

**DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS
TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 3. ECONOMICS
CHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION
SUBCHAPTER 4. FRESH FRUITS, NUTS AND VEGETABLES
ARTICLE 6.5. DIRECT MARKETING**

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The Final Statement of Reasons incorporates the Initial Statement of Reasons/Plain English Policy Statement Overview and the Addendum to the State of Reasons by reference.

Section 1392.1(d)(2). The proposed regulation as originally noticed to the public, did not use the appropriate terminology for “field retail stands.” This section was changed to correctly refer to “field retail stands” as referenced in Food and Agricultural Code Section 47030 instead of “retail stands,” as originally noticed. This change was made in order to correspond with the intent of the proposed regulations, which is to clarify and make specific the provisions of Assembly Bill (AB) 2168 (Ch. 477, Stats. of 2008).

Section 1392.1(g). The proposed regulation as originally noticed to the public, did not use the appropriate terminology for “field retail stands.” This section was changed to correctly refer to “field retail stands,” as referenced in Food and Agricultural Code Section 47030 instead of “retail stands,” as originally noticed. This change was made in order to correspond with the intent of the proposed regulations, which is to clarify and make specific the provisions of AB 2168.

Section 1392.2(g). The proposed regulation as originally noticed to the public, did not use the appropriate terminology for “field retail stands.” This section was changed to correctly refer to “field retail stands,” as referenced in Food and Agricultural Code Section 47030 instead of “retail stands,” as originally noticed. This change was made in order to correspond with the intent of the proposed regulations, which is to clarify and make specific the provisions of AB 2168.

Section 1392.2(h)(3). The proposed regulation as originally noticed to the public, did not use the appropriate terminology for “field retail stands.” This section was changed to correctly refer to “field retail stands,” as referenced in Food and Agricultural Code Section 47030 instead of “retail stands,” as originally noticed. This change was made in order to correspond with the intent of the proposed regulations, which is to clarify and make specific the provisions of AB 2168.

Section 1392.2(w)(1). The proposed regulation as originally noticed to the public would have defined spice as any of various aromatic plant products used in food preparation. Spices include, but are not limited to: chili powder, whole or ground black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg. However, in response to written

comments received, the Department has added clarifying language which indicates that Spices include, but are not limited to the following granulated or powdered salts or spices: chili powder, black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.

Section 1392.4(m). The proposed regulation as originally noticed to the public, did not appropriately reference that a seller of processed agricultural products shall document compliance with the production requirements referenced in section 1392.4(k) with documents such as but not limited to a health department certificate for the processing facility, written agreement or bill for rent from a certified kitchen, or written agreement or bill for work accomplished from a person or entity that processed the product. Accordingly, the incorrect reference to section 1392.2(k) was changed to 1392.4(k). The specific purpose for adding section 1392.4(m) is to align direct marketing regulations with the statutory changes provided in AB 2168 and to ensure that processed products offered for sale by direct marketing participants are labeled and produced in accordance with the requirements of the Food and Drug Administration and the California Department of Public Health, respectively.

Section 1392.4.1 [Table A]. The proposed regulation as originally noticed to the public, did not contain a penalty within the matrix [Table A] for failure to conform to the provisions of direct marketing statutes and regulations for both certified producers and market operators. The specific purpose for amending Table A within proposed section 1392.4.1 is to implement the provisions of AB 2168 and ensure that selling activities are conducted without fraud, deception, or misrepresentation. This proposed addition provides that the CDFA Secretary and county agricultural commissioners shall use the provisions of this section to determine the violation class and amount of the penalty.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL 45-DAY COMMENT PERIOD, ENDING SEPTEMBER 13, 2010

COMMENT 1.1: Due to the vague nature of [proposed sections 1392.2(w) and 1392.2(x),] a producer will be able to argue that anything they add to a certified product can be considered a flavoring or a spice, even if that flavoring or spice is a certifiable commodity not of their own production. Will it be up to the discretion of each county to determine which ingredients in processed products are required to be grown by the certified producer?

RESPONSE: The Department has considered this comment in regard to proposed section 1392.2(w) and has made conforming changes. Proposed section 1392.2(w)(1) was amended to provide that seasoning shall be defined as any of various aromatic plant products used in food preparation. Spices include, but are not limited to the following granulated or powdered salts or spices: chili powder, black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.

Proposed section 1392.2(x) provides that flavoring is a substance, additive, or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: liquid, powder or natural smoke, hickory,

vanilla extract, nut oil, and soy sauce. Since the above cited regulations provide clear definitions for seasonings and flavorings, it will not "...be up to the discretion of each county to determine which ingredients in processed products are required to be grown by the certified producer."

