
INITIAL CDFA HOSTED WORKSHOP
FEBRUARY 22, 2019
10 AM – 1PM
1220 N STREET, SACRAMENTO CA
Today’s Agenda

Review of Proposition 12 (2018)
Approach to Implementation
Developing Regulations
Changes Effective 2020
Changes Effective 2022
Open Discussion
Future Meetings
Review of Proposition 12

❖ Chaptered in Health and Safety Code (Section 25990-25994)

❖ Similar to other laws – prohibits confinement in a cruel manner of covered animals or sales of products from covered animals
  ▪ Animal confinement standards apply to in-state producers and sales within the state of specified products (out-of-state production)

❖ Amends laws previously limited to California pork, veal and shell egg production and out-of-state shell egg production if shell eggs are sold in California

❖ Prohibits and redefines “confined in a cruel manner,” expanding on existing law
Review of Proposition 12

❖ Charges the California Department of Public Health and California Department of Food and Agriculture with implementation by explicitly providing regulatory authority

❖ Can be changed with 4/5 vote of both houses of the legislature

❖ Severable if challenged
Review of Proposition 12

Covered Animals

❖ **Kept on a Farm** - commercial production; does not include live animal markets and mandatory FSIS inspected harvest and egg processing facilities (Official Plants under Meat Inspection and Egg Product Acts)

❖ **Breeding Pig** – kept for commercial breeding; 6 months or older *but not* 5 days prior to expected birth and while nursing

❖ **Veal Calves** - raised for the purpose of producing veal

❖ **Egg-Laying Hens** – kept for the purpose of egg production including chicken, turkey, duck, goose, guinea fowl
Review of Proposition 12

Exemptions

❖ Medical research
❖ Exam, testing and treatment for veterinary purposes
❖ Transportation
❖ Exhibitions including rodeo and fairs
❖ Slaughter
❖ Temporary confinement for animal husbandry purposes (up to 6 hours in 24 hours; 24 hours in 30 days)
Review of Proposition 12

Products from Covered Animals

❖ **Shell Egg**
  - Whole egg in shell form

❖ **Liquid Egg**
  - Egg yoke and/or whites broken from shells and can include sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers and other food additives
  - Does not include combination foods like cake mixes, pizza, ice cream, cookies or other processed or prepared products
Review of Proposition 12

Products from Covered Animals

❖ Whole Veal and Whole Pork Meat

- Any uncooked cut of veal or pork intended for human consumption
- Can include seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives
- Does not include combination foods like soups, sandwiches, pizza, hotdogs or other processed or prepared products
- Includes pork from a covered animal and immediate off-spring
Review of Proposition 12

Sale in California

❖ Commercial sale of covered product

❖ Does not include sales occurring at official egg processing and harvest facilities with mandatory FSIS inspection (Meat Inspection and Egg Products Inspection Acts)

❖ Deemed to occur where the buyer takes physical possession of the covered item

❖ Defense – Business owner or operator relied in good faith on written certification from supplier
Review of Proposition 12
Confined in a Cruel Manner

❖ Cannot lay down, stand up, or fully extend all limbs and turn around in a complete circle freely without touching the sides of an enclosure or another animal

❖ **After 12/31/19:**
  - Veal calf with less than 43 square feet per calf
  - Egg laying hen with less than 144 square inches per hen

❖ **After 12/31/2021**
  - Breeding pig with less than 24 square feet per sow
  - Egg laying hen must follow United Egg Producer 2017 cage-free housing guidelines and meet cage free confinement as defined
Review of Proposition 12

Usable Floor Space

- Total square feet of floor space provided to the animals divided by the number of animals
- Layers, includes platforms but not perches or ramps
Review of Proposition 12

Cage Free

❖ United Egg Producers and Proposition Cage-Free definitions:
  ▪ 144 square inches per hen
  ▪ Free to roam
  ▪ Enrichments: scratch area, perches, nest box, dust bathing

❖ United Egg Producers – If vertical space, 144 square inches per hen; if all litter, 216 square inches per hen

❖ Proposition 12 Definition – Farm employees can provide care while standing
Penalties

- Misdemeanor - $1,000 and/or 180 days jail
- Unfair Competition - Business and Professions Code
Approach to Implementation

❖ The California Department of Food and Agriculture will take the lead and consult with the California Department of Public Health
  ▪ Speed regulatory process
  ▪ Leverage CDFA farm expertise

❖ Regulation mandated to be in place by Sept 1, 2019

❖ Working to hire limited term staff now to drive process

❖ Require funding outlined in the ballot for full implementation
Approach to Implementation

Anticipated Milestones

❖ Permanent resources (funding requests, hire, train)

❖ Identify stakeholders – producers, processors, distributors, retail, consumer and animal care advocates

❖ Complete Regulations working with the California Department of Public Health – Stakeholder input critical

❖ Outreach and Training; Farm Readiness Audits; Pilot Inspections
  ▪ develop frequency based and resources
  ▪ explore the use of existing audit and certification programs

❖ Enforcement
Developing Regulations

- Regulations normally take *at least* one year to complete
  - Workshops
  - Drafting regulation and accompanying documentation
  - Economic impact study
  - Legal review and agency approval
  - Comment periods / hearings
  - Control agency (Office of Administrative Law, Department of Finance)
  - Publish

Divide into two regulatory packages?
Changes Effective 2020

Veal Calves, Shell Egg, Liquid egg

❖ Challenges?

❖ Areas where regulatory clarity is needed?

❖ Potential regulatory framework ideas?
Potential Issues

❖ Location buyer takes physical possession will be important
❖ Sales to federal agencies – lunch program, prisons, other
❖ Product transiting CA for export, but sale occurs in CA
❖ Traceability from farm to retail (in-state and out-of-state)
❖ Timeframe for implementation – facility investment, lack of building space/permits, ability for regulating agencies to be ready
❖ Enforcement timing – date of pack, on the shelf, delayed to deplete inventory, how delayed (liquid egg, frozen veal)
2020 Veal Calves, Shell Egg, Liquid Egg

Potential Regulatory Framework

❖ Definitions
❖ Registration of producers
❖ Certification
❖ Method for segregating product – producer, processor and distributor input
❖ Product labeling – retailer and consumer
❖ Manifest or other track and trace mechanism
❖ Border station inspection
❖ Farm, distributor and retail inspection – frequency?
❖ Penalty matrix, appeal process
Changes Effective 2022
Cage Free Shell & Liquid Egg, Pork

❖ Build on what works
❖ MUCH more complex compliance
❖ Economic impact study more challenging
❖ Will start workshops after 2020 regulatory framework is outlined
Open Discussion
Next Meeting – Stakeholder Engagement

❖ Send comments to: CAVet@cdfa.ca.gov

❖ Creating a stakeholder list
  ▪ Sign in or send a request to be included to: CAVet@cdfa.ca.gov

❖ Thoughts/suggestions for future workshops