

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS

TITLE 3. FOOD AND AGRICULTURE

DIVISION 3. ECONOMICS

CHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

SUBCHAPTER 4. FRESH FRUITS, NUTS AND VEGETABLES

ARTICLES 4. CONTAINERS, AND 22. CITRUS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend regulations as described below within the California Code of Regulations Title 3 (3 CCR), Division 3, Chapter 1, Subchapter 4, Articles 4 and 22, Sections 1380.19, 1430.10, 1430.12, 1430.14, and 1430.45.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, any interested person or his or her duly authorized representative may request a public hearing on this proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail or email. The written comment period will close on June 16, 2025. The Department will only consider comments received by that date. Submit written comments to:

Sarah Cardoni, Branch Analyst
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Email: sarah.cardoni@cdfa.ca.gov
Telephone: (916) 597-6894

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regarding the proposed actions, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Sections 14, 407, 42681, and 42683 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 42681, 42682, 42683, and 42941 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action amends Title 3, Division 3, Chapter 1, Subchapter 4, Article 4 and Article 22, Sections 1380.19. Standard Containers. (j) CITRUS, 1430.10. Citrus, Uniform Size Requirement, 1430.12. Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, 67, 68, or 69, 1430.14. Oranges, Lemons, and Royal Mandarins, Standard Containers, and 1430.45. Oranges and Royal Mandarins, Count and Average Diameter.

Section 14 of the Food and Agricultural Code authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the Food and Agricultural Code grants the California Department of Food and Agriculture Secretary to amend or repeal rules and regulations.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code which the Secretary is directed or authorized to administer or enforce.

Section 42681 of the Food and Agricultural Code authorizes the Secretary of the Department to make such regulations that are reasonably necessary to secure uniformity in the enforcement of Division 17 of the Food and Agricultural Code.

Section 42682 of the Food and Agricultural Code specifies, in part, that the Secretary of the Department may, upon a petition of a person that the Secretary finds has a substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, establish, modify, or rescind by regulation, which initially took effect January 1, 1971, standard container, lid, marking, sizing requirement for commodities, and packing arrangement for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

The Secretary shall not, by regulation, adopt any new container or packing requirement, unless the new container or packing requirement has previously been authorized by regulation of the director as an experimental container pack.

Section 42683 of the Food and Agricultural Code establishes that the Secretary, in promulgating regulations concerning standard containers, lids, marking, sizing, consumer packages or packing requirements for fruits, nuts, and vegetables, will consider such factors as the ease of handling, identification, federal laws, rules or regulations, containers, lids and packs in substantial use in the industry and the competitive position of the California fruit, nut, and vegetable industry.

Section 42941 of the Food and Agricultural Code mandates that it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, and vegetables unless their containers conform to the provisions of the Standardization Program's division or the regulations promulgated thereunder.

The effect of the proposed regulatory action introduces a new standard container for oranges packed utilizing the volume-fill packing method. Orange shippers and packers will now be allowed to pack utilizing a more efficient and stable container designed to improve the quality of fruit by reducing pack pressure. Additionally, the decrease in the damage to fruit will result in cost savings and reduced waste.

CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the Department has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are written to be easily understood by the individuals that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Government Code Section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation. The Department has initially determined that the proposed regulatory action will not have a broad economic or fiscal impact to the citrus industry.

The Department concludes that these regulations will not:

- (1) Create or eliminate jobs within the state.
- (2) Create new businesses or eliminate existing businesses within the state.
- (3) Affect the expansion of businesses currently doing business within the state.
- (4) Affect the health and welfare of California residents, worker safety, and the environment.

The proposed regulation will benefit the California orange producers, packers, retailers, and consumers. Orange shippers and packers will now be allowed to pack utilizing Container 60,

increasing the quality of fruit received by customers by reducing pack pressure. Additionally, the usage of Container 60 adapted for a volume-filled packing method will reduce damage to products, resulting in cost savings and greater consumer satisfaction.

SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. This proposed regulatory action would allow packers to pack utilizing a more efficient and stable container. In addition, the proposed regulatory actions were initiated at the request of the impacted industry.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking file, or a request for a public hearing should be directed to:

Sarah Cardoni, Branch Analyst
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Email: sarah.cardoni@cdfa.ca.gov
Telephone: (916) 597-6894

The backup contact person for these inquiries is:

Marcee L. Yount, Branch Chief
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Email: marcee.yount@cdfa.ca.gov
Telephone: (916) 900-5030

Please direct requests for copies of the proposed text of the regulations, the initial statement of reason, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Sarah Cardoni at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this notice, the proposed regulation text, and the initial statement of reasons may be obtained by contacting Sarah Cardoni at the address provided in the “Contact Persons” section.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikeout can be accessed through the Department’s website: https://www.cdfa.ca.gov/is/regulations/ic_regulations.html#Standardization.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. Please send requests for copies of any modified regulations to the attention of Sarah Cardoni at the address provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Sarah Cardoni at the address provided in the “Contact Persons” section.