COMMENT 1.2: CCR 1392.2(w) conflicts with existing language defined in 1392.4(a)... CCR 1392.2(w)(1) will allow a person to sell certified agricultural products not of their own production, if contained within a processed product.

RESPONSE: The Department is unable to determine how proposed regulation 1392.2(w) conflicts with existing language defined in 1392.4(a)... It should be noted that section 1392.4(a) was also proposed to be amended in the notice of proposed rulemaking. Proposed amendments to section 1392.4(a) would specify that a producer may sell or offer to sell, at a certified farmers' market, a field retail stand, or a farm stand only agricultural products which he or she produced to consumers or to individuals, organizations, or other entities that subsequently sell or distribute the products directly to end users.

In addition, the Department has considered comments iterating that proposed section 1392.2(w)(1) "will allow a person to sell certified agricultural products not of their own production, if contained within a processed product" and has made conforming changes. Under proposed section 1392.2(w)(1), seasoning is clearly defined as salt or spice used in food preparation. Spices are defined as any of various aromatic plant products used in food preparation. Spices include, but are not limited to the following granulated or powdered salts or spices: chili powder, black pepper, ginger, garlic, onion, jalapeno, cinnamon, and nutmeg.

COMMENT 1.3: CCR 1392.2(x) will allow a person to sell certified agricultural products not of their own production, if contained within a processed product.

RESPONSE: The Department rejects this contention. Proposed regulation 1392.2(x) clearly defines flavoring as a substance, additive or ingredient which may itself include seasonings or preservatives that imparts a flavor of a food without changing the consistency of or rendering unidentifiable the original product. Since flavorings are not certifiable agricultural products, this proposed regulation would not allow a person to sell a certified agricultural product not of their own production if contained within a processed product.

COMMENT 1.4: CCR 1392.4(m) "last items" (plural) is a vague definition that may be open to interpretation.

RESPONSE: The Department does not concur with this comment. Section 1392.4(m) clearly states that ingredients not of own production...must be the last items on the label required by the Food and Drug Administration (i.e., where the ingredients are listed in descending order of quantity). The Department is unable to ascertain how the term "last items" on the label may be open to interpretation.

COMMENT 1.5: CCR 1392.4(k) a purchase date may be advantageous.

RESPONSE: Although the above comment does regard some aspect or aspects of the subject of the proposed regulatory action and must be summarized pursuant to Government Code Section 11346.9(a)(3), the comment is either insufficiently related to the specific action, or to generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation of or accommodation to the comment. Proposed regulation 1392.4 explicitly states, in part, that, “A certified producer...shall provide to the purchasing individual, organization, or entity a dated memorandum...” Accordingly, a “purchase date” is included in this proposed regulation.

COMMENT 1.6: Table A: 19. [renumbered to Table A: 20.] CCR 1392.4(d): certified producer’s embossed certificate not in possession and/or not conspicuously posted. Suggest dividing into two separate penalties.

RESPONSE: The Department rejects this comment and is unable to determine how it would be advantageous to separate penalties for not having an embossed certificate in possession and not having an embossed certificate conspicuously posted.

COMMENT 1.7: Table A: 23. [renumbered to Table A:24.] CCR 1392.4(f)(2): Failure to post Certified Producer Certificate of producer for whom another Certified Producer is selling. Suggest dividing into two separate penalties.

RESPONSE: The Department rejects this comment and is unable to determine how it would be advantageous to separate the penalty for failure to post a certified producer certificate of a producer for whom another certified producer is selling.

COMMENT 1.8: An inspector cannot complete an inspection at a market if the producer does not have an embossed/valid certificate in their possession. The lack of a certificate at the market significantly undermines, if not prohibits, the ability of an inspector to complete the inspection. Recommend a penalty for the 1st violation of no certificate in possession.

RESPONSE: The Department does not concur with this comment. Inspectors have the ability to prohibit a producer from selling products without an embossed/valid certificate. In addition, inspectors may continue an investigation in circumstances wherein a producer does not have a certificate and issue additional infractions based on the penalty matrix.

COMMENT 1.9: Not posting the embossed certificate usually implies that the certificate is available at the market but has not been posted. Therefore, not posting the certificate does not undermine or prohibit the ability of an inspector to perform the inspection.

RESPONSE: The Department rejects this comment. Not posting an embossed certificate does not necessarily imply that the certificate is available at the market but has not been posted.

COMMENT 1.10: The first time offense for not posting organic registration triggers a minor penalty. Yet, it requires a repeat violation for not posting a producer's certificate to trigger a minor penalty. Posting valid organic registration seems equally important as posting a valid producer's certificate. Recommend aligning the two penalties (2nd NC in 12 months triggers a penalty).

