

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
ANIMAL HEALTH AND FOOD SAFETY SERVICES (AHFSS)
MEAT, POULTRY AND EGG SAFETY BRANCH (MPES)
SHELL EGG ADVISORY COMMITTEE (SEAC)
MEETING MINUTES
JANUARY 8, 2019**

California Department of Food and Agriculture
2800 Gateway Oaks Drive, Room 267
Sacramento, CA 95833

Item
No.

(1) CALL TO ORDER

Mr. David Will, Chair, called the SEAC meeting to order at 9:03 a.m. and a quorum was established.

(2) INTRODUCTIONS

Roll call was taken by Mr. Tony Herrera, Egg Quality Manager, Egg Safety and Quality Management (ESQM).

Committee Members Present:

David Will, Chair
Michael Gemperle, Gemperle Family Farms
Steve Mahrt, Petaluma Farms
Andrew Demler, Demler Brothers
Wayne Winslow, NuCal Foods
Glenn Hickman, Hickman Family Farms
Michael Sencer, Hidden Villa Ranch
Kaliko Orian, Kaliko Farms
Dr. Richard Breitmeyer, public member
Richard Jenkins, alternate
Frank Hilliker, alternate

Interested Parties:

Debbie Murdock	Mark Campbell
Lupe Gutierrez	Ruben Arroyo
Stan Foster	

CDFA:

Tony Herrera	Paula Batarseh
Dr. Annette Jones	Jenna Celigija

William Rohner
Paul Roos
Melissa Vasquez
Michelle Dingley
Kim Matthews

Laura Barlow
Michael Abbott
Emma Middlemiss
Andrew Halbert
Josh McDonald

(3) APPROVAL OF MINUTES

Chair Will asked the committee to review the SEAC meeting minutes from September 17, 2018.

Motion #1: Mr. Sencer made a motion to accept the minutes. Mr. Gemperle seconded. Mr. Mahrt, Mr. Demler, Mr. Winslow, Mr. Hickman, Ms. Orian, and Dr. Breitmeyer agreed with no abstentions. The motion passed unanimously.

Chair Will asked the committee to review the SEAC meeting minutes from October 2, 2018.

Motion #2: Mr. Sencer made a motion to accept the minutes. Mr. Gemperle seconded. Mr. Mahrt, Mr. Demler, Mr. Winslow, Mr. Hickman, Ms. Orian, and Dr. Breitmeyer agreed with no abstentions. The motion passed unanimously.

(4) BORDER STATIONS PROGRAM PRESENTATION

Ms. Matthews and Mr. McDonald presented on the Border Stations Program (Program). There are 16 Border Station facilities: six on the Oregon border, six on the Nevada border, and four on the Arizona border. The Program's mission is to keep exotic agricultural and environmental pests out of California. The main concerns are produce and plants. As one of the few State agencies with the ability to stop and search vehicles, the Program contracts with other CDFA divisions and agencies.

The Program encountered about 27,000 egg shipments in 2018. Most shipments came through the Needles station. Egg shipments fall into one of three categories: meets regulations, does not meet regulations, and BOLO (Be on the Lookout) list. The BOLO list is provided by ESQM, listing eggs of concern. In 2018, 128 BOLO egg shipments came through the border stations.

The Program is working with ESQM on an enhanced enforcement pilot program for BOLO shipments at the Needles and Mountain Pass stations. ESQM will provide training and some equipment, such as hold off-sale tags and seals. The border stations are only able to reject and refuse plants, so they must let the BOLO egg shipments into California. However, entry will be allowed under a hold. The driver must go to the destination on the bill of lading, where ESQM staff will meet the load. The driver will sign a form which notifies him/her of the consequences of diverting the load. As a pilot program, this will eventually be expanded to all of the border station facilities. It is expected to be adapted for other commodities as well.

(5) CERTIFIED FARMERS' MARKETS UPDATE

In October 2018, Mr. Herrera met with the Direct Marketing Program to discuss egg enforcement at Certified Farmers' Markets (CFM). A pilot program is being developed with the goal of performing more inspections and increasing enforcement at CFM. Mr. Herrera will be attending another meeting with the Direct Marketing Program on January 15, 2019, to discuss specifics of what ESQM's involvement should be. The hope is to have the pilot program running in three or four counties by spring of 2019.

Outreach and education will be provided to CFM producers, market managers, and county agricultural commissioners. Many are unaware that, since the egg handler registration must be posted at the handler's place of business, it should be with the producer while at the CFM.

(6) PENALTY MATRIX DISCUSSION

Mr. Abbott gave an update on the penalty matrix. The Notices of Violation (NOV) have been categorized and the Notices of Proposed Action (NOPA) have been set up. Once the NOPA template has been approved by the CDFA Legal Office, ESQM will start sending out NOPAs with the associated fine letter and a description of the appellate process.

(7) PROPOSITION 12 RESULTS DISCUSSION

A confidential budget has been proposed to fund staffing for Proposition 12. A listening session is planned for February to start the regulatory process. It is unlikely that regulations will be done by September 2019. One option to speed up the process is to split the regulations into two halves. Another option is to divide the regulations by commodities. A separate branch may be developed for the enforcement of Proposition 12.

