

**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  
OCTOBER 12, 2021**

California Department of Food and Agriculture  
1220 N St, Room 133  
Sacramento, CA 95814

Item  
No.

**(1) ROLL CALL**

Roll call was taken by Mr. Michael Abbott, Egg Quality Manager, Egg Safety and Quality Management (ESQM). A quorum was established at 10:03 a.m.

**COMMITTEE MEMBERS PRESENT:**

David Will, Chair  
Mike Sencer, Hidden Villa Ranch  
Steve Mahrt, Petaluma Farms  
Andrew Demler, Demler Brothers  
Kaliko Orian, Kaliko Farms  
Lupe Gutierrez, NuCal Foods  
Glenn Hickman, Hickman Family Farms  
Richard Breitmeyer, Public Member  
John Bedell, Alternate  
Frank Hilliker, Alternate  
Cathy Roache, CACASA Representative, Non-Voting Member

**INTERESTED PARTIES:**

Debbie Murdock	Juan Maldonado
Jake Ford	Kurt Alan
Bill Starterman	

**CDFA:**

Marc Shaw	Michael Abbott
Dr. Annette Jones	Rachel Andrade
Logan Bartley	Paul Roos
William Rohner	

**(2) APPROVAL OF MINUTES**

David Will asked SEAC to review the meeting minutes from April 21, 2021.

**Motion #1:** Mike Sencer made a motion to accept the minutes. Lupe Gutierrez seconded the motion. All members agreed with no abstentions. The motion passed unanimously.

**(3) BORDER STATION UPDATE**

William Rohner gave an update for Q1 first quarter of the fiscal year (FY). He stated that the number of held shipments were low, and that he appreciated the work that the Border Stations do for this program.

There was an increase in egg imports labeled “Not for CA Consumption” because of a bird flu that is affecting Japan and Korea. Because of this, there was an increase in egg exports to these countries. He stated that he and Paul Roos went to one of the companies responsible for exporting eggs and reviewed their processes to ensure correct procedures and reviewed records. Mr. Rohner reassured the board that CDFA is still tracking those eggs.

David Will requested that Mr. Rohner provide an additional chart from the previous quarter to compare shipment numbers.

**(4) COMPLIANCE UPDATE**

Paul Roos presented a spreadsheet comparing the amount of penalties received in the FY 20/21 and 21/22 to date. It was shown that labeling and meeting food safety requirements were the most prominent reasons for administrative penalties.

He stated that the numbers for FY 20/21 were different than what was normally seen any other year due to lack of activity and COVID-19.

**(5) CERTIFIED FARMERS MARKET UPDATE**

Michael Abbott stated that CDFA had inspected a total of 63 Certified Farmers Markets during the summer. The Certified Farmers Markets had conducted an additional 10 inspections. There were no large issues found within the markets.

In addition, CDFA had been working with the Certified Farmers Markets regarding upgrading their training program for new personnel, with Casey Luna taking the lead on that project.

It is the goal of the industry that producers are always compliant, and it was noted that a lack of inspector presence contributes a decline in producer compliancy at Farmers Markets. Mr. Rohner reminded the board that CDFA is willing to efficiently respond to any report of incompliance, and to notify him whenever they see evidence of that.

It was stated that the counties are continuing to inspect Certified Farmers Markets, but they do not have the resources or funding to cover egg handler inspections on a larger level. Most counties do not have a contract with CDFA. If additional personnel or resources are needed for inspections in the future, it would be possible for counties to assist if funded accordingly.

**(6) FUTURE REGULATIONS UPDATE**

Michael Abbott stated that the regulations for the cage free definition for fair marketing is moving forward. It is currently at the Budget Office and once approved, will be forwarded to the Office of Administrative Law to go into the comment period.

Additionally, Michael Abbott explained that the proposed regulation stated that if you want to label your eggs as Cage-Free, they need to meet all the requirements found within the regulation. However, there are no additional labeling requirements needed to be compliant with state law currently.

With Proposition 12 becoming effective January 1, 2022, there was concern expressed regarding the time needed to change packaging and labeling. Dr. Annette Jones reassured the board that there will be an addition to the revised Proposition 12 draft that provides ample time for producers to change packaging.

For any questions regarding Proposition 12 implementation, contact the Animal Care Program or Dr. Elizabeth Cox.

(7) **PROGRAM UPDATE**

Michael Abbott explained that despite CDFA working in limited capacity because of COVID-19, they have been incredibly productive. The amount of Shell Egg Food Safety (SEFS) inspections has increased compared to 2020. CDFA adjusted their outreach programs to incorporate virtual meetings and remote training so that the outreach could remain consistent despite COVID-19 limitations. CDFA had been reaching out to counties for additional contracts, but the number of county contracts decreased because of employee shortages and counties being unable to meet those requirements or complete the inspections needed.

Mr. Abbott stated that the ESQM Program has two vacant supervisor positions and one vacant administrative position.

Mr. Abbott introduced a slide presentation about the future of ESQM. The SEFS Coordinator position evolved and saw a large increase in responsibility since its introduction in 2016. The position is currently listed at a Staff Services Analyst (SSA), but the program would like to move the position to an Associate Government Program Analyst (AGPA) due to the significant increase in level of skill and analysis needed to complete the tasks necessary for the position. He explained that this position is the primary operational Food and Drug Administration (FDA) contact within the program, and that it completes a heavy coordination role with FDA. He emphasized that the scope and skill involved in this position has greatly increased. He stated that if the SSA position is not changed into an AGPA position, the required duties would need to be put onto another position in addition to the existing duties they have, which would decrease efficiency and affect other avenues of the program.