RESPONSE: The Department rejects this comment and contends that advertising organic products without a valid certificate should incur a penalty upon the first violation. The Department's rationale is that an incentive exists to deceptively advertise organic products without a valid organic registration and is therefore a more serious violation.

COMMENT 1.11: As stated previously, if a producer does not have in their possession a valid producer's certificate, it significantly undermines or prohibits the ability of an inspector to complete the inspection. Recommend a penalty for the first time offense.

RESPONSE: See response to **COMMENT 1.8**.

COMMENT 1.12: Lastly, recommend that the format of the matrix remain the same as the previous format in which first time offenses that trigger a penalty are clearly defined by language (first violation) and not by an "x".

RESPONSE: The Department rejects this comment and contends that the penalty matrix is clearly defined and understandable.

COMMENT 1.13: Is it the intent of CCR 1392.2(x) to allow a chicken producer to sell stock and add certifiable agricultural products (onion, celery and carrot) not of their own production?

RESPONSE: No. Proposed regulation 1392.2(x) clearly defines flavoring as a substance, additive or ingredient which may itself include seasonings or preservatives that imparts a flavor of a food without changing the consistency of or rendering unidentifiable the original product. Since flavorings are not certifiable agricultural products, this proposed regulation would not allow a person to sell a certified agricultural product not of their own production if contained within a processed product.

COMMENT 1.14: Is it the intent of CCR 1392.4(m) to allow a producer of apples to sell juice and add certifiable agricultural products (pomegranate, cherry and plum) not of their own production?

RESPONSE: No. The specific purpose of proposed regulation 1392.4(m) is to ensure that processed products offered for sale by direct marketing participants are labeled and produced in accordance with the requirements of the Food and Drug Administration and the California Department of Public Health, respectively.

COMMENT 1.15: Is it the intent of CCR 1392.2(w)(1) to allow a blackberry producer to sell sauce and add certifiable agricultural products (chipotle peppers and chili peppers) not own [sic] their own production?

RESPONSE: No. The specific purpose of proposed regulation 1392.2(w)(1) is to allow producers to sell agricultural products containing seasoning in order to enhance clarity and uniformity for acceptable products available for sale through direct marketing channels.

COMMENT 1.16: Is it the intent of CCR 1392.2(w)(1) to allow an avocado producer to sell guacamole and add certifiable agricultural products (tomato, onion and garlic) not of their own production?

RESPONSE: No. See response to COMMENT 1.15

COMMENT 1.17: Is it the intent of CCR 1392.2(w)(1) to allow a producer of zucchini to sell salsa and add certifiable agricultural products (peppers, tomato, onion and garlic) not of their own production?

RESPONSE: No. See response to COMMENT 1.15.

COMMENT 1.18: Is it the intent of CCR 1392.2(x) to allow walnuts to be flavored with certifiable agricultural products (sesame seeds) not of the producer's production? In this case, will sesame seeds be considered a flavoring?

RESPONSE: The specific purpose of proposed regulation 1392.2(x) is to allow producers to sell agricultural products containing flavoring in order to enhance clarity and uniformity for acceptable products available for sale through direct marketing channels. As proposed regulation 1392.2(x) clearly illustrates, flavoring is defined as a substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: chili powder, whole or ground black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg. Sesame seeds would not be considered a flavoring based on the fact that the sesame seeds could be produced and sold as a certifiable agricultural product.

COMMENT 1.19: Is it the intent of CCR 1392.2(x) to allow for candy-flavored peanuts, hickory flavored peanuts and chocolate flavored peanuts?

RESPONSE: The specific purpose of proposed regulation 1392.2(x) is to allow producers to sell agricultural products containing flavoring in order to enhance clarity and uniformity for acceptable products available for sale through direct marketing channels. As proposed regulation 1392.2(x) clearly illustrates, flavoring is defined as a substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: chili powder, whole or ground black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg. Candy-flavored peanuts, hickory flavored peanuts, and chocolate flavoring peanuts would be acceptable products for sale provided that the flavoring does not change the consistency of or render unidentifiable the original product (peanuts).

COMMENT 2.1: Throughout the regulations, reference is made to “a retail stand or farm stand.” B&P section 47030 [sic] defines “field retail stands” and B&P section 47050 [sic] defines “farm stands.” References throughout the proposed regulations should accurately name these stands so defined, so what is referenced throughout as a “retail stand” should actually be referenced as a “field retail stand.”

