



February 6, 2012

**NOTICE OF PUBLIC HEARING
FOR CONSIDERATION OF PROPOSED MAJOR AMENDMENTS
TO THE CALIFORNIA CANTALOUPE PROGRAM**

To All Handlers of California Cantaloupe:

At the request of the California Cantaloupe Board, the California Department of Food and Agriculture (CDFA) has called a public hearing to consider proposed major amendments to the California Cantaloupe Program.

The public hearing will be held in the following places, dates and times:

| Place: | Date and Starting Time: |
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| <i>Imperial County Farm Bureau Offices</i> 1000 Broadway El Centro , California 92243 Phone: (760) 352-3831 | Thursday, March 8, 2012 Beginning at 2:00 p.m. |
| <i>Ramada Inn</i> 324 East Shaw Fresno , California 93710 Phone: (559) 224-4040 | Monday, March 12, 2012 Beginning at 10:30 a.m. |

OVERVIEW OF THE PROPOSED AMENDMENTS

The major amendments proposed by the Cantaloupe Board fall into following five categories:

1. To expand the scope of the Cantaloupe Program to all handlers of cantaloupe within the state of California.
2. To change the total number of board members and alternate members from seven to ten and to revise the district representation and at large members accordingly.
3. To establish and enforce cantaloupe-specific best agricultural practices and create a certification and/or service mark for use by handlers that comply with these Best Practices.
4. To provide procedures for mandatory audits to verify compliance with Best Practices and disciplinary actions should a handler be found out of compliance with Best Practices.



HEARING PROCEDURE

At the hearing, a CDFA representative will present testimony regarding the procedure used to develop the official list of cantaloupe handlers used to mail this notice. Additionally, a hearing panel composed of CDFA staff will receive testimony and evidence, both oral and documentary, regarding the following:

1. The production, economic, and marketing conditions that currently exist and affect the California cantaloupe industry and the potential effect of the proposed amendments upon such conditions.
2. Current and future production trends and regulations at the national and state level and their effect on the production and distribution of cantaloupe.
3. Whether the proposed amendments to the marketing order are reasonably calculated to:
 - a. Meet the needs and attain the objectives of the cantaloupe industry
 - b. Effectuate the declared purposes of the California Marketing Act
4. The impact, if any, that the proposed amendments could have on the activities currently conducted by the California Cantaloupe Program.
5. Nominations for the newly established district and member-at-large positions on the Board.

Additionally, written comments received at the Marketing Branch of the Department by Tuesday, March 6, 2012 will be accepted by CDFA and incorporated to the hearing record. Please mail all such correspondence to the attention of Glenn Yost at the address on the previous page or email Mr. Yost at glenn.yost@cdfa.ca.gov.

Ex Parte Communications Prohibited – From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, department employees involved in the decision-making process are prohibited from discussing the merits of hearing issues with any person having an interest in the proceeding. Procedural matters are not subject to the above prohibition and may be discussed at any time.

HEARING PREPARATION

At the hearing, supporters of these amendments should offer testimony providing examples of how the proposed amendments will aid the industry to remain economically viable and competitive. Supporters may also wish to discuss the future needs of the industry that could be addressed by amending the marketing order. Opponents of the amendments should provide testimony and give examples of why they believe that the marketing order should not be amended. Opponents may wish to present arguments supporting the premise that the interests of affected handlers would be better served if the marketing order remained unchanged.

In preparing their testimony, witnesses may wish to direct their comments toward the following questions:

- Would the proposed expansion of the Cantaloupe Program to include handlers statewide increase the effectiveness of the program?
- Is it important to require that every handler be subject to periodic audits to verify compliance with cantaloupe specific Best Practices?
- Would the public benefit from the proposed amendments?
- If handlers doing business in the southern California region vote not to participate in the Cantaloupe Program, is there interest in having a regional Best Practices program for the valley?

SUBSEQUENT STEPS

The hearing transcript and all written comments received within the allowed time frame will be considered by CDFA to determine whether or not to submit the amendments for the approval vote of California cantaloupe handlers affected by the marketing order. If the department determines based on the hearing record that the proposed amendments have merit, it will issue the amendments for a vote of affected cantaloupe handlers. If the hearing record does not support issuing the proposed amendments for a vote, the department will not proceed further with the amendment implementation process.

A copy of the California Cantaloupe Program that shows the proposed amendments is enclosed with this notice for your information (Exhibit "A"). A copy of this Notice of Public Hearing is being mailed to all California cantaloupe handlers and other interested persons of record with the Department. All affected parties are encouraged to attend and participate in the hearing.

Persons with Disabilities – The Department of Food and Agriculture wishes to ensure that all members of the public have access to all public meetings. If you require a special accommodation, please contact Beth Jensen at (916) 900-5018 or by email at beth.jensen@cdfa.ca.gov.

Questions regarding the hearing process should be directed to Glenn Yost, Senior Agricultural Economist, CDFA Marketing Branch at (916) 900-5018 or by email at gyost@cdfa.ca.gov.

Sincerely,



Robert Maxie, Chief
Marketing Branch

Enclosure