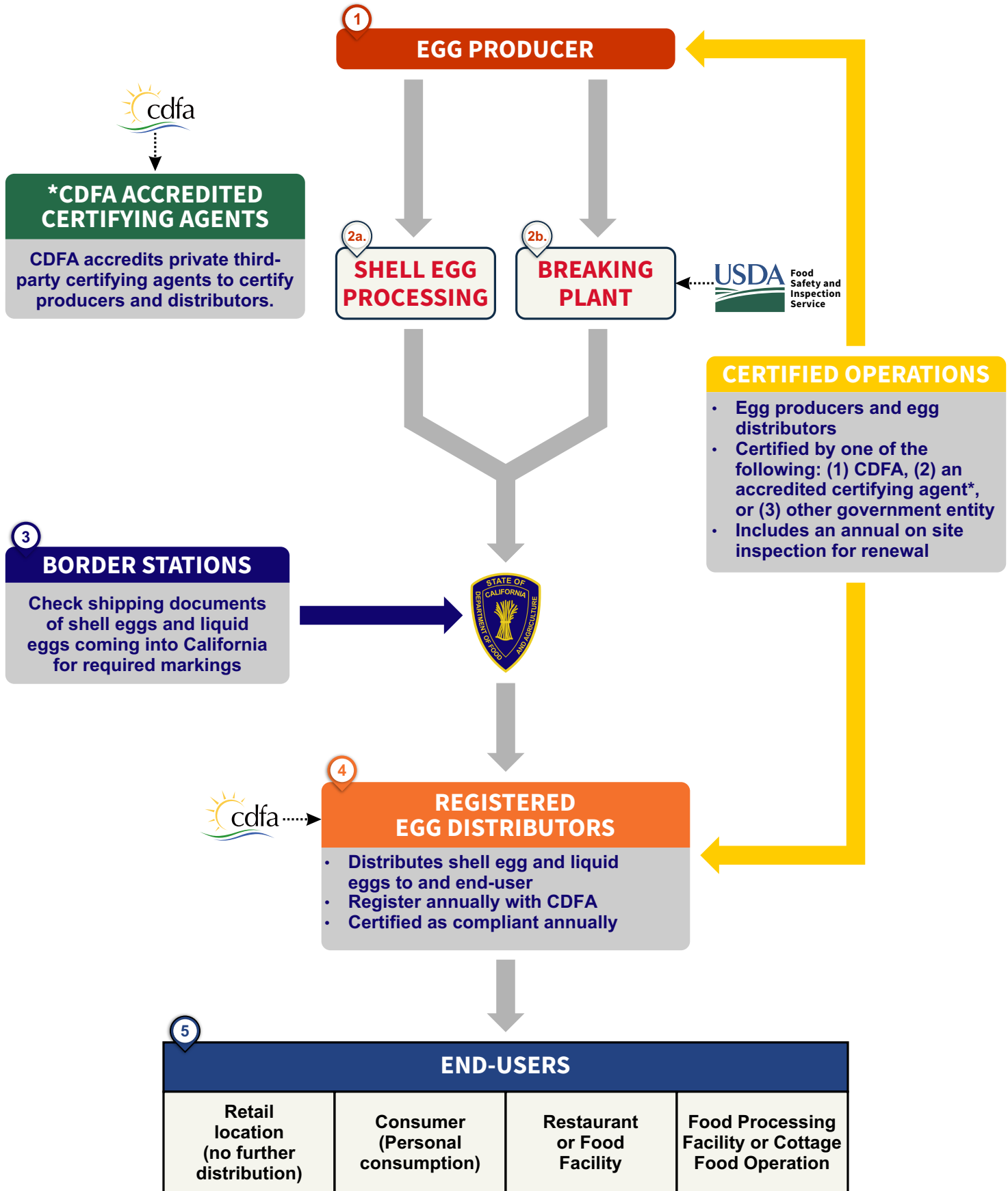




ANIMAL CARE PROGRAM REGULATORY FRAMEWORK: EGGS



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Purpose: This guidance is to be used by California egg producers keeping egg-laying hens; out-of-state egg producers keeping egg-laying hens for purposes of producing Proposition 12-compliant shell eggs or liquid eggs for sale in California; and egg distributors selling shell eggs or liquid eggs to an end-user in California.

1. Egg producer is where a California egg producer is keeping an egg-laying hen or where an egg producer outside of California is keeping an egg-laying hen for the purpose of producing shell eggs or liquid eggs from an egg-laying hen for sale in California. Egg producer's farm is certified as compliant by a certifying agent with annual renewal and on-site inspection.



