



ANIMAL CARE PROGRAM

GUIDANCE: WHOLE VEAL MEAT, SHELL EGGS, LIQUID EGGS, AND WHOLE PORK MEAT DISTRIBUTOR ON-SITE INSPECTION FOR CERTIFICATION UNDER ANIMAL CONFINEMENT REGULATIONS

This document outlines the on-site inspection requirements for a *distributor* obtaining a third-party *certification* according to Proposition 12 (2018) [Animal Confinement Regulations](#), Chapter 10 (commencing with section 1320) of Division 2 of Title 3 of the California Code of Regulations (3 CCR). Information in this document details the minimum requirements of what California Department of Food and Agriculture (CDFA) or another *certifying agent* will be reviewing during the on-site inspection portion of the *certification* process including inspection of the facility, covered product, a *records* review, and *audit trail* verification for the purpose of issuing or renewing a *certification*. Review and understanding of this document will help the *distributor* applicant prepare for their on-site inspection in order to receive *certification* in a timely manner.

Key terms *italicized* in this guidance are described on [Key Terms for Stakeholder](#) guidance document.

California Code of Regulations requires businesses that are selling or distributing *shell eggs*, *liquid eggs*, *whole veal meat*, and *whole pork meat* (covered product) to *end-users* in California register with CDFA. After January 1, 2024, an application to CDFA by a *distributor* for initial registration, or for purposes of renewal, shall be accompanied by a valid third-party *certification* for each location where registration is being sought. 3 CCR sections 1320.2, 1321.2, 1322.2

On-Site Inspection

In order to grant *certification* a *distributor's* certifier (CDFA or another *certifying agent*) will conduct an initial on-site inspection of each facility and site that distributes covered product that is included in an operation for which *certification* is requested. An on-site inspection must be conducted at least once every 12 months thereafter for each *distributor* location for the purpose of determining whether *certification* of the *distributor* should continue. 3 CCR sections 1326.5, 1326.8

Scheduling of an On-Site Inspection

The initial on-site inspection will be conducted within three (3) months following a determination that the *distributor* applicant appears to comply or may be able to comply with Animal Confinement regulations. 3 CCR section 1326.5(b)(1)



ANIMAL CARE PROGRAM

GUIDANCE: WHOLE VEAL MEAT, SHELL EGGS, LIQUID EGGS, AND WHOLE PORK MEAT DISTRIBUTOR ON-SITE INSPECTION FOR CERTIFICATION UNDER ANIMAL CONFINEMENT REGULATIONS

What to Expect During an On-Site Inspection

All on-site inspections must be conducted when an authorized representative of the *distributor* operation who is knowledgeable about the *distributor* is present, can access operation *records*, and at a time when facilities and activities that demonstrate the *distributor's* compliance with or capability to comply can be observed. 3 CCR sections 1326.5(b)(2)

The on-site inspection of an operation will verify:

- The *distributor's* compliance or capability to comply with requirements. 3 CCR section 1326.5(c)(1)
- That the information provided on the application for *certification* accurately reflects the practices used by the applicant. 3 CCR section 1326.5(c)(2)

The on-site inspection will cover all of the sections listed below:

1. General Information

- Applicant holds current Distributor Registration with CDFA's Animal Care Program. 3 CCR sections 1320.2, 1321.2, 1322.2
- Size of *area of operation* accurately reflects what was submitted on the application. 3 CCR section 1326.2(b)(6)
- Allow access by CDFA or another *certifying agent* to examine all covered products that are sold or intended, held, segregated, stored, packaged, labeled, or represented for sale or distribution in California. 3 CCR section 1326.1(a)(4)
- Allow access by CDFA or another *certifying agent* to containers, labels, labeling, invoices, documents of title, and bills of lading used in the handling, storage, packaging, sale, transportation, or distribution of *covered products* in California. 3 CCR section 1326.1(a)(5)
- Allow access by CDFA or another *certifying agent* during normal business hours for review and copying of required *records*. 3 CCR section 1326.1(a)(6)
- **If a *split operation***, the management practices, physical barriers, and standard operating procedures established prevent commingling of covered products. 3 CCR sections 1326.3(a)(5), 1326.5(c)

2. Recordkeeping - records available for all covered products

- *Records* shall be sufficient for purposes of an *audit trail*. 3 CCR sections 1320.5(b), 1321.5(b), 1322.5(b)



ANIMAL CARE PROGRAM

GUIDANCE: WHOLE VEAL MEAT, SHELL EGGS, LIQUID EGGS, AND WHOLE PORK MEAT DISTRIBUTOR ON-SITE INSPECTION FOR CERTIFICATION UNDER ANIMAL CONFINEMENT REGULATIONS

