

**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
NOVEMBER 19, 2024**

Chino Valley Ranchers
331 West Citrus
Colton, CA 92324

Item

No.

(1) ROLL CALL

Mr. Michael Gemperle, Chair, called the SEAC meeting to order at 9:01 a.m. Roll call was taken and a quorum was established at 9:03 a.m.

COMMITTEE MEMBERS PRESENT:

Michael Gemperle, Chair
Andrew Demler, Vice Chair
David Will, Chino Valley Ranchers
Steve Mahrt, Petaluma Farms
Kaliko Orian, Kaliko Farms
Glenn Hickman, Hickman Family Farms
Lupe Gutierrez, NuCal Foods
John Bedell, Alternate
Frank Hilliker, Alternate
Debbie Murdock, Pacific Egg and Poultry Association (PEPA), Non-Voting
Cathy Roache, CACASA Representative
Sam Kang, Public Member

COMMITTEE MEMBERS ABSENT:

Michael Sencer, Hidden Villa Ranch

CDFA:

Dr. Annette Jones	Paula Batarseh
Dr. Fernando Umayam	Andrew Halbert
Dr. Elizabeth Cox	Lisa Quiroz
Dr. Ricardo Gaitan	Michael Abbott
Casey Luna	Kim Ellis
Joanne Ortiz	Aaron Neville
Brittany Cardoza	Gabriel Godines
Rachel Andrade	Joanne Wong
Penny Arana	Sedona Quiroz-Lopez

INTERESTED PARTIES:

Martine McFarlane (Agriculture and Agri-Food Canada [AAFC], Technical Cooperation with Canadian Food Inspection Agency [CFIA])

(2) **INTRODUCTIONS**

Mr. Gemperle introduced the newest SEAC member, Mr. Sam Kang, who also serves as committee member for the Urban Agriculture Initiative with USDA.

(3) **APPROVAL OF MINUTES**

Mr. Gemperle asked SEAC to review the meeting minutes from September 25, 2024.

Motion #1: Mr. Glenn Hickman made a motion to accept the minutes. Mr. Frank Hilliker seconded the motion. All members agreed with no abstentions. The motion passed unanimously.

(4) **BORDER STATION UPDATE**

Egg Safety and Quality Management (ESQM) supervisor Mr. Casey Luna presented graphs of the total amount of eggs being imported into California, by month:

September 1 – 31, 2024	1,875,966 cases of shell eggs
	155,878 cases of liquid eggs
	19,570 cases of dry eggs
October 1 – 31, 2024	3,078,595* cases of shell eggs
	175,413 cases of liquid eggs
	33,253 cases of dry eggs

*This figure is inaccurate due to a border station input error. See paragraph below for explanation.

Mr. Luna noted that, as with last meeting, total shell egg cases for October are elevated due to an error input by border stations, which has been traced back to the source and is being corrected by the Branch. Updated numbers will be available in the end-of-year summary.

Mr. Steve Mahrt asked if a graph could be created correlating collection trucks and imported egg cases. Mr. Luna confirmed the final summary will provide other graphs.

(5) **PROGRAM UPDATE**

Mr. Michael Abbott began the update with positive results from the updated County contracts, which were mentioned in the last SEAC meeting. Mr. Abbott has observed an increase in the quality of County inspections as well as an increase in the number of reported violations. ESQM staff have worked to restructure the County training system and procedures for Notices of Non-Compliance (NNCs) and Notices of Violation (NOVs). These efforts support the goal of ensuring that County inspections are meeting CDFA standards.

Mr. Abbott reminded SEAC that ESQM is in the final year of the Food and Drug Administration (FDA) Egg Regulatory Program Standards (ERPS) grant. Mr. Abbott intends to request additional grant funds for the ESQM program in an upcoming meeting with FDA on November 25th. The FDA's audit of ESQM was rescheduled to April 2025, by which Mr. Abbott anticipates the Branch will have fully implemented ERPS.

Mr. Abbott switched to discussing the highly pathogenic avian influenza (HPAI) outbreak. This year has been consistent with the prior year with regards to spikes of HPAI infection during this time. ESQM has coordinated with industry to reduce inspections where necessary in areas of quarantine or surveillance. Mr. Abbott asked producers to alert CDFA if they are aware of any disease outbreak in their area and have upcoming audits; they may be rescheduled or done remotely to prevent the spread of disease onto or off the premises. To utilize best biosecurity measures, industry is advised to alert CDFA *in advance* of the audit date, to avoid State inspectors arriving at a high-risk premises unnecessarily.