Further, he stated that the vacant Agriculture Program Supervisor II (APS II) position handled the complex natures and complex inspections. He stated that he wanted to change the APS II position into an FDA and SEFS Lead position. If changed, the position would be an additional leadership position within the program and allow CDFA to complete more SEFS inspections. They would also act as a Senior Inspector that would answer advanced level questions regarding operational and tactical aspects of inspections. This position would act as a liaison with United States Department of Agriculture (USDA) and FDA to stay ahead of any changes made by those two organizations. USDA and FDA are currently implementing changes that would require additional management

to those programs. This position would also act as the Senior FDA Inspector and Auditor. They would be supplying additional training to inspectors and be the Primary Senior Environmental Scientist (SES) Trainer for other inspectors throughout the state. Lastly, they would take the lead in creating and implementing food safety special projects. Additionally, if the APS II position is not changed to the SES position, there would be no one qualified to fulfill the advanced duties needed to handle that position. Further, the program would likely lose personnel with the necessary knowledge to fulfill that position due to no path of promotion within the program.

Compliance and Risk Based Inspections (CRBI) require nine personnel to complete, but ESQM currently only has five personnel handling those inspections. CDFA hoped that they could supplement that with additional county contracts, but there was no increase in that regard. He stated that there would be a possibility of adding two Fruit and Vegetable Quality Control Inspectors to handle more CRBI and Retail inspections.

With the current level of staff in the program, inspections will likely need to be dropped and potential health risks could be missed due to staff shortage. Currently, the program handles SEFS inspections nationwide, quarterly SES inspections statewide, FDA contract inspections, and monthly CRBI, along with Retail.

Steve Mahrt requested if the state could provide a comparison between CDFA inspection cost and county inspection cost to find out the most efficient way to handle inspections. This topic will be considered during the next SEAC meeting.

Michael Abbott stated that the ESQM Program would like to get approval to transition the SEFS Coordinator SSA position into an AGPA position, and the APS II position into the FDA and SEFS Lead position.

**Motion #2:** Mike Sencer motioned to approve Michael Abbott's request to change the SEFS Coordinator SSA position into an AGPA position, and the APS II position into a SES Specialist position. Steve Mahrt seconded the motion to implement the personnel changes. All members agreed with no abstentions. The motion passed unanimously.

SEAC decided to create a subcommittee for County Contracts Exploration. The Chair of the subcommittee is Mike Sencer, accompanied by David Will and Dr. Richard Breitmeyer. Cathy Roache and Debbie Murdock will be included as non-voting members.

Michael Abbott expressed that the program is open to a cooperative agreement with the counties to create a beneficial and good partnership going forward. Further discussion about the future of this relationship will be considered by the subcommittee.

**(8) BRANCH UPDATE**

Michael Abbott stated that CDFA has been working on the Foster Farms' Composting Project and the project requested an exemption to the air permit. If approved, they could begin as quickly as November or December. This project is currently having an issue with the Water Board because they require a Wet Water Management Program for the rainy season. If they cannot meet those requirements, the project will be delayed until May 2022.

(9) **DIVISION UPDATE**

Dr. Annette Jones stated there are currently three Low-Path Avian Influenza cases within the State of California. Two of them are in Stanislaus County, one of the affected flocks are duck, and the other are quail. The two flocks are adjacent to each other. The third flock is comprised of ducks and located in Merced County.

Currently, they are going to depopulate the infected quail flock because of how the virus interacts with them. However, the duck flocks will continue to be tested and once negative, will resume controlled production.

CDFA is currently doing mandatory surveillance on all possibly affected producers.

(10) **PROPOSITION 12 DISCUSSION**

Dr. Annette Jones stated CDFA is still reviewing the comments for Proposition 12. They are working through them to change the language and republish the regulations.

David Will asked if there was an ETA on when the regulations would be republished and when the next comment period would start. Dr. Jones replied that she does not have an estimated time, but that once the regulations are forwarded to the Office of Administrative Law, it could take up to 120 days for them to review them. She stated that they are doing everything they can do prioritize this package over others to try and shorten that review period.

ESQM will have the authority to enforce Proposition 12. Dr. Jones stated that if any complaints arise, the program can reach out to Proposition 12 staff for assistance in enforcement.

(11) **FUTURE IN-PERSON/REMOTE MEETINGS**

Due to CDFA moving to the 1220 N Street building, the SEAC meetings will continue to be held virtually for the time being.

(12) **MONTHLY IN-STATE EGG TOTALS REPORT DISCUSSION**

SEAC will be searching for a production report provided by the state that will be continually presented at future SEAC meetings.

(13) **PUBLIC COMMENTS**

Debbie Murdock stated that she wished to be included in the County Contracts Exploration subcommittee process.

(14) **UPCOMING SEAC MEETING DATES**

The next SEAC meeting will be held on December 7, 2021, at 10:00 a.m. via Zoom and at 1220 N Street, Sacramento, CA 95814.

(15) **ADJOURN**

Richard Breitmeyer motioned to adjourn the meeting. Steve Mahrt seconded the motion. The motion passed unanimously with no abstentions.

The meeting was adjourned at 12:12 p.m.

Respectfully submitted:

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Logan Bartley