TITLE 3. FOOD AND AGRICULTURE
15-DAY NOTICE OF MODIFIED TEXT AND
DOCUMENTS ADDED TO THE RULEMAKING FILE
RELATING TO ANIMAL CONFINEMENT

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department), Animal Care Program, is proposing to modify the proposed regulation text for sections 1320, 1320.1, 1320.2, 1320.3, 1320.4, 1320.5, 1320.6, 1320.7, 1320.8, 1320.9, and 1320.10 of Article 1; 1321, 1321.1, 1321.2, 1321.3, 1321.4, 1321.5, 1321.6, 1321.7, 1321.8, 1321.9, and 1321.10 of Article 2; 1322, 1322.1, 1322.2, 1322.3, 1322.4, 1322.5, 1322.6, 1322.7, 1322.8, 1322.9, and 1322.10 of Article 3; 1324 and 1324.1 of Article 4; 1326, 1326.1, 1326.3, 1326.4, 1326.5, 1326.6, 1326.7, 1326.8, 1326.10, 1326.12, 1326.13, 1326.14, 1326.15, 1326.16, 1326.17, 1326.18, 1326.20, 1326.21, and 1326.22 of Article 5; and 1327.2 and 1327.3 of Article 6, Chapter 10, Division 2, of Title 3 of the California Code of Regulations. The proposal pertains to the action described in the Informative Digest published in the *California Regulatory Notice Register* on May 28, 2021 [Notice File No. Z2021-0518-22, Register 2021, No. 22-Z], relating to the Department's proposal to implement, interpret, or make specific the requirements relating to the confinement of egg-laying hens, veal calves, and breeding pigs, and/or selling specified whole veal meat, whole pork meat, shell eggs, and liquid eggs in California in accordance with sections 25990, 25991, 25992, 25993.1, and 25994 of the Health and Safety Code (HSC). The Department is now providing notice of modifications to the regulation text to make clarifying changes and to address concerns raised during the Department's 45-day public comment period and/or during the public hearing. A copy of the proposed modified text is enclosed.

NOTICE IS HEREBY GIVEN of the following document added to the rulemaking file to provide rationale for the proposed modified text and to clarify statements made in the Initial Statement of Reasons (ISOR) pursuant to Government Code sections 11346.8(d) and 11347.1:

- Addendum to the ISOR

In addition, the following documents are added to the rulemaking file as Materials Relied Upon pursuant to Government Code sections 11346.8(d) and 11347.1:

- *American Association for Accreditation of Laboratory Animal Care International, Bylaws, May 2, 2019* to provide support for the proposed modified text (Materials Relied Upon Document Added – 1).
- *Organic 101: Ensuring Organic Integrity Through Inspections* to provide additional support for the Department's proposal pertaining to on-site inspections (Materials Relied Upon Document Added – 2).
- *Title 7, Code of Federal Regulations, Part 205, section 205.406* to provide additional support for the Department's proposal pertaining to on-site inspections (Materials Relied Upon Document Added – 3).

- *American Humane Certified™, Becoming American Humane Certified™* to provide additional support for the Department's proposal pertaining to inspections (Materials Relied Upon Document Added – 4).
- *Humane Farm Animal Care, Policy Program Manual* to provide additional support for the Department's proposal pertaining to on-site inspections (Materials Relied Upon Document Added – 5).
- *A Greener World, A Greener World Compliance Policy Manual – North America* to provide additional support for the Department's proposal pertaining to on-site inspections (Materials Relied Upon Document Added – 6).
- *Global Animal Partnership, Pig Standards* to provide additional support for the Department's proposal pertaining to on-site inspections (Materials Relied Upon Document Added – 7).

The documents pertain to the regulatory action as described above *in the California Regulatory Notice Register* on May 28, 2021 [Notice File No. Z2021-0518-22, Register 2021, No. 22-Z].

Written comments regarding the original proposal: The written comments received by the Department for this proposal during the initial 45-day public notification period which began on May 28, 2021 and ended on July 12, 2021 remain in the Department's rulemaking file.

Verbal comments received during the public hearing regarding the original proposal: The verbal comments received by the Department for this proposal during the public hearing held August 27, 2021 remain in the Department's rulemaking file.

Written comments received the day of the public hearing regarding the original proposal: The written comments received by the Department for this proposal the day of the public hearing held August 27, 2021 remain in the Department's rulemaking file.