Mr. Abbott announced that the FDA released outdoor access guidance. FDA is holding a meeting with National Egg Regulatory Officials (NERO) in Destin, Florida to answer questions and clarify how inspection and enforcement will be carried out. Mr. Mahrt asked if the guidelines can be shared. Mr. Abbott said they are already available, but questions linger regarding the interpretation of the guidelines, which will be examined in the workshop. Mr. Abbott will share any outcomes of the workshop with SEAC.

(6) **BRANCH UPDATE AND COMPOST PROJECTS UPDATE**

Ms. Paula Batarseh reiterated the update from the last SEAC meeting, in which she presented the status of the National Animal Disease Planning and Response Program (NADPRP) and California Dairy Research Foundation (CDRF) carcass composting projects. The field work and trainings were conducted with high biosecurity protocols due to HPAI. Ms. Batarseh highlighted two aspects of the projects. First, researchers implemented control piles alongside composting piles to glean the most accurate data. Second, researchers conducted a simultaneous greenhouse gas emissions study on some of the composting sites, to be able to communicate any impacts to the air districts. CDFA is waiting for the final reports on both compost projects.

Ms. Batarseh closed by reporting that the MPES Branch, like most of CDFA, is supporting the HPAI outbreak response. Mr. Mahrt asked if CDFA is involved with the prohibition of dead birds in landfills. Dr. Annette Jones confirmed that CDFA is involved.

(7) **DIVISION UPDATE**

Dr. Annette Jones provided a comprehensive update on the current HPAI (also referred to as H5N1 in cattle) outbreak and response as of November 19, 2024. For response purposes, the State is separated into three regions: Central, North Coast and Southern California. Both the Central and North Coast regions have H5N1 activity in poultry but only the Central Valley has dairy cases. Dr. Jones explained that dairies must have three negative tests, each one week apart, to be considered free from disease and release quarantine. There appears to be herd immunity developing in southern Central Valley, with more dairies preparing to be released from quarantine.

The chart below shows statistics for the Central California region.

Confirmed positive dairies	360
Confirmed positive poultry farms	20
Confirmed backyard flocks	3

Presumptive positive dairies	55
Presumptive positive poultry farms	5
Presumptive positive backyard flocks	0
Quarantines Released - dairies	9
Quarantines Released – poultry farms	1 (8 pending)

In total, the Central Region has 406 infected dairies, 24 poultry farms and 3 backyard flocks; the dairies represent over one million cattle. The virus has been travelling north to south, as is observed in wild bird populations; there is a particularly high viral load in wild birds in the Sonoma Marin area.

Dr. Jones explained that CDFA has been conducting surveillance testing of 80 dairies in the North Coast Region, which has established, with 95% confidence, that there is virtually no virus in the region; only one infected backyard flock was identified. CDFA will continue to sample the area to monitor for disease. 817 dairies in the Central Region have regulatory weekly testing; any positive sites are quarantined and put under mandatory biosecurity and movement restrictions. 125 North Coast dairies have also been added to the surveillance study, totaling 942 dairies.

Genome testing reveals that southern Central Valley poultry are infected with the same strain of virus as was found in dairies, while two sites in Sonoma Marin and Sacramento were consistent with the virus strain in wild birds.

Dr. Jones emphasized that, despite concerns that H5N1 can be transmitted to mammals, the virus does not currently pose a human health threat. CDFA is working with the California Department of Public Health (CDPH), the Center for Disease Control (CDC), and local public health departments to communicate relevant information. Dr. Jones reiterated that the virus continues to be deadly to poultry and wild birds and affects cattle health, but there is no evidence that it will evolve into a pandemic strain. There is also no evidence that it is a food safety issue.

Nonetheless, as a result of the increased scrutiny, some landfills have concerns about accepting bird mortalities from depopulated flocks. The wording of regulatory statutes can present a challenge, as some prohibit the disposal of animals with zoonotic virus in the same landfill as routine mortalities. CDFA is managing these concerns carefully so as to preserve capacity for on-site composting, which is currently the preferred method of carcass disposal. Off-site disposal is not preferred, as it can spread disease. If on-site composting is not possible, incineration and burial are options but are difficult as they can require consultants, burial plans, emergency waivers, etc. Other options are temporary burial or hybrid composting-landfill disposal (compost material is moved to the landfill after 15 days, when the virus is inactivated).

