

DEPARTMENT OF FOOD AND AGRICULTURE
Title 3 of the California Code of Regulations

Notice of Proposed Rulemaking

45 – Day Notice

The Department of Food and Agriculture proposes to repeal Sections 3800.1, 3800.2, 3802, 3803, 3804, 3806, 3808, 3810, 3811, 3815, 3816, 3820, 3821, 3821.1, 3822, 3823, 3823.1, 3824, 3825, 3826, 3826.1, and 3830 of Title 3 of the California Code of Regulations (CCR) pertaining cotton in the San Joaquin Valley Quality Cotton District.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on May 24, 2021. The Department will consider only comments received at the Department offices by that time or postmarked no later than May 24, 2021. Submit comments to:

Erin Lovig, Senior Environmental Scientist Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Erin.lovig@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulations prior to repeal, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law also provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce. (FAC Sections 401, 407).

Anticipated Benefits from This Regulatory Action

Assembly Bill 1389, Chapter 383 (2) was approved by the Governor and filed with the Secretary of State on September 27, 2013. This Bill made provisions relating to the San Joaquin Valley Quality Cotton District and related regulations inoperative on January 1, 2014, except for certified and color cotton. The Department no longer has authority to enforce the listed regulations and is proposing that they be repealed.

It is the Department's responsibility to repeal regulations that the Department no longer has authority to enforce.

REPEALED TEXT

The effect of the repeal of this regulation is to remove the following regulations.

- Sections 3800.1. Acala and Pima Quality Standards.
- 3800.2. Referendum.
- 3802. Performance Testing of Nonapproved Cottons Developed Outside the San Joaquin Valley Quality Cotton District.
- 3803. Exemption.
- 3804. Seed Distribution.
- 3806. Ginning.
- 3808. Marketing.
- 3810. Nonapproved Cotton Breeding Programs.
- 3811. Nonapproved Cotton Performance Testing.
- 3815. Public Agency Nonapproved Cotton Agronomic Research.
- 3816. Private Agronomic Research on Nonapproved Cotton.
- 3820. Board Review and Comment.
- 3821. Cottonseed Arriving from Outside the District.
- 3821.1. Hold Used Cotton Machinery for Inspection in San Joaquin Valley Quality Cotton District.
- 3822. Planting and Harvesting Notification.
- 3823. Nonapproved White Cotton Ginning, Including California Upland and California Pima Cotton.
- 3823.1. Nonapproved Colored Cotton Ginning.
- 3824. Nonapproved Cotton Lint Storage and Identification, Including California Upland, California Pima, and California Naturally Colored Cotton.
- 3825. Nonapproved Cottonseed Disposal.
- 3826. Nonapproved White Cottonseed Delinting, Including California Upland and California Pima Cotton.
- 3826.1. Nonapproved Colored Cottonseed Delinting. [Renumbered]
- 3830. Refusal of Applications.

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 and no nondiscretionary costs or savings to local agencies or school districts.

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.

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.

Small Business Determination

The Department has determined that the proposed regulations should not affect small businesses because the repeal of these regulations removes all regulatory requirements and there are no costs associated with compliance.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The Department is not aware of any specific benefits the amendment of these regulations will have on worker safety. The proposed repeal of these regulations ensures the responsibility to repeal regulations that the Department no longer has authority to enforce.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulations or that has otherwise been identified and brought to its attention would either 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 than the proposal described in this Notice. Alternative approaches would not be authorized under the Food and Agricultural Code. It is the Department's responsibility to repeal regulations that the

Department no longer has authority to enforce.

AUTHORITY

The Department proposes to repeal CCR Sections 3800.1, 3800.2, 3802, 3803, 3804, 3806, 3808, 3810, 3811, 3815, 3816, 3820, 3821, 3821.1, 3822, 3823, 3823.1, 3824, 3825, 3826, 3826.1, and 3830 pursuant to the authority vested by Sections 401 and 407 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 52851-52993 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is:

Erin Lovig, Senior Environmental Scientist Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Erin.Lovig@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

In her absence, you may contact Rachel Avila at (916) 403-6813. Questions regarding the substance of the proposed regulations should be directed to Rachel Avila.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has made available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations repealed by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the

date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.