Written comments regarding the proposed modified text and the documents added to the rulemaking file: If any person wishes to comment on the proposed modifications to the regulatory text or to the documents added to the rulemaking file, the written comment must be submitted to the contact person named in this notice **beginning December 3, 2021 and ending December 17, 2021.** The written comments are to be restricted to the recent modifications as shown in the attached proposed modified regulatory text and/or to the documents added to the rulemaking file. The Department is not required to respond to comments received in response to this notice on other aspects of the proposal. All written comments received no later than **December 17, 2021**, which pertain to the indicated changes and/or documents added to the rulemaking file will be reviewed and responded to by Departmental staff as part of the compilation of the rulemaking file.

Contact Persons: Written comments concerning this proposal are to be addressed to the following:

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The backup contact person is:

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Website Access: Materials regarding this proposal can be found by accessing the following Internet address: http://www.cdfa.ca.gov/ahfss/regulations.html

Thamarah Rodgers

Thamarah Rodgers, Associate Analyst
Department of Food and Agriculture
Animal Care Program

Dated: November 30, 2021

DEPARTMENT OF FOOD AND AGRICULTURE
ANIMAL HEALTH AND FOOD SAFETY SERVICES
PROPOSED REGULATIONS
ANIMAL CONFINEMENT

PROPOSED MODIFIED TEXT

Original proposed text is displayed in underline.
Proposed deleted text is displayed in ~~strikethrough~~.
Proposed added text is displayed in double underline.

Chapter 10. Animal Confinement.

Article 1. Egg-laying Hens.

Section 1320. Definitions.

Unless the context otherwise requires, the following definitions apply to this Article and words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand:

(a) “Act” means the Farm Animal Cruelty statute, as amended (Chapter 13.8 (commencing with section 25990) of Division 20 of the Health and Safety Code~~.~~).

(b) “Audit trail” means records that are in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of shell eggs or liquid eggs that were derived from an egg-laying hen confined in compliance with sections 25991 and 25992 of the Health and Safety Code and this Article, and from egg producers that hold a valid certification as a certified operation issued pursuant to Article 5 of this Chapter.

(c) “Certified operation” means as defined in section 1326(e) of this Chapter.

(d) “Certifying agent” means as defined in section 1326(f) of this Chapter.

(e) “Commercial sale” for purposes of section 25991(o) of the Health and Safety Code and this Article means to sell, ~~offer for sale, expose for sale, possess for sale,~~ exchange, barter, trade, transfer title or possession, or ~~otherwise~~ distribute, conditional or otherwise, in California commerce including, but not limited to, transactions by a retailer with a consumer and electronic transactions made using the internet. It shall not include any of the following transactions or transfers of possession, which apply only to a specific transaction listed below, not to the

covered product itself, and therefore does not apply to all subsequent commercial sales of shell eggs or liquid eggs:

(1) Shell eggs or liquid eggs produced outside of the state that enter and exit California, without additional processing or repackaging, exclusively for purposes of transshipment or export ~~for human consumption~~ outside of the state;

(2) Any sale of shell eggs or liquid eggs undertaken on the premises of an official plant at which mandatory inspection is provided under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.) and that holds an ~~Egg Products~~ establishment number (prefix "G") granted by the Food Safety Inspection Service of the United States Department of Agriculture; or that is made directly to federal agencies or that takes place on federal lands located within the state; or

(3) Any sale of shell eggs or liquid eggs which takes place on tribal lands located within the state; or

~~(3)~~(4) Donations to ~~religious, charitable, scientific, educational, or other~~ nonprofit organizations that have a tax exemption under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.).

~~(4) The exception to definition of commercial sale applies only to a specific transaction listed above, not to the covered product itself, and therefore does not apply to all subsequent sales of shell eggs or liquid eggs.~~

(f) "Consumer" means any person who purchases shell eggs or liquid eggs, as defined in sections 25991(l) and (p) of the Health and Safety Code and this Article, for the sole purpose of their own ~~family~~ personal use or consumption, or that purchases or consumes shell eggs or liquid eggs at a restaurant, food facility, or other similar business that serves cooked eggs to customers or patrons.

(g) "Container" means any box, case, basket, tote, can, carton, sack, pouch, bag, package, wrapper, receptacle, or any other device which is used to facilitate the handling, distribution, transportation, or commercial sale of shell eggs or liquid eggs.

(h) "Cottage food operation" means an establishment as defined in section 113758 of the Health and Safety Code.