Mr. Gemperle asked if large-scale garbage incinerators would be an approved disposal method. Dr. Jones confirmed they have worked with the Air Board on this in the past and will follow up on that; however, poultry are not easy to incinerate in large numbers without an industrial incinerator.

Mr. Mahrt asked if CDFA has considered air curtain incinerators used by the California Department of Forestry and Fire Protection (CAL FIRE), since they are mobile, relatively inexpensive and could be an alternative in areas with high water tables, where groundwater contamination is a greater concern. Dr. Jones said they have considered it in the past and will investigate it further. They will also discuss the potential disposal method of lined or enclosed mortalities with the outside layer disinfected.

Mr. David Will asked how egg producers are being prioritized and if egg farms can receive protection from surrounding dairy cattle movement to prevent spread of disease from dairies to egg layers. Dr. Jones replied that nearly all dairies are being routinely tested and if positive, they are put under quarantine and all cattle movement is restricted. CDFA audits dairies as resources allow to ensure they are following biosecurity protocols and movement restrictions. Additionally, livestock brand inspectors have lists of infected dairies and check to ensure that high-risk cattle are not changing hands at markets; dairies can incur NOVs if they are transporting disease-risk cattle. Regarding potential restrictions on businesses surrounded by infected premises, Dr. Jones noted that she is pushing back on challenges to poultry producers' ability to restock if there is an infected dairy in the surrounding area, because that would force poultry producers to close their businesses during the response.

Mr. Will asked how many dairies are in California and how many have been tested. Dr. Jones answered that there are 1,087 dairies and 942 have been tested so far. The remaining untested sites are in Southern California and a few in Sacramento area. In effect, there is currently mandatory pre-movement testing for all dairies.

Mr. Mahrt asked if genome sequencing has provided information on the directionality of disease spread between dairies and poultry. Dr. Jones replied that epidemiologists investigate transmission routes immediately upon receiving a positive poultry site, since keeping the virus from spreading to other poultry flocks is a top priority. Alongside wildlife sampling around affected dairies, they can attempt to identify where the virus was first introduced and how it spread. Currently, it appears that the virus is traveling from dairy to poultry; they have not observed it moving from poultry to poultry or poultry to dairy. Factors such as proximity to an infected site, shared employees, or shared equipment can affect transmission, but there is not an obvious link.

Mr. Hilliker asked if incineration is regulated by the State or County. Dr. Jones said the Air Boards have regions, like the Water Boards. Ms. Batarseh added that air district rules vary based on attainment/non-attainment zones (air quality as compared to the national standard), so CDFA must work closely with local air districts. The Air Resources Board oversees all districts and provide some Statewide standards.

Mr. Andrew Demler asked if replacement heifers moving from the Central Valley into Southern California must be tested prior to movement. Dr. Jones confirmed they are limiting movement off of infected dairies. It is difficult to catch all movement but they are prioritizing high-risk movement, particularly heifers and lactating cows.

Mr. Mahrt asked if the virus has been found in beef cattle. Dr. Jones replied no, though there has been less study on beef cattle. In general, the virus has an affinity for cattle

mammary glands and human eyes, but there is a respiratory phase in cattle resulting in symptoms such as mucus discharge from the cow noses, pneumonia, and high abortion rates. CDFA has not observed these symptoms in beef cattle, so there is currently no evidence of beef cows being at risk. Dr. Jones added that CDFA is conducting several research projects funded primarily through USDA, one of which is focused on detecting virus in bulk milk tanks and correlating with clinical signs. The highest viral load samples were found in pregnant cows close to calving, followed by lactating cows; no other cow classes tested positive, though the conclusion from this single study is limited and more research is underway.

Dr. Jones introduced Ms. Lisa Quiroz, emergency response manager and emergency disposal lead, who shared a note in the meeting Zoom chat on a Stanislaus County incinerator closing. Ms. Quiroz elaborated that if an affected producer already has an on-site incinerator, they can use it up to permitted capabilities. She will follow up on the suggestion from SEAC regarding CAL FIRE air curtain incinerators.

