

**CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION
REGULATIONS CONCERNING FROZEN DESSERTS
OCTOBER 9, 2014**

Jerry Padula:

Okay. Good morning. My name is Jerry Padula and I'm an attorney with the Connecticut Department of Consumer Protection. I've been designated by Commissioner William M. Rubenstein to be the hearing officer for this morning's public hearing on proposed regulations concerning Frozen Desserts. Today is Thursday, October 9, 2014. The time is now 10:25 a.m. We're here today in Room 103 of the State Office Building, which is located at 165 Capitol Avenue here in the capitol city of Hartford, Connecticut. On September 3, 2014, the Department of Consumer Protection published a Notice of Intent to Amend Regulations with the Secretary of State. These regulations are being proposed in accordance with the authority granted in the Connecticut General Statutes Sections 4-168 and 21a-58. The full text of the proposed regulation, which has been made available to the public, will be entered as Exhibit A. For the record, a copy of the hearing notice will be entered as Exhibit B. The Fiscal Note prepared by the Agency, which reflects whether this proposed regulation would cause any fiscal impact on the Agency, will be made part of the record as Exhibit C. The Department also performed a Small Business Impact Statement Analysis and has notified the Department of Small Business Affairs at the Department of Economic Development of our intent to amend these regulations. Pursuant to Connecticut General Statute Section 4-168a, when drafting these proposed regulations, the Department considered methods that would accomplish the objectives of the applicable Statutes while minimizing the adverse impact on small businesses. This Agency has specifically considered the five methods listed in subsection (b) of Connecticut General Statute Section 4-168a. The Small Business Impact Statement referred to within the introduction section of the Notice will be marked as Exhibit D. Also, we have the Commissioner's Designation Letter, allowing me to serve as the hearing officer today, and that will be marked as Exhibit E. Finally, we did receive one submission in writing to date and that document is a letter from Resolution Legal Group dated October 8, 2014 and that's going to be marked Exhibit F for the record. And I'll be marking additional exhibits if they are presented to me during the course of this public hearing. Okay. At this point, we will begin by having the individuals who signed our speaker sign-up sheet come forward and give their comments. You can also leave written comments with me as well and they'll be marked into the record accordingly. The first person to speak is Theodore A. Faulise, Division Supervisor at the Connecticut Department of Consumer Protection's Division of Food and Standards.



Theodore Faulise: Okay, I'd like to reiterate my name is Theodore A. Faulise, Department of Consumer Protection Food and Standards. The Division Director, Frank Greene, was unable to be here today and I am representing him. I have a brief testimony to present. We support the proposed revision to the Frozen Dessert Regulations for frozen yogurt as a means to allow the industry greater flexibility in the formulation of frozen yogurt products. The need for this change was brought to our attention by industry, which emphasized the safety of the product produced under the changed procedure and the change in our regulation with uniformity with the State's requirements. I am also here to answer any questions, technical questions, on the regulation if there is any. And that ends my testimony.

Jerry Padula: Thank you. I will note I did have a submission from Frank Greene in writing. I guess it's basically what Mr. Faulise has just read into the record. I will mark that into the record as Exhibit G. And with that, our next person on the speaker signup sheet is Chris Greeley with, what's the organization?

Christopher Greeley: I am representing Orange Leaf today.

Jerry Padula: Orange Leaf. Okay.

Christopher Greeley: Again, my name is Christopher Greeley. I work for Northwind Strategies in Boston, Massachusetts. I'm here today representing Orange Leaf Yogurt. First off, I would like to thank folks for a chance to offer a few words here and they will be very brief. First, we'd just like to say thank you to the Commissioner and his staff for working so closely and working so thoroughly on updating this regulation and can't speak enough to their professionalism and attention. Secondly, Orange Leaf is looking forward to making itself available to the Attorney General, to the legislature, or to whomever may have any further questions and hope this process can continue to move along in a judicious manner. They look forward to opening and have offered to open a number of shops here in Connecticut and with those shops we'll be in a position to hire a couple hundred people and we'll also be buying over a quarter of a million gallons of milk locally when they get these shops up and running so we appreciate the Commission's attention to this matter and we look forward to working in partnership with the State in creating jobs and using some of their local products. Thank you.

Jerry Padula: Thank you, Mr. Greenley, for coming today. Is there anyone else who wishes to testify today? Okay. Well, with that, I'm not sure if there's any other industry participants who want to present any additional testimony but I will leave the record open for an additional week, just to allow anyone to submit written comments. Those comments should be submitted to the attention of the Commissioner, so if there's anyone in the

industry who wishes to provide any additional testimony, they're able to do so in writing. Again, that'll be through next week, Thursday, through the close of business at 5:00 p.m. and, typically, things are sent by email. You could also send it in writing by mail or, if you like, by fax. The numbers are listed on this Department's website. Okay. And with that, I'll state that the Agency will be reviewing all the testimony and documents received and will consider whether any revisions need to be made to the regulations as published through the Secretary of State. Pursuant to the Uniform Administrative Procedures Act Section, we will then forward the proposed regulations to the Attorney General to be reviewed for legal sufficiency. If approved, the regulations will then be forwarded to the Regulation Review Committee of the General Assembly for their consideration and approval and these regulations will be effective upon their filing with the Secretary of State. Okay. I thank everyone for coming today and for providing your comments to the Department. I note the time is now 10:33 and this public hearing is now adjourned. Thank you.

/dd



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

TO: Legislative Regulation Review Committee
Capitol Building, Hartford, Connecticut

DATE: October 21, 2014

SUBJECT: Proposed Regulations Concerning Frozen Desserts

SUMMARY OF TESTIMONY

The Department held a properly noticed public hearing on October 9, 2014. The administrative record was held open for one week, through Thursday, October 16, 2014 to allow additional written testimony to be submitted for consideration.

IN SUPPORT OF ADOPTION:

1. Resolution Legal Group, through James Robert Johnson, provided written comments dated October 8, 2014 in support of the regulations (see Exhibit "F").
2. Frank Greene, the Director of the Department of Consumer Protection's Food and Standards Division, provided written comments dated October 9, 2014 in support of the regulations (see Exhibit "G").
3. Division Supervisor Theodore Faulise, representing Frank Greene, the Director of the Department of Consumer Protection's Food and Standards Division, provided oral comments in support of the regulations.
4. Christopher Greeley, representing Orange Leaf Yogurt, provided oral comments in support of the regulations.

OPPOSED TO ADOPTION:

No verbal or written comments opposed the adoption of the proposed regulations.

SUGGESTING MODIFICATIONS TO THE TEXT:

No verbal or written comments suggested modifications to the proposed regulations.

A copy of the official transcript of the public hearing is also being provided with this summary, together with copies of any written testimony. If the members of the Committee should have any questions, they may contact Attorney Jerry P. Padula at 860-713-6087 or via e-mail at Jerry.Padula@CT.gov. Thank you for your consideration.