SEAC's discussion of possible regulations included:

- Do the regulations start when a product is packaged or when it is sold? Dry and frozen egg products have long shelf lives.
- Some producers may depopulate some birds in order to allow the rest of their flock the required space.
- What defines a sale or a commercial sale?

(8) BUDGET SUB-COMMITTEE FORMATION

Three volunteers are needed for the budget sub-committee. The ESQM 2019-2020 fiscal year budget will not include any additional costs for Proposition 12 enforcement. The budget will include the additional Border Stations Program work. Mr. Hickman, Mr. Gemperle, and Chair Will volunteer to be on the sub-committee. The sub-committee chair will be elected at the first meeting.

(9) EGG INVESTIGATIONS UPDATE

Mr. Roos stated that 24 investigations have been added and 21 NOV have been issued since the last SEAC meeting. Seventeen investigations are currently open. As Mr. Abbott mentioned, once the NOPA templates have been approved, ESQM can move forward with sending NOPAs for the pending cases.

The exclusion of the “California Shell Egg Food Safety (SEFS) Compliant” statement on invoices is a common violation. This statement must be on both the carton and invoice. According to the California Code of Regulations, all shipping documents must contain this statement. It may be prudent to send out sample invoices to egg handlers since many may not be aware of this requirement.

(10) ESQM PROGRAM UPDATE

- ESQM is not currently conducting United States Department of Agriculture (USDA) inspections due to the federal government shutdown. When the shutdown ends, USDA inspections will only continue north of the Tehachapi Mountains due to virulent Newcastle disease (vND) in southern California. No SEFS or Food and Drug Administration (FDA) inspections will be done on farms south of the Tehachapi Mountains. No inline Compliance and Risk-Based Inspections (CRBI) are being done in Riverside, San Bernardino, or San Diego Counties. Offline CRBI will continue unless vND worsens.
- ESQM will provide Sacramento area agricultural commissioners with retail surveillance training, especially in regard to defects.
- Mr. Herrera will be attending the International Production and Processing Expo and National Egg Quality School board meeting in Atlanta, Georgia, in mid-February.
- Mr. Herrera will be attending the National Egg Regulatory Officials (NERO) meeting in Georgia in late February.
- Mr. Herrera, Ms. Celigija, and Casey Luna will be attending National Egg Quality School in Indiana in late May.
- ESQM has four new projects planned for 2019: the Border Stations pilot program; the CFM pilot program; drafting industry standards for eggs from other species of fowl; and producing a video that explains the labeling found on egg cartons.

(11) MPES BRANCH UPDATE

In 2018, MPES focused on revamping the training program for industry inspectors. In 2019, the focus will be on performing targeted inspections based on hazard and risk.

The Rendering Program (Program) is focused on putting together a penalty matrix. When that is finalized, NOPAs will be designed. Enforcement and compliance activities will increase. The Program will also work with CalRecycle to keep inedible materials and animal parts out of landfills, instead going to renderers or pet food manufacturers.

The Branch is working on Secure Food Supply (SFS) plans in relation to biosecurity.

(12) AHFSS DIVISION UPDATE

The AHFSS Division is working with veterinarians to make one SFS template per company that can be slightly modified to meet the requirements for each agency.

The CDFA website has a vND heat map showing where the disease has been found. There have been 17 new positives in backyard chickens. There has been a second commercial positive. It has not been determined how the commercial location was infected. Movement in and out of infected areas is done under strict permitting.

There has been less federal help with this outbreak than with previous outbreaks. However, this response is more efficient, with numerous local staff hired and less need to rotate in CDFA staff. Since this vND outbreak is in backyard birds and is related to cockfighting, it is harder to request emergency funds. Feed stores, churches, charro events, and other community events are being used for outreach.

The State has paid about \$22 million for staff working at vND, most of which will be repaid by USDA.

(13) PUBLIC COMMENTS

Chair Will reminded the committee members that they must file Form 700 by April 1. He also thanked Mr. Hickman, Mr. Winslow, Mr. Sencer and Hidden Villa for their work on a recent task force.

(14) FUTURE SEAC MEETING AGENDA ITEMS

Some proposed agenda items for the next SEAC meeting include:

- Proposition 12 regulations
- Update on vND
- Budget sub-committee report
- Update on the approval of NOPAs
- CFM meeting
- Border Stations update
- Update on Mr. Herrera's retirement

(15) FUTURE SEAC MEETING DATES

The next SEAC meeting is scheduled for March 5 at 9:00 a.m. at 2800 Gateway Oaks Drive in Sacramento.

(16) ELECTION OF SEAC OFFICERS

With 2019 being Mr. Herrera's last full year with ESQM, he recommended the re-election of the current chair for continuity.

Motion #3: Mr. Gemperle made a motion to nominate the current chair and vice chair. Mr. Sencer seconded. Mr. Mahrt, Mr. Demler, Mr. Winslow, Mr. Hickman, Ms. Orian, and Dr. Breitmeyer agreed. The motion passed unanimously.

(17) ADJOURN

Chair Will asked for a motion to adjourn the meeting.

Motion #4: Mr. Sencer made a motion to adjourn the meeting. Mr. Demler seconded. Mr. Gemperle, Mr. Mahrt, Mr. Winslow, Mr. Hickman, Ms. Orian, and Dr. Breitmeyer agreed. The motion passed unanimously.

The meeting adjourned at 11:39 a.m.

Respectfully submitted:

Michelle Dingley