

California Proposition 12: Farm Animal Confinement Initiative (2018)

INITIAL CDFA HOSTED WORKSHOP

FEBRUARY 22, 2019

10 AM – 1PM

1220 N STREET, SACRAMENTO CA

Today's Agenda

Review of Proposition 12 (2018)

Approach to Implementation

Developing Regulations

Changes Effective 2020

Changes Effective 2022

Open Discussion

Future Meetings

Review of Proposition 12

- ❖ Chaptered in Health and Safety Code (Section 25990-25994)
- ❖ Similar to other laws – prohibits confinement in a cruel manner of covered animals or sales of products from covered animals
 - Animal confinement standards apply to in-state producers and *sales* within the state of specified products (out-of-state production)
- ❖ Amends laws previously limited to California pork, veal and shell egg production and out-of-state shell egg production if shell eggs are sold in California
- ❖ Prohibits and redefines “confined in a cruel manner,” expanding on existing law

Review of Proposition 12

- ❖ Charges the California Department of Public Health and California Department of Food and Agriculture with implementation by explicitly providing regulatory authority
- ❖ Can be changed with 4/5 vote of both houses of the legislature
- ❖ Severable if challenged

Covered Animals

- ❖ **Kept on a Farm** - commercial production; does not include live animal markets and mandatory FSIS inspected harvest and egg processing facilities (Official Plants under Meat Inspection and Egg Product Acts)
- ❖ **Breeding Pig** – kept for commercial breeding; 6 months or older *but not* 5 days prior to expected birth and while nursing
- ❖ **Veal Calves** - raised for the purpose of producing veal
- ❖ **Egg-Laying Hens** – kept for the purpose of egg production including chicken, turkey, duck, goose, guinea fowl

Review of Proposition 12

Exemptions

- ❖ Medical research
- ❖ Exam, testing and treatment for veterinary purposes
- ❖ Transportation
- ❖ Exhibitions including rodeo and fairs
- ❖ Slaughter
- ❖ Temporary confinement for animal husbandry purposes (up to 6 hours in 24 hours; 24 hours in 30 days)

Products from Covered Animals

❖ **Shell Egg**

- Whole egg in shell form

❖ **Liquid Egg**

- Egg yoke and/or whites broken from shells and can include sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers and other food additives
- Does not include combination foods like cake mixes, pizza, ice cream, cookies or other processed or prepared products

Products from Covered Animals

❖ **Whole Veal and Whole Pork Meat**

- Any uncooked cut of veal or pork intended for human consumption
- Can include seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives
- Does not include combination foods like soups, sandwiches, pizza, hotdogs or other processed or prepared products
- Includes pork from a covered animal and immediate off-spring

Sale in California

- ❖ Commercial sale of covered product
- ❖ Does not include sales occurring at official egg processing and harvest facilities with mandatory FSIS inspection (Meat Inspection and Egg Products Inspection Acts)
- ❖ Deemed to occur where the buyer takes physical possession of the covered item
- ❖ Defense – Business owner or operator relied in good faith on written certification from supplier

Confined in a Cruel Manner

- ❖ Cannot lay down, stand up, or fully extend all limbs and turn around in a complete circle freely without touching the sides of an enclosure or another animal
- ❖ **After 12/31/19:**
 - Veal calf with less than 43 square feet per calf
 - Egg laying hen with less than 144 square inches per hen
- ❖ **After 12/31/2021**
 - Breeding pig with less than 24 square feet per sow
 - Egg laying hen must follow United Egg Producer 2017 cage-free housing guidelines and meet cage free confinement as defined

Review of Proposition 12

Usable Floor Space

- ❖ Total square feet of floor space provided to the animals divided by the number of animals
- ❖ Layers, includes platforms but not perches or ramps

Cage Free

- ❖ United Egg Producers and Proposition Cage-Free definitions:
 - 144 square inches per hen
 - Free to roam
 - Enrichments: scratch area, perches, nest box, dust bathing
- ❖ United Egg Producers – If vertical space, 144 square inches per hen; if all litter, 216 square inches per hen
- ❖ Proposition 12 Definition – Farm employees can provide care while standing

Review of Proposition 12

Penalties

- ❖ Misdemeanor - \$1,000 and/or 180 days jail
- ❖ Unfair Competition - Business and Professions Code

Approach to Implementation

- ❖ The California Department of Food and Agriculture will take the lead and consult with the California Department of Public Health
 - Speed regulatory process
 - Leverage CDFA farm expertise
- ❖ Regulation mandated to be in place by Sept 1, 2019
- ❖ Working to hire limited term staff now to drive process
- ❖ Require funding outlined in the ballot for full implementation

Anticipated Milestones

- ❖ Permanent resources (funding requests, hire, train)
- ❖ Identify stakeholders – producers, processors, distributors, retail, consumer and animal care advocates
- ❖ Complete Regulations working with the California Department of Public Health – Stakeholder input critical
- ❖ Outreach and Training; Farm Readiness Audits; Pilot Inspections
 - develop frequency based and resources
 - explore the use of *existing* audit and certification programs
- ❖ Enforcement

Developing Regulations



Divide into two
regulatory packages?

- ❖ Regulations normally take at least one year to complete
 - Workshops
 - Drafting regulation and accompanying documentation
 - Economic impact study
 - Legal review and agency approval
 - Comment periods / hearings
 - Control agency (Office of Administrative Law, Department of Finance)
 - Publish

Changes Effective 2020

Veal Calves, Shell Egg, Liquid egg

- ❖ Challenges?
- ❖ Areas where regulatory clarity is needed?
- ❖ Potential regulatory framework ideas?

2020 Veal Calves, Shell Egg, Liquid Egg

Potential Issues

- ❖ Location buyer takes physical possession will be important
- ❖ Sales to federal agencies – lunch program, prisons, other
- ❖ Product transiting CA for export, but sale occurs in CA
- ❖ Traceability from farm to retail (in-state and out-of-state)
- ❖ Timeframe for implementation – facility investment, lack of building space/permits, ability for regulating agencies to be ready
- ❖ Enforcement timing – date of pack, on the shelf, delayed to deplete inventory, how delayed (liquid egg, frozen veal)

2020 Veal Calves, Shell Egg, Liquid Egg

Potential Regulatory Framework

- ❖ Definitions
- ❖ Registration of producers
- ❖ Certification
- ❖ Method for segregating product – producer, processor and distributor input
- ❖ Product labeling – retailer and consumer
- ❖ Manifest or other track and trace mechanism
- ❖ Border station inspection
- ❖ Farm, distributor and retail inspection – frequency?
- ❖ Penalty matrix, appeal process

Changes Effective 2022

Cage Free Shell & Liquid Egg, Pork

- ❖ Build on what works
- ❖ MUCH more complex compliance
- ❖ Economic impact study more challenging
- ❖ Will start workshops after 2020 regulatory framework is outlined

Open Discussion

Next Meeting – Stakeholder Engagement

- ❖ Send comments to: CAVet@cdfa.ca.gov
- ❖ Creating a stakeholder list
 - Sign in or send a request to be included to: CAVet@cdfa.ca.gov
- ❖ Thoughts/suggestions for future workshops