Dr. Jones closed with a recommendation to producers to develop a relationship with local public health departments. These departments contact positive premises early on to assist with employee protections. They use scientific findings and take cues from CDPH to create their employee protection recommendations and can serve as the best defense for employees and for criticism of said protections. Mr. Gemperle added that it is beneficial to contact not only the public health departments in the farm areas, but also those in adjacent counties where employees live, as they will also be involved.

Ms. Debbie Murdock asked if a list of county public health officials can be shared with SEAC. Dr. Jones confirmed they will compile a list.

(8) PROPOSITION 12 DISCUSSION

Mr. Gemperle asked if CDFA staff can clarify a letter sent out by Dr. Jones that temporarily excuses producers affected by HPAI from certain California Proposition 12 certification requirements. Dr. Elizabeth Cox explained that producers in quarantine areas can reschedule on-site Prop 12 inspections for the future when not under quarantine. If customers ask about certificates of compliance, CDFA can communicate with them to explain why on-site inspection was not performed and the certificate is not yet renewed.

Dr. Jones proposed that since most certified producers have been inspected once, some compliance could be verified with a paper audit. CDFA staff can explain to consumers that the producer is believed to be compliant, but there has not been an on-site confirmation yet. Dr Cox added that it would be ideal to move on-site inspections to a time of year that historically has fewer avian flu outbreaks.

Mr. Mahrt asked if it is possible to change the Prop 12 certificate from an annual expiration to one that does not expire until revoked, like the organic program. Dr. Cox answered that they may be revising the regulations in the future; currently an annual on-site inspection is required to renew the certification. CDFA will consider these suggestions when reevaluating the regulations.

Mr. Mahrt asked if it is possible to hold both Prop 12 and Shell Egg Food Safety (SEFS) inspections at the same time to avoid repeatedly exposing poultry to potential disease. Dr. Cox confirmed that the on-site audits can be combined. However, this is challenging to coordinate as SEFS audits are risk based and not on same schedule as Prop 12 inspections.

Mr. Mahrt requested clarification of the requirement that inspectors walk through each barn during every inspection, as even farm employees are minimizing their entrance to barns to reduce disease risk. He asked if a modified audit (only walking through a fraction of the barns) or observing the barns from the outside is possible. Dr. Cox explained that the regulations are written to capture many different types of farms including pigs, so verification that enclosures are compliant depends on the layout of the facility. The team discusses inspection methods with inspectors, as some enclosure designs may not need to be entered. The regulations are strict to ensure all producers are held to the same standard in a fair marketplace. In the future, there may be opportunity to adjust the regulations. Mr. Mahrt commented that it is rare for a producer to change their facilities year to year. Dr. Cox acknowledged this and emphasized that the program is trying to conduct inspections in a way that is sensible and fair to everyone.

Mr. Gemperle asked if it is possible to conduct the inspections virtually, perhaps if initial Prop 12 and SEFS audits are passed. He also noted that SEFS inspectors will only conduct simultaneous Prop 12 audits at facilities already scheduled for SEFS, not all facilities. Mr. Abbott clarified that SEFS audits are done on an individual farm basis; if a company has multiple farms, they will not all necessarily be due for SEFS. Additionally, many companies are unwilling to waive biosecurity requirements to allow an inspector to travel from farm to farm. Regarding virtual inspections, Ms. Batarseh explained that they have attempted this in the past and encountered some internet connectivity issues in barns. Dr. Cox agreed but added that the program will explore virtual audits as internet connectivity improves. Dr. Cox also noted that there is no fee for the Animal Care Branch to Prop 12 certify a farm, so that is another option if the SEFS team cannot conduct the Prop 12 audit.

Mr. Mahrt commented that flock density cannot be verified visually, which Dr. Cox confirmed.

Mr. Hilliker asked if the Prop 12 producer and distributor forms can be combined into one form to avoid duplicating efforts. Dr. Cox replied that the onsite inspection is combined, but the distributor registration is a separate form because that data is shared on a public list, whereas the producers are not publicly listed. She emphasized the need to verify that producer/distributor information is the most up-to-date and correct.

