

**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  
MARCH 5, 2019**

California Department of Food and Agriculture  
2800 Gateway Oaks Drive, Room 101  
Sacramento, CA 95833

Item  
No.

**(1) CALL TO ORDER**

Mr. David Will, Chair, called the SEAC meeting to order at 9:00 a.m. and a quorum was established.

Chair determined with two members not in attendance, Mr. Hilliker will be voting.

**(2) INTRODUCTIONS**

Roll call was taken by Mr. Tony Herrera, Egg Quality Manager, Egg Safety and Quality Management (ESQM).

**Committee Members Present:**

David Will, Chair  
Michael Gemperle, Gemperle Family Farms  
Andrew Demler, Demler Brothers  
Wayne Winslow, NuCal Foods  
Glenn Hickman, Hickman Family Farms  
Michael Sencer, Hidden Villa Ranch  
Dr. Richard Breitmeyer, Public Member  
Frank Hilliker, Alternate

**Interested Parties:**

Debbie Murdock  
Stan Foster

Roberta "Bobbie" Willhite

**CDFA:**

Tony Herrera  
Dr. Annette Jones  
William Rohner  
Paul Roos  
Kim Ellis

Paula Batarseh  
Jenna Celigija  
Laura Barlow  
Penny Arana  
Victor Velez

(3) **APPROVAL OF MINUTES**

Chair Will asked the committee to review the SEAC meeting minutes from January 8, 2019.

David Will stated correction to Public Comments Section, page 5 of 6 – He stated the name of the task force should be the Methione Task Force instead of “a recent task force”

**Motion #1:** Mr. Gemperle made a motion to accept the minutes. Mr. Winslow seconded. Mr. Demler, Mr. Sencer, Mr. Hickman, Mr. Hilliker, and Dr. Breitmeyer agreed with no abstentions. The motion passed unanimously.

(4) **PENALTY MATRIX DISCUSSION**

Ms. Paula Batarseh, Mr. Michael Abbott and Mr. Paul Roos are making progress since the last meeting, specifically with the Legal Office on a Notice of Proposed Action (NOPA) which was sent out on Feb 22, 2019 and is a major milestone as it will set the tone and be a template for moving forward to issue NOPA's and assess penalties. NOPA's are the documents that establish the penalties and the hearing rights and procedures. There has been a panel established for assessing the penalties. The panel is internal, made up of people from the branch but not just from the egg program. The NOPA that was sent to Opal Foods for a missing statement on the shipping documents. They have 20 days to let us know if they wish to appeal or they can pay the penalty. A copy of the Opal Foods NOPA packet was requested to be distributed to the committee. Ms. Batarseh said she would send out an electronic copy.

A NOPA is not dependent on multiple violations. However, the history of violations will be considered when assessing the penalties. The process timeline from the Notice of Violation (NOV) to the NOPA should take approximately 4 to 5 weeks. There was further detailed discussion on the NOPA Criteria and process.

Mr. Hickman asked for clarification of that time between the NOV and NOPA, if that is the time for them to make corrections. Mr. Roos explained that the violation has already occurred and that the corrections can be made but that does not affect the NOV or NOPA being issued. Mr. Winslow mentioned that there was no general industry notice provided for this change of policy and procedure. There was discussion on the department issuing communications about the policy implementation. Mr. Hickman suggested that there be a regular cadence of communication about updates and changes in the program. Mr. Will suggested sending the update mailers with the renewal notices.

There was discussion about the labeling requirements and enforcement of cartons, master containers, carts, etc. and the handout titled “Hold/Disposal Order Shipments”. Mr. Foster inquired about a Bill of Lading template. Ms. Celigjia suggested creating an advisement or checklist about what should be on the shipping documents.

Dr. Brietmeyer asked if NOPAs will be posted on the website. Ms. Batarseh said the NOPA itself will not be posted. Mr. Herrera expanded that there is a link on the website that shows the names, violations and fine/outcome of serious offenders. The criteria for that list will be looked at further.

**(5) EGG INVESTIGATIONS UPDATE**

Mr. Roos explained that going forward the “Egg Investigation/Violation Status” table, provided in the packets, will be provided for investigation updates. He anticipates that once the NOPAs start going out that numbers of these violations will decrease. There was discussion on the status table and how data was counted. Ms. Batarseh clarified that the NOPA is not affected by correcting the violation, but the assessment of the penalty can take the cooperation in to consideration.

Mr. Winslow requested clarification on if the NOPA violations are strictly border related and there was a discussion on how the border stations were checking loads, labeling and shipping documents. Mr. Herrera added that the County Agriculture Commissioners will use a similar type of system in their counties and CDFA would review it. Mr. Sencer asked if CDFA is doing any type of keeping track of what level of production a company is capable of in comparison to what is being shipped into CA. Mr. Herrera explained that ESQM has the ability to do these types of verifications.