RESPONSE: The Department accepts this comment and made corresponding changes to the modified text of the regulations. The individual is actually referencing Food and Agricultural Code sections 47030 and 47050, which provide the definitions for field retail stands and farm stands, respectively. The definitions for “field retail stands” and “farm stands” were added to the Food and Agricultural Code upon passage of AB 2168 (Ch. 477, Stats. of 2008). All references to “retail stands” were changed to “field retail stands” in order to correspond with the intent of the proposed regulations, which is to clarify and make specific the provisions of AB 2168 (Ch. 477, Stats. of 2008). The corresponding changes can be found in the text of modified regulations.

COMMENT 2.2: ...I am unclear as to the reference in [proposed regulation] 1392.4(m). [Proposed regulation 1392.4(m) states, in part, that] “A seller of processed agricultural products shall document compliance with the production requirements referenced in Section 1392.2(k) with documents such as but not limited to a health department [certificate]...”

Here is current section 1392.2(k):

1392.2(k) Agricultural Products. Agricultural products include all certified and noncertifiable agricultural products as defined in section 1392.2(1) and section 1392.2(m).

It makes more sense to me if the reference was actually to 1392.4(b), since this is the proposed section that requires compliance with food safety laws.

RESPONSE: The Department notes this recommendation. The proposed regulation as originally noticed to the public, did not appropriately reference that a seller of processed agricultural products shall document compliance with the production requirements referenced in section 1392.4(k) with documents such as but not limited to a health department certificate for the processing facility, written agreement or bill for rent from a certified kitchen, or written agreement or bill for work accomplished from a person or entity that processed the product. Accordingly, the incorrect reference to section 1392.2(k) was changed to 1392.4(k).

COMMENT 2.3: ...With regards to sales by the producer to entities that subsequently sell to end users (as for example, a farmer selling to a restaurant) – that sale can only be made at a farmer’s market, a field retail stand, or a farm stand. So if a farm technically is not operating a field retail stand – are they violating the regulations if they sell directly to the restaurant while claiming standard pack exemptions etc.? If they have an arrangement where the farmer simply loads his truck and delivers to the restaurant? How do we verify that a field retail stand is in fact being operated (or is the farmer’s home garage good enough?)

RESPONSE: Section 47002 of the Food and Agricultural Code specifies that California farmers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public, which produce shall be exempt from size, standard pack, container, and labeling requirements, at a certified farmers' market, as defined in Section 47004, a field retail stand, as defined in Section 47030, or a farm stand, as defined in Section 47050, subject to specified conditions.

In regard to the individual's hypothetical, exemptions from size, standard, pack, and labeling requirements are provided at the following locations: certified farmers' markets, field retail stands, or farm stands. Section 47030 of the Food and Agricultural Code defines field retail stands as producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and land use codes.

An individual that does not sell products from a certified farmers' market, field retail stand, or farm stand is not afforded exemptions for size, standard pack, and labeling requirements. County and state enforcement staff may verify that a field retail stand is in fact being operated by consulting the applicable definition of a field retail stand in the Food and Agricultural Code [section 47030]. A farmer's home garage *may* be considered a field retail stand provided that it is a producer-owned and operated premise located at or near the point of production and is established in accordance with local ordinances and land use codes.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY NOTICE OF MODIFICATIONS TO THE TEXT OF PROPOSED REGULATIONS, ENDING OCTOBER 7, 2010

COMMENT 3.1: "Changing the meaning of "at or near the point of production" to mean "not beyond the first paved county or primary road" would negatively impact small businesses and farms that are not in good locations for selling their products to the consuming public."

RESPONSE: This comment is not directed at a subsequent change set forth in the Notice of Modifications to Text of Proposed Regulations. However, the Department has determined that authorizing individuals to directly market their products not beyond the first paved county road is a reasonable interpretation of "at or near the point of production and consistent with the intent of AB 2168." Accordingly, the Department rejects contentions that within the county lines is a reasonable definition of "at or near the point of production" and inconsistent with the intent of AB 2168. In addition, ample opportunity exists for rural producers to sell their agricultural products directly to the public. For instance, producers located in the rural areas of Placer and Nevada counties can sell their products directly to the public at certified farmers' markets.

COMMENT 4.1: "There is one change which we as a small farmer take exception to..."at or near the point of production...". There is only one road to our farm and we are at the end of it. The road intersects with is also a rural road with literally no place to turn

around much else anything else. There are a number of us who are asking you to review that particular section and change it to include the county where it was grown.”

RESPONSE: See response to comment 3.1.

