costs or savings under "Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

### **SMALL BUSINESS IMPACT STATEMENT**

The Department has initially determined the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. Due to size differences, baby head lettuce does not conform to current head lettuce standard container or pack requirements. The proposed changes allow baby head lettuce to be packed and shipped, thus expanding industry's ability to market their product.

### **ECONOMIC IMPACT ON AFFECTED BUSINESSES**

The Department has initially determined the proposed regulations would result in no costs to private businesses or individuals affected by these proposed regulations. This is based on the fact stated in the "SMALL BUSINESSES IMPACT STATEMENT."