**(6) BUDGET SUB-COMMITTEE REPORT**

Mr. Hickman shared that the subcommittee had a successful meeting and that the budget was close to complete, with a couple of revisions for discussion at today’s Sub-Committee Meeting. One thing that may affect the budget is the unknown impact of Prop 12 since some of that enforcement will come from the General Fund. There is the possibility of changes to county contracts. Mr. Herrera added the possibility of shifting the retail inspections to the county contracts and increase the volume of retail inspections at brick and mortar locations as well as Certified Farmer’s Markets.

**(7) CERTIFIED FARMERS MARKET UPDATE**

Mr. Will shared that he, Jenna Celigjia, Tony Herrera, and Kaliko Orian were invited to a Farmers Market meeting, that is typically held 2-3 times per year, where Jenna and Tony made a great presentation. Ms. Celigjia shared that they learned how CFMs work with the Direct Marketing Program and the County Ag. Commissioners. They identified that ESQM will be starting a pilot program working with the three Direct Marketing District Supervisors. There is a draft MOU that will help identify goals and then they can roll out a field training program for the direct marketing staff on inspections. Branch Chief, Steve Patton provided a cost analysis and submitted a budget of \$11,000 for the calendar year. Jenna has been invited to present at the LA County CFM management meeting on March 18, 2019.

Mr. Will shared that there are 800 markets per week across CA in their peak season.

There was a discussion about Environmental Health outreach as well as existing and potential methods of education and enforcement at CFM's including flyers and handouts. Mr. Hilliker shared that he would appreciate more inspections at CFMs as he observes frequent violations.

There was a correction made to the proposed budget amount from Direct Marketing to \$18,000.

**(8) VIRULENT NEWCASTLE DISEASE (vND )UPDATE**

Dr. Jones presented updates on VND which included a power point presentation. She is providing updates to the Governor's office on the status of VND as well as the Poultry Federation. There is focus on outreach and education using a marketing campaign to find the disease and educate communities, so they can take the correct actions themselves. In-person efforts have been the most effective, door to door, churches, feed stores, small producer workshops and farmers markets. They are focusing on biosecurity and providing current and correct information. ESQM has helped the program with consistently rotating staff through VND assignments in Southern CA. Fairs and bird shows have been cancelled or curtailed throughout the state.

A new effort has been targeting the commercial poultry, mostly smaller locations and set up bilingual training for staff. The Avian Health Program that started after the last outbreak does biosecurity certifications and has other helpful resources.

The division is working with Western Institute for Food Safety and Security (WIFFS) on enhanced biosecurity plans that are in compliance with the National Secure Food Supply standards. These include a template for day to day biosecurity and then an enhanced plan when there is an outbreak. Mr. Winslow asked about the current status of the development of SFS plans. Dr. Jones explained that currently the progress on the SFS plans that can be made is for CDFA to provide companies with resources due to the limited staff availability to work on them due to working the outbreak response itself being the priority. The areas in the quarantine have priority.

No federal emergency has been declared so they do not have any local authority however the feds are providing most of the funding. Dr. Jones described the methodology behind the quarantine zones, product movement, permitting and getting producers back into business.

There was further discussion on quarantines. There was discussion on USDA involvement and staffing levels. Mr. Gemperle asked about the reimbursements and that was discussed in addition to virus elimination and the 120 day periods. Concerns about the federal response were discussed.

Dr. Jones explained that chickens are far more susceptible than other species to vND. There was detailed discussion about vaccinated birds and option for stopping the vaccination.

Dr. Jones mentioned getting some video testimonials from people who lost their jobs as a result of outbreaks. She will contact the Commercial Training Group to help with that. There was discussion on how to handle the properties that are refusing entrance and working with Animal Control on this. Other ideas were proposed such as postal carriers as informants which was used during the last outbreak.

A total of 82,000 backyard birds have been euthanized.

**(9) PROP 12 UPDATE**

Dr. Jones shared information on the recent Prop 12 listening session and input received so far. She will be interviewing for two positions that can focus on just this. Someone should be on board within weeks that can move this forward. She shared the idea of breaking up the regulatory package, so the focus is on the parts that come into effect sooner. Some of the feedback from the listening session consisted of concerns that the hardest part of the package is the 2022 part, and they would like to see that come together as quickly as possible. The committee provided additional Prop 12 feedback.

Mr. Will asked about possible legal challenges and what products are going to be covered by the regulations. Mr. Hickman discussed how liquid egg is affected by Prop 12. There were also questions about the other parts of CCR 1350 and if they would be affected too. Mr. Herrera explained that just the enclosure portion will change with the new regs. There was more discussion about the products that may or may not be covered. Also questions about what happens with product on shelves, what is a commercial sale, and where the consumer takes possession. Discussion of the possibility of a stakeholder group for Prop 12 being formed.