COMMENT 5.1: “The page four references now reads at or near point of production not beyond the first paved County or primary road. This of course would negatively impact many of us in our County that farm crops off the beaten path or are not located in good locations to sell to the public at large...I request that you encourage our local small farmers by loosening regulations rather than enforcing these restrictive impossible regulations that will only further hinder our ability to exist. I contend it will have a negative impact on the general citizens in our county as well that are not able to accesses vegetables or fruit stands of beaten path due to the high cost of fuel [sic].”

RESPONSE: See response to comment 3.1.

COMMENT 6.1: “...we have concerns over a new regulation that CDFA has recently proposed...Section 1392.2(z) (sales “at or near the point of production”). Our Mandarins are sold at our farm, at the Point of Production. The farm is not in the best of locations and customers often have to “go out of there way” to visit us. We also sell at locations around the Placer County area, which helps in the sale of the fruit. We have been working with and developing these sites for the past eight years and our regulars appreciate these locations where they can buy good quality, local fruit at their convenience and ease. In turn, the retail of our fruit is not wasted, for the lack of customers that might find our farm an inconvenience to them...If [this regulation] is passed, it will negatively impact sales for many local small businesses and farms that depend on this retail practice for the economic viability of their products.”

RESPONSE: See response to comment 3.1.

COMMENT 7.1: “Currently “At or near the point of production” has been interpreted in Placer & Nevada as “within the county”. The new regs proposed would greatly reduce this definition of “at or near” to the point that it would make illegal for 3 of 4 farms selling at our cooperative produce stand..[sic]... An important portion of our ability to direct marketing [sic] will be eliminated by these new regulations. Our farm is on a very rural, dead end dirty road that would not allow the traffic if we set up out own produce stand [sic]. The current arrangement allows the stand to be on our neighbor’s property along a well maintained paved county road. Further, our current arrangement provides the opportunity to greatly reduce the labor required to staff a produce stand, as one farmer can staff the stand for all the farms selling there. The proposed regulations would make it economically non viable [sic] to continue to operate a produce stand on...This would greatly impact the income on four small, family farms in rural Nevada County. The definition should be expanded to include any production within the county where the farm stand is located.”

RESPONSE: See response to comment 3.1.

COMMENT 8.1: “Please do not alter the language “At or near the point of production” in the proposed regulatory changes. In Placer County we interpret this to mean “within the county” and that makes sense. If it is changed, that means many small farmers in Placer County will be out of business because they are miles from a major highway or roadway.

RESPONSE: See response to comment 3.1.

COMMENT 9.1: “...[Proposed section 1392.2(z), which defines farm stands]...will have a very negative impact on the local AG community...Many if not most of the local producers (in our area) are not fortunate enough to be located where they could sell roadside from their farm.”

RESPONSE: See response to comment 3.1.

COMMENT 10.1: “...The proposed change to the definition, limiting farm stand sales by proximity to county or paved roads creates three problems as I see it. 1. It ties the hands of the county ag commissioners 2. it unnecessarily favors growers near populated areas and large roads 3. it creates incentives to locate growing operations as close as possible to population dense areas [sic].”

RESPONSE: See response to comment 3.1.

COMMENT 11.1: “I have been made aware of a change to the CA Direct Marketing Code, which would create a disadvantage for many of my friendly neighborhood farmers. The definition of “At or Near the Point of Production” was originally interpreted here in Nevada County as within the county. If it change to within “the first paved or primary road” many farmers here would be far outside the realm of a farm stand that receives traffic. I would suggest widening this definition to enable farmers to sell their produce at fellow farmers’ farm stands, but to be sure it is still within a reasonable distance (such as the county lines).”

RESPONSE: See response to comment 3.1.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY NOTICE OF MODIFICATIONS TO THE TEXT OF PROPOSED REGULATIONS, ENDING JULY 2, 2011

The modified text was made available to the public from June 17, 2011 through July 2, 2011. The Department did not receive any comments on the modified text.

AUTHORITY

Notice is hereby given that the California Department of Food and Agriculture, pursuant to the authority vested by Sections 14, 401, 407, 42681, 42682, 42684, 47000, 47001, 47002, 47003, 47004, 47004.1, 47005, 47011, 47020, 47021, 47022, 58101, 58101.5, 58103, and 58104 of the California Food and Agricultural Code, and to implement, interpret, or make specific Sections 821, 861, 42651, 42681, 42941, 43003, 47000, 47001, 47002, 47003, 47004, 47004.1, 47005, 47011, 47021, 47022, 47025, 58101,

58101.5, 58102, 58103 and 58104 of the California Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

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

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

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by these proposed changes.

ECONOMIC IMPACT ON AFFECTED BUSINESSES

The Department has determined that these 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."

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.