

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
ARTICLE 1. QUALIFICATIONS**

NOTICE OF PROPOSED RULEMAKING

The California Department of Food and Agriculture (Department) proposes to amend Sections 105 and 108 of Title 3, of the California Code of Regulations (CCR).

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 submit a written request for a public hearing, pursuant to section 11346.8, subdivision (a), of the Government Code. The written request for hearing must be received by one of the Department's contact persons, designated below, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit their written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 651-9079 or by e-mail to kmacey@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on October 25, 2010**. The Department will consider only comments received at the Department by that time. Submit comments to:

Kristin Macey, County/State Liaison
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-6649; Fax: (916) 651-9079

AUTHORITY AND REFERENCE

Authority: Sections 407 and 2101 of the Food and Agricultural Code and Section 12027 of the Business and Professions Code authorize the Department to adopt these regulations. The proposed regulations implement, interpret, and make specific Section 2106 of the Food and Agricultural Code and Section 12201 of the Business and Professions Code which the Secretary is directed or authorized to administer or enforce.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 105 of Title 3 of the California Code of Regulations, establishes the minimum qualifications (eligibility) for admission to the licensing examination for County Agricultural Inspectors/Biologist. The proposed amendments to CCR Section 105 clarify the minimum qualifications of candidates wishing to take a County Agricultural Inspector/Biologist examination. The proposed amendments define the agricultural and biological sciences disciplines to include college coursework that better aligns the educational requirements with the County Agricultural Inspector/Biologist job duties. The proposed amendments allow the inclusion of any college major that includes 30 semester units or equivalent of one or more of the following: agricultural science;

biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the consideration of educational credits obtained outside a degree program.

Section 108, of Title 3 of the California Code of Regulations establishes the minimum qualifications for admission to the licensing examination for County Weights and Measures Inspectors. The proposed amendments to CCR Section 108 clarify the minimum qualifications of candidates wishing to take a County Weights and Measures Inspector examination. The proposed amendments expand the disciplines to include other majors and coursework that better aligns the educational requirements with the Weights and Measures Inspector job duties. The proposed amendments allow the inclusion of any college major that includes 30 semester units or equivalent of one or more of the following: agricultural science; biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the consideration of educational credits obtained outside a degree program. The proposed amendments also eliminate permanent employment as a prerequisite for admission to the Weights and Measures Inspector examination. Additionally, this section is reformatted to be more reader-friendly.

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 businesses: 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.

Adoption 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.

Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

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. The proposed changes allow the Department to realign the minimum qualifications for

candidates seeking to take Agricultural Inspector/Biologist or Weights and Measures Inspector examinations for county employment purposes, with current educational offerings and workforce conditions. It is reasonably anticipated that the regulatory amendments will provide positive impacts upon all regulated businesses through the enabled ability of County Agricultural Commissioners/ Sealers of Weights and Measures to enhance recruitment of qualified candidates and through the delivery of services from an inspector workforce highly educated in an appropriately diverse range of disciplines.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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. Provisions for establishing minimum qualifications for such examination eligibility are set forth in Sections 2101 and 2106 of the Food and Agricultural Code, pertaining to licensing examinations for County Agricultural Inspectors/Biologists, and Sections 12202 and 12203 of the California Business and Professions Code, pertaining to licensing examinations for County Inspectors of Weights and Measures.

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

Inquiries concerning the proposed administrative action may be directed to:

Kristin Macey, County/State Liaison
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-6649; Fax: (916) 651-9079

The backup contact person for these inquiries is:

Paulette Montez, Staff Services Analyst
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 653-5866; Fax: (916) 651-9079

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 Paulette Montez at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1220 N Street, Room 446, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of

reasons, a summary of the results of a survey conducted of the members of the California Agricultural Commissioners and Sealers Association (CACASA), and a letter requesting changes to regulation submitted by CACASA to the Secretary of the Department of Food and Agriculture.

Copies may be obtained by contacting Paulette Montez at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which 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 before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Paulette Montez at the address provided on the previous page. 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 Paulette Montez at the address provided on the previous page.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: http://www.cdfa.ca.gov/exec/county/County_Liaison.html