**(10) BORDER STATIONS UPDATE**

Mr. Rohner provided an update on the Border Station project that has just begun. It consists of enhanced surveillance. Last week Mr. Rohner went out to the border stations to work with them to tighten up the processes of the most violated codes:

- Shipping records
- Signs and labels
- Unregistered egg handlers
- False statement or representation related to eggs.

Pilot program started with the two busiest stations, Mountain Pass and Needles. Paul Roos, Alan Pham and Bill Rohner went to the stations for training. Mr. Will inquired about the turnover at the border stations. Victor Velez offered that in his experience working with the stations that the turnover is quite high and so they need constant trainings. ESQM is prepared to return for more training. There are video/power point training presentations available. It was suggested that we require that the training be a part of their new hire training packet. There was some further discussion about the idea of movement records.

**(11) PROGRAM UPDATE**

Mr. Herrera attended the International Production & Processing Expo and National Egg Quality School (NEQS) board meeting in Atlanta. NEQS will be held the week of May 20<sup>th</sup>. School is full, with a waiting list of over 30 people. Mr. Winslow asked if it is scheduled to be held in CA. Mr. Herrera said he made the suggestion for 2-3 years from now maybe in CA. He also explained that it's difficult to get the staff to hold two NEQS sessions per year. They increased the attendance this year to 80 people.

Last week Mr. Herrera was in Savannah to attend the National Egg Regulatory Officials (NERO) meeting. He will be serving as president of NERO through March of 2020. NERO has voted to take over the administration process of the Egg Standards development with the FDA.

Enhanced Border Station Pilot program will have monthly evaluation with the stations to see if goals are being met. If all goes well, July 1st will be roll out for the other stations. We will continue to develop the Pilot Program with direct marketing for better enforcement with CFMs. Mr. Herrera will be having a meeting with the Other Species of Foul/Sanitation workgroup. There is a lot of interest at NERO for sanitation and other species of foul standards. There is also interest in the online training that we have set up for county and state egg people.

ESQM is supplying three staff for the VND Secure Food Supply document reviews. Small Producer Workshops kick off this month. Right now, there are 14 workshops scheduled through October.

Michelle Dingley was promoted to an SSA position with Consumer Affairs.

**(12) Branch Update**

Ms. Batarseh has a Rendering Industry Advisory Board meeting scheduled for April 3, 2019. Pacific Coast Rendering Association is having a convention where Paula will be speaking.

Meat and Poultry slaughter houses have been enhancing biosecurity especially in the areas of VND. MPES staff have been helping with the VND efforts and are in a continuous rotation.

There will be a Branch Meeting in the first week of May to share knowledge and focus on biosecurity, sanitation, and VND updates. MPES is continuing to work on the SFS integration project.

**(13) DIVISION UPDATE**

Dr Jones shared that significant resources will be going towards Prop 12. The two positions they are hiring for the Prop 12 program will be a lead and someone with a legal background. The Division has just hired a new safety officer.

Dr. Jones was asked if there were any plans for Mr. Herrera's retirement, May 1 2020. Six months before his date she would like to have someone on board. Ms. Batarseh and Dr. Jones are working on the plan. There was discussion about the classification of Mr. Herrera's replacement. Dr. Jones stated all food safety programs are moving into Environmental Scientist classifications for management level positions in the future.

**(14) PUBLIC COMMENTS**

Chair Will gave a reminder that the Form 700 is due April 1, 2019.

**(15) FUTURE SEAC MEETING AGENDA ITEMS**

- FY 19–20 Budget Spending Plan
- vND Update
- Card for Michelle
- Border Stations Pilot Program Update – Bill
- CFM Update
- Prop 12 progress – Hiring update

Mr. Winslow asked about creating an ad-hoc committee to work with the new Prop 12 person. There was some discussion about when to form a committee, before or after Prop 12 staff is hired. Dr. Jones wants to move forward with legislation to establish a Poultry Health Advisory Committee as part of the Animal Health Branch, that would help with regulations. There was a Bagley-Keane discussion regarding SEAC members being part of that group. May 1<sup>st</sup> is a reasonable date to start being able to have communications with new Prop 12 person.

Dr Jones provided the options to email her regarding input and feedback for Prop 12 concerns. The email established for the prop 12 response is [cavet@cdfa.ca.gov](mailto:cavet@cdfa.ca.gov). There will also be more listening sessions

**(16) FUTURE SEAC MEETING DATES**

Next Meeting date – May 1, 2019 at 10:00 am. at 2800 Gateway Oaks Drive, Room 267 Sacramento CA 95833

(17) **ADJOURN**

**Motion #2:** Mr. Gemperle made a motion to adjourn the meeting. Mr. Winslow seconded. Mr. Will, Mr. Hickman, Mr. Demler, Mr. Sencer and Dr. Breitmeyer agreed. The motion passed unanimously.

The meeting adjourned at 12:22 p.m.

Respectfully submitted:

\_\_\_\_\_  
Kimberly Ellis