

**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  
AUGUST 16, 2022**

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) Program. A quorum was established at 9:01 a.m.

**COMMITTEE MEMBERS PRESENT:**

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

**INTERESTED PARTIES:**

Debbie Murdock

**CDFA:**

Dr. Annette Jones	Dr. Elizabeth Cox
Penny Arana	Michael Abbott
Paul Roos	Casey Luna
Rebecca McCallister	Paula Batarseh
Marc Shaw	Kim Ellis
Logan Bartley	Olivia Call

**(2) APPROVAL OF MINUTES**

Mr. Michael Gemperle asked SEAC to review the meeting minutes from April 6, 2022.

**Motion #1:** Dr. Richard Breitmeyer made a motion to accept the minutes. Mr. Mike Sencer seconded the motion. A roll-call vote was issued to approve the minutes. All members agreed with no abstentions. The motion passed unanimously.

(3) **BORDER STATION UPDATE**

Mr. Casey Luna introduced this update by stating that the Border Stations are looking at all the egg loads coming into California and that he receives the totals for each month.

Mr. Luna then gave the grand totals of imported loads coming into California by month: May 2022 had 1,964 loads, June 2022 had 2,058 loads, and July 2022 had 2,078 loads.

The Board requested that CDFA provide a document showing projected farm data from In-State and Out-of-State egg producers, by calculating the amount of egg production versus the number of flocks for each farm.

Mr. Michael Abbott replied to an inquiry regarding liability when caged eggs are illegally imported into California. He stated that the marketer shipping/selling the eggs into California would be liable for the violation. However, the producer of the eggs can also be held liable for the violation if the eggs were mislabeled with the intent to bypass California Compliance.

(4) **PENALTY MATRIX DISCUSSION**

Mr. Abbott began by presenting a document explaining how CDFA assigns Shell Egg Food Safety (SEFS) Inspections and provided an example of the Risk Based Point System form used during the inspection. This document also provides background for the SEFS Penalty Matrix, when assigning penalties.

The SEFS Inspection Checklist, contains the categories: High Risk, Moderate Risk, and Low Risk checklist items. Within each risk level, there is an assigned number of points, depending on the severity. The checklist information can also help assign future audits.

Mr. Steve Mahrt requested that CDFA provide a separate document clarifying how many points each checklist item is assigned, for future reference. Especially when determining what points to assign the underweight eggs. Mr. Abbott stated that he could show a setup of all the points, at a future time.

Mr. Abbott explained that penalty matrix information was reviewed in the past and had specified that weights and grades would be assigned a penalty. There was further discussion regarding the larger producers that would likely receive more penalties due to underweight eggs, compared to the smaller producers. Mr. Abbott replied that many penalties associated with underweights are egregious violations in terms of scale and number. Mr. Glenn Hickman expressed that he does not believe that assigning penalty dollars to weights and grades was the intention of the Board in the past when the Penalty Matrix was being created/discussed.

Mr. Abbott explained that the Penalty Matrix regulations would allow for a much higher penalty amount for weights and grades, but that it is also written that the ESQM program can reduce the severity of an assigned penalty.

**Motion #2:** Mr. Sencer motioned to create a subcommittee to discuss the issue with weights and grades in the Penalty Matrix. Mr. Hickman seconded the motion. All members agreed with no abstentions. The motion passed unanimously.

The subcommittee will consist of the following members:

Steve Mahrt, Chair  
Glenn Hickman, Vice Chair  
Mike Sencer  
Michael Gemperle

The Board requested that CDFA provide any of the previous Penalty Matrix drafts before the implementation within the regulations and/or include past SEAC meeting minutes from 2015, when the Penalty Matrix was discussed and approved.

(5) **PROGRAM UPDATE**

Mr. Abbott began the update by introducing new CDFA ESQM staff that includes Auditor, Mr. David Brohrer and AGPA, Ms. Olivia Call. Ms. Call then gave a brief introduction to the Board, which concluded the staffing update.

Mr. Abbott stated that the regulation for labelling of cage free eggs has been approved and is currently with the Secretary of State in a waiting period. The regulation was initially approved on July 1, 2022 and will go into effect on October 1, 2022. CDFA will then have marketing and enforcement protection if a person mislabels eggs as cage free.

ESQM has also been working on a Food and Drug Administration grant that will require ESQM to hire an additional Environmental Scientist. This position will be federally funded and will help develop and implement an Egg Regulatory Program Standards System, without extra cost to the program.

(6) **BRANCH UPDATE**

Mrs. Paula Batarseh introduced this item by giving an update regarding the Foster Farms' Composting Project. She stated that there was a delay in the project due to construction work currently being done at the proposed composting location, in compliance with Water Board's requirements. However, the proposal is being repackaged and will be submitted soon for approval. In addition, Foster Farms is interested in adding blood to the poultry carcasses and will be working with academia on the application.

CDFA is also working with several other state agencies on general composting requirements in case of any future emergencies. This collaboration will also be beneficial should the need arise for livestock and poultry composting.

(7) **DIVISION UPDATE**

Dr. Annette Jones introduced this item by disclosing that Highly Pathogenic Avian Influenza (HPAI) was found in California waterfowl. She stated that HPAI has been detected in Butte, Colusa, Glenn, Mendocino, Placer, Plumas, Sacramento, Santa Clara, Siskiyou, Solano, Sonoma and Stanislaus Counties. Primarily, positive cases are being found in migrating flocks such as Canadian goose, several white pelicans, and multiple types of duck.

Currently there are no positive cases of HPAI within industry birds. CDFA is continuing to monitor the waterfowl situation to minimize any spread of HPAI.

Dr. Jones stated that all the detections of HPAI, were based on mortality events with a high-mortality rate among infected waterfowl.

**(8) PROPOSITION 12 DISCUSSION**

Dr. Jones stated that CDFA is still waiting on the Office of Administrative Law (OAL) for approval of the regulations and for them to be published to become final. CDFA put in a request to OAL asking that the regulations be made final immediately upon filing with the Secretary of State but has not received any confirmation.

Additionally, it is currently unknown whether there will be a need to conduct another public comment period for the regulation package. CDFA is currently waiting on OAL for their review.

**(9) COUNTY CONTRACT SUBCOMMITTEE DISCUSSION**

Mr. Abbott explained that during the county contract subcommittee meeting in June, he provided a map of California showing which counties have contracts with CDFA and which counties have resident CDFA employees.

The Board requested to have a follow-up subcommittee meeting to get status updates on county outreach, reimbursement rates, and inspection numbers. This subcommittee will present its findings at the next SEAC Board Meeting. They also requested to receive data and summaries of inspections conducted by each of the contracted and CDFA inspected counties to review during the upcoming subcommittee meeting.

**(10) PUBLIC COMMENTS**

Ms. Debbie Murdock inquired if the ESQM staff meeting was a successful endeavor. Michael Abbott replied that it went well and that it was good to have after 2-year hiatus due to the COVID-19 Pandemic.

**(11) UPCOMING SEAC MEETING DATES**

The next Shell Egg Advisory Committee Meeting will be held on Tuesday, October 25, 2022 at 9AM via Zoom and at 1220 N Street, Sacramento, CA 95814.

**(12) ADJOURN**

**Motion #3:** Dr. Breitmeyer motioned to adjourn the meeting. Mr. Mahrt seconded the motion. The motion passed unanimously with no abstentions.

The meeting was adjourned at 11:01 a.m.  
Respectfully submitted:

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Logan Bartley