2a. Shell egg processing sites where eggs are cleaned, graded, and packaged.



2b. Breaking plant with eggs are processed into liquid eggs. These locations are under mandatory inspection by Food Safety Inspection Service (FSIS).



3. Border stations where shipping documents of covered product entering the state will be inspected for specific required markings. Note: not all covered products will pass through the border stations.



4. Distributors selling covered products to an end-user in the state. Distributors are required to register with CDFA annually and be certified as compliant by a certifying agent with annual renewal and on-site inspection.



5. End-users in the state will be subject to random audits and at-risk investigations by CDFA.

Key Terms

Accreditation or accredit means a determination made by CDFA to authorize a private entity to conduct certification of producer and distributor operations (3 CCR § 1326(a)).

Audit trail means records kept in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of covered product that was derived from a covered animal confined in compliance with the law, and from producers that hold a valid certification (3 CCR §§ 1320(b), 1321(b), 1322(b)).

Border stations are a first line of defense in CDFA's enforcement of the law and regulations of covered products entering the state. There are 16 border stations located on highways entering California and at these stations, every person shall stop at the request of CDFA for purposes of inspection of cargo and any accompanying shipping documents, manifests, and bills of lading, any vehicle or other conveyance transporting covered product into the state.

Certification or certify means a determination made by a certifying agent that a production or distribution operation is compliant, which is documented by a certificate of compliance (3 CCR § 1326(d)).

Certified operation means a production or distribution operation, or portion of such operation, that is certified by a certifying agent. Annual recertification with an on-site inspection by the certifying agent is required (3 CCR § 1326(e)).

Certifying agent means any private entity accredited by CDFA as a third-party certifying agent, CDFA, or any government entity that CDFA recognizes as providing functionally equivalent certification services (3 CCR § 1326(f)).

Covered product means shell eggs, liquid eggs, veal meat, or pork meat (3 CCR § 1326(l)).

Document of title means a document which is evidence that the person in possession of it is entitled to receive, hold, and dispose of the covered product it covers. Examples of such documents include, but are not limited to, bill of lading, dock warrant, dock receipt, warehouse receipt, or an order for the delivery of covered product (3 CCR §§ 1320(j), 1321(m), 1322(m)).

End-user means any of the following: (1) A consumer; (2) A retailer that is not a producer and only conducts commercial sales directly to a consumer, without any further distribution, of covered product; (3) A food processing facility or cottage food operation that receives covered product solely for use as an ingredient to manufacture a combination food product that does not meet the definition of covered product; or (4) A restaurant, food facility, or other similar business that only cooks and serves covered product to customers, patrons, or guests for purposes of consumption (3 CCR §§ 1320(o), 1321(o), 1322(o)).

Governmental entity means any local, state, or federal domestic government, tribal government, or foreign governmental subdivision providing certification services (3 CCR § 1326(n)).

Distributor means a person or facility engaged in the business of commercial sales or distribution of covered product (as producer or otherwise) to an end-user in California. This definition shall not apply to a person or facility that only receives covered product as an end-user (3 CCR § 1326(k)).

Registration commencing January 1, 2023, any in-state or out-of-state person engaged in a commercial sale into or within the state as a distributor, shall hold a valid registration with CDFA. A registration is required for each facility location from which covered product is sold, distributed, or otherwise supplied to the location of an end-user. An application to CDFA by a distributor for initial registration, or for purposes of renewal, shall be accompanied by documentation of valid certification for each location where registration is being sought.

- For purposes of a valid certification, self-certification by a distributor that they are in compliance with laws and regulations, will be accepted by CDFA prior to January 1, 2024.

Producer means a person engaged in the business of keeping, maintaining, confining and/or housing egg-laying hens, calves for veal, or breeding pigs (3 CCR § 1326(v)).

Records means any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with law and regulations. Records shall document in a traceable manner that covered product being distributed for commercial sale into or within California originate from certified producers that are compliant with law and regulations (3 CCR §§ 1320(w), 1320.5(c), 1321(v), 1321.5(c), 1322(x), 1322.5(c), 1326(w)).

Shipping document means all documents of title and shipping manifests for shipments of covered product entering the state or transported within the state for commercial sale in California shall include appropriate statement for inspection by CDFA (3 CCR §§ 1320.4, 1321.4, 1322.4).