Mr. Gemperle asked if an identifying certificate (CC) number can be provided by CDFA when third-party auditors do not provide one. Dr. Cox explained that when CDFA certifies a farm, they issue a CC number, but if a private company audits, they do not always issue a number, or may have another numbering system. Auditors are not required to issue a number and their individual certificates may vary. Third-party companies compile their own lists of certified farms; CDFA does not have a master list of these or receive confirmation of them and only monitors the certificates issued by CDFA.

(9) **REPACKING/REPROCESSING/“DAYLIGHT GRADING”**

Mr. Gemperle assessed that, due to HPAI, no progress had been made on this subcommittee created in the last SEAC meeting. It will be revisited in the next meeting.

(10) **CERTIFICATES OF MOVEMENT**

Mr. Gemperle assessed that, due to HPAI, no progress had been made on this subcommittee created in the last SEAC meeting. He recalled a discussion in the past with CDFA Legal Office regarding a record of certificates of movement and whether it could be stored on a third-party database rather than a State-owned database. Mr. Abbott answered that it is possible, but CDFA staff must have direct access to that database and be able to retrieve and amend those records at any time.

Mr. Mahrt asked if the concern was regarding the Freedom of Information Act. Mr. Gemperle explained he is more concerned with efficiency and access to the list, feeling that a third-party database could be more efficient. Ms. Batarseh asked if SEAC had evaluated the cost of creating such a database since it was last suggested. Mr. Gemperle said the Committee had decided to allocate resources to Prop 12 implementation at that time. Since other states have their own digital recordkeeping rules, a shared database beyond California could unify the certificates of movement process.

Mr. Will agreed and remarked that a third-party database would be less expensive. Mr. Gemperle noted that many larger producers already utilize robust enterprise resource planning (ERP) systems to track the flow of goods; while smaller producers may have difficulty navigating databases, the proposed database could be tailored to meet industry needs and generate updated spreadsheets.

Dr. Jones advised that the ease of database access depends on the intent of the third-party company hosting it. Currently, CDFA is replacing their data management system with a salesforce-type platform over the next few years. The shift to a new system is intended to improve ease of access and should be more user friendly. Mr. Gemperle reiterated the need for a system that can communicate across states to compare producer numbers, save time in audits, and allow different states to download the same information from a central site. Dr. Jones said there is a potential path forward to explore this idea if industry is willing to collaborate on the process. It would take time and require examining regulations to see if CDFA can pivot to a third-party database.

(11) **BYLAW REVIEW**

Mr. Gemperle inquired as to why the bylaws regarding meeting attendance were being reviewed. Due to HPAI, no progress had been made on this subcommittee. Mr. Will confirmed he will review the bylaws and present at the next meeting for further discussion.

(12) **AB 660 CLARIFICATION**

Mr. Abbott explained that there is an egg exemption for the use of ‘use by/sell by’ date terms as per AB 660. Not all egg *products* are exempted but eggs regulated by CDFA (shell, liquid, dry, pasteurized, frozen) are exempt from the requirements. CDFA will not be changing any egg labelling requirements.

Ms. Murdock commented that United Egg Producers (UEP) is working on this topic at the national level; there is federal interest in regulating ‘use by/sell by’ term requirements as was done in AB 660. Mr. Gemperle asked if SEAC can receive a written report to send to UEP for clarification. Ms. Murdock said she will send one to Mr. Gemperle and share with the group.

(13) PUBLIC COMMENTS

New public member Mr. Kang introduced himself. He is from Los Angeles and currently also serves as a Committee member for USDA’s Urban Agriculture Commission, which aims to help farmers and support urban agriculture.

(14) FUTURE AGENDA ITEMS

Agenda Items:

- Repacking/Reprocessing/“Daylight Grading”
- Certificates of Movement
- Bylaw Review - Committee bylaws on attendance
- Enforcement Update

(15) UPCOMING SEAC MEETING DATES

The next Shell Egg Advisory Committee Meeting will be held in February 2025, possibly on Wednesday the 26th. Time and date will be confirmed with a Doodle Poll.

(16) ADJOURN

Motion #2: Mr. Will motioned to adjourn the meeting. Ms. Lupe Gutierrez seconded the motion. The motion passed unanimously with no abstentions.

The meeting was adjourned at 10:44 a.m.

Respectfully submitted:

Sedona Quiroz-Lopez