

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

**CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 4. PLANT INDUSTRY
CHAPTER 2. FIELD CROPS
SUBCHAPTER 2. COMMERCIAL FEED**

FINAL STATEMENT OF REASONS

SECTIONS AFFECTED

California Code of Regulations (CCR) Title 3, Division 4, Chapter 2, Subchapter 2, Articles 1, 2, and 4, Sections 2675, 2675.1, 2681, and 2694.

UPDATE OF INITIAL STATEMENT OF REASONS

In response to comments from the Office of Administrative Law, the California Department of Food and Agriculture (CDFA) made the following non-substantive modification detailed below.

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section 2675. Definitions.

Section 2675(h) is being amended to incorporate the requirements of Code of Federal Regulations Title 21 (21 CFR), Part 589.2001 and update the version date to 2022. This CFR regulation describes the cattle materials prohibited in feed to prevent the transmission of bovine spongiform encephalopathy (BSE). This change is necessary to correct the inadvertent omission of 21 CFR 589.2001 and will ensure all relevant sections of the CFR pertaining to animal proteins prohibited in ruminant feed are referenced in the CCR. This section was inadvertently omitted in the original proposed text. This is a non-substantive change made post-notice to ensure consistency with the proposed change to Section 2681(a).

SUMMARY AND RESPONSE TO WRITTEN COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ENDING AUGUST 15, 2022

No comments were received during the 45-day public comment period ending on August 15, 2022.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

None.

LOCAL MANDATE DETERMINATION

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

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No reasonable alternatives to the regulations were identified in addition to those described in the Initial Statement of Reasons.

DUPLICATION OF STATUTES AND REGULATIONS

The proposed regulations do not duplicate or conflict with federal regulations. Proposed Sections 2675(h), 2675.1(b), and 2681 incorporate existing federal regulations by reference rather than duplicating the text. Publishing 21 CFR Parts 589.2000, 589.2001, and 507 Subparts A, B, C, E, and F in the CCR would violate the nonduplication standard described in Government Code Section 11349(f) and would be cumbersome, unduly expensive, or otherwise impractical. Incorporating these provisions by reference will allow the Department to promulgate regulations updating the new effective date if changes are made to the CFR, rather than making individual changes to the text, and will minimize the risk for error. Incorporation by reference is appropriate because the CFR is reasonably available to the affected public from a commonly known or specified source.