- *Records* shall document in a traceable manner that covered product being distributed for *commercial sale* into or within California originate from producers (*egg producer, veal producer or pork producer*) that are in compliance with all species-specific requirements of 3 CCR sections 1320.1, 1321.1 and 1322.1¹. 3 CCR sections 1320.5(c), 1321.5(c), 1322.5(c)
- *Records* must indicate the date, quantity, identity of the buyer and seller, for each transaction of covered product. 3 CCR section 1326.2
- For each transaction, *records* must include address of the location where the *distributor takes physical possession* of covered product. 3 CCR sections 1320.5(d), 1321.5 (d), 1322.5(d), 1326.2
- *Records* demonstrate in sufficient detail the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of covered products. 3 CCR section 1326.2(b)(2)
- *Records* must be maintained for two (2) years from the date of creation. Effective September 1, 2022. 3 CCR sections 1320.5(e), 1321.5(e), 1322.5(e)
- Inspection and audit of required *records* may be conducted by CDFA or other *certifying agent* by on-site inspection at the *distributor* location, or by utilizing email, phone, teleconference, or any combination thereof, at the discretion of the *certifying agent* or CDFA. 3 CCR section 1326.2(c)
- **If a *split operation***, include documentation to demonstrate the identification, segregation, distribution, and handling of covered product to prevent commingling with noncompliant covered product. 3 CCR section 1326.2(b)(7)

3. Shipping Documents

- *All documents of title* and shipping manifests for compliant covered product transported into and within California for *commercial sale* shall include the appropriate statement. 3 CCR sections 1320.4(a)(1), 1321.4(a)(1), 1322.4(a)(1)
 - “Egg CA Prop 12 Compliant”
 - “Pork CA Prop 12 Compliant”
 - “Veal CA Prop 12 Compliant”

¹For pork distributors, prior to January 1, 2024, record review will include any self-certification that any noncompliant whole pork meat in possession of a pork distributor or establishment under mandatory inspection under the Federal Meat Inspection Act and issued an establishment number with prefix “M,” was in that entity or another such end-user, pork distributor, or establishment’s physical possession as of July 1, 2023 as allowed under *California Hispanic Chambers of Commerce v. Ross* (Case No. 34-2021-80003765) [link to court document](#).



ANIMAL CARE PROGRAM

GUIDANCE: WHOLE VEAL MEAT, SHELL EGGS, LIQUID EGGS, AND WHOLE PORK MEAT DISTRIBUTOR ON-SITE INSPECTION FOR CERTIFICATION UNDER ANIMAL CONFINEMENT REGULATIONS

- No evidence of labeling, identification, marking, advertising, or otherwise representation of covered product as compliant for commercial sale in California unless the covered product was produced in compliance with all statutory and regulatory requirements. 3 CCR sections 1320.4(b), 1320.4(c), 1321.4(b), 1322.4(b)
- **If a *split operation***, distributing compliant and noncompliant covered product all *documents of title* and shipping manifests of covered product that was not produced in compliance with requirements and enters the state for the purposes of transshipment, export, donation, or sale to federal agencies or on tribal lands and is not destined for *commercial sale* in California shall, be marked with the statement with “For Export”, “For Transshipment” or “Not CA Prop 12 Compliant”. 3 CCR sections 1320.4(a)(2), 1321.4(a)(2), 1322.4(a)(2), 1326(y)

4. Covered Product

- The distributor can demonstrate through an *audit trail* they only distribute for *commercial sale* in California covered product that is in compliance with HSC section 25991(e) statutory requirements. 3 CCR section 1326.2(b)(1)
 - January 1, 2020 for *whole veal meat*
 - January 1, 2022 for *shell eggs* and *liquid eggs*
 - January 1, 2022 for *whole pork meat*²
- After January 1, 2024, the distributor can demonstrate through an *audit trail* covered product being distributed can be traced to a certified producer. 3 CCR sections 1320.2, 1320.5(c), 1321.2, 1321.5(c), 1322.2, 1322.5(c)
- Producer *certification* required BY January 1, 2024. 3 CCR sections 1320.1, 1321.1, 1322.1
- Be prepared to demonstrate in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of covered products that were derived from compliant covered animals. 3 CCR section 1326.2(b)(2)

5. Exit Interview

- An exit interview will be performed with an authorized representative of the *distributor* operation who is knowledgeable about the operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. CDFA or another *certifying agent* will also address the need for any additional information as well as any issues of concern during the exit interview. 3 CCR sections 1326.5(d)

²For pork distributors, prior to January 1, 2024, noncompliant whole pork meat may be sold in California if the noncompliant whole pork meat was in physical possession of a pork distributor or establishment under mandatory inspection under the Federal Meat Inspection Act and issued an establishment number with prefix “M” as of July 1, 2023 and self-certified as being in their physical possession as allowed under California Hispanic Chambers of Commerce v. Ross (Case No. 34-2021-80003765 [link to court document](#)).