



State of California—Health and Human Services Agency
California Department of Public Health

KAREN L. SMITH, MD, MPH
Director and State Public Health Officer



EDMUND G. BROWN JR.
Governor

July 27, 2018

Hannah Y. Chanoine
O'MELVENY & MYERS LLP
Times Square Tower
7 Times Square
New York, NY 10036-6537

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

RESPONSE TO PETITION P-17-02 – TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 17 REGARDING PROCESSED PET FOOD

Dear Ms. Chanoine,

Thank you for contacting the California Department of Public Health (Department) on behalf of O'Melveny & Myers LLP (O'Melveny) who represents Canidae Corporation. Under Government Code section 11340.7(c), any interested person may petition a state agency to amend a regulation. On September 5, 2017, the Department received from O'Melveny a petition to amend California regulations regarding the use of the term "natural" on the labeling of processed pet food. On April 2, 2018, a public hearing was held by the Department regarding this petition. The Department allowed the receipt of additional written testimony until May 2, 2018. Pursuant to the requirements of Government Code section 11340.7, the Department issues this response to O'Melveny's petition.

The Department appreciates the correspondences received by interested parties prior to and after the hearing on April 2, 2018, the testimony provided at the hearing, and the additional information provided by the Pet Food Institute on May 1, 2018. The Department has carefully reviewed and considered the data and information submitted regarding the petition.

The Department recognizes the importance and complexity of the issues raised by this petition and has decided to exercise its authority and grant O'Melveny's petition to initiate the rulemaking process to amend Title 17 of the California Code of Regulations.



The Department enforces the Pure Pet Food Act.¹ The Department may promulgate regulations in order to promote “honesty and fair dealing” for consumers including labelling information for processed pet food.² California Code of Regulations, title 17, section 19005 provides definitions for processing pet food. California Code of Regulations, title 17, section 19025 provides labeling and restrictions for pet food labels. The Department believes that changes to the above regulations may be necessary to provide clarity for the industry and consumers while continuing to ensure the quality and safety of processed pet food.

The Department welcomes the input of stakeholders during the rulemaking process set forth under the Administrative Procedure Act (Government Code section 1340 et. seq.).

Under Government Code section 11340.7(d), any interested person has the right to obtain a copy of the petition submitted to the agency. To request a copy, please contact the Office of Regulations by email: regulations@cdph.ca.gov, by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

Sincerely,



Keith Van Wagner
Assistant Chief Counsel
Regulations, Privacy & Special Projects

¹ See California Health and Safety Code section 113055.

² See California Health and Safety Code section 113115.