(i) "Department" means the California Department of Food and Agriculture.

(j) "Document of title" means a document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the shell eggs or liquid eggs it covers.

Examples of such documents include, but are not limited to, bill of lading, dock warrant, dock receipt, warehouse receipt, or an order for the delivery of shell eggs or liquid eggs.

(k) "Egg distributor" means a person or facility engaged in the business of commercial sales or distribution of shell eggs or liquid eggs (as an egg producer or otherwise) to an end-user in California. This definition shall not apply to a person or facility that only receives shell eggs or liquid eggs as an end-user.

(l) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guineafowl kept for the purpose of egg production ~~pursuant to section 25991(g) of the Health and Safety Code~~. For purposes of this subsection and this Article, a hen kept for egg production means a sexually mature female confined for the purpose of laying eggs which are intended for use as human food as shell eggs or liquid eggs.

(m) "Egg producer" means a person engaged in the business of producing eggs from domesticated chickens, turkeys, ducks, geese, or guineafowl that will be used as shell eggs or liquid eggs as defined in this article for human food. This definition shall not apply to an official plant under mandatory inspect~~ed~~ion under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seg.) and that holds an establishment number (prefix "G") granted by the Food Safety Inspection Service of the United States Department of Agriculture.

(n) "Enclosure" means a structure used to confine a covered animal or animals. For purposes of this subsection and this Article, a structure means any cage, crate, pen, or other construction used to confine an egg-laying hen.

(o) "End-user" means any of the following:

(1) A consumer;

(2) A retailer that is not an egg producer and only conducts commercial sales directly to a consumer, without any further distribution, of shell eggs or liquid eggs ~~that were purchased or received from an egg distributor~~;

(3) A food processing facility or cottage food operation that receives shell eggs or liquid eggs solely for use as an ingredient to manufacture a combination food product that does not meet the definition of a shell egg or liquid egg as defined in this Article; or

(4) A restaurant, food facility, or other similar business that only cooks and serves shell eggs or liquid eggs to customers, patrons, or guests for purposes of consumption.

~~(p) "Enforcement officer" means any of the following:~~

~~(1) Persons employed by and under the supervision and control of the Department; or~~

~~(2) Persons employed by and under the supervision and control of the Department of Public Health.~~

~~(q)~~(p) “Flavoring” for purposes of section 25991(l) of the Health and Safety Code and this Article means any substance, whether artificial or natural, the function of which is to impart flavor rather than nutrition, but includes milk and butter, and includes the substances listed and described in sections 172.510, 172.515(b), 182.10, 182.20, 182.40, and 182.50, and substances with a use described as a flavoring, flavoring agent, or flavoring enhancer in Part 184 of Title 21 of the Code of Federal Regulations.

~~(r)~~(q) “Food facility” means a facility as defined in section 113789 of the Health and Safety Code.

~~(s)~~(r) “Food processing facility” means a facility as defined in section 109947 of the Health and Safety Code.

~~(t)~~(s) “In its shell form” for purposes of section 25991(p) of the Health and Safety Code and this Article means an egg as developed, proportioned and shaped in the shell by an egg-laying hen, whether it is in the shell, raw, pasteurized in the shell, treated in the shell, hardboiled, or otherwise cooked in whole form, peeled, co-packaged with other foods, or subsequently sold sliced, chopped or otherwise cut.

~~(u)~~(t) “Liquid eggs” means the product defined in section 25991(l) of the Health and Safety Code intended for use as human food, whether it is raw or pasteurized, co-packaged with other foods, or sold frozen, dried, freeze-dried, or as a cooked patty, puck, or other cooked form, and shall include all of the following:

(1) Liquid eggs as described by section 160.115 of Title 21 of the Code of Federal Regulations;

(2) Dried eggs as described by section 160.105 of Title 21 of the Code of Federal Regulations;

(3) Frozen eggs as described by section 160.110 of Title 21 of the Code of Federal Regulations;

(4) Egg whites as described by section 160.140 of Title 21 of the Code of Federal Regulations;

(5) Dried egg whites as described by section 160.145 of Title 21 of the Code of Federal Regulations;

(6) Frozen egg whites as described by section 160.150 of Title 21 of the Code of Federal Regulations;

(7) Egg yolks as described by section 160.180 of Title 21 of the Code of Federal Regulations;

(8) Dried egg yolks as described by section 160.185 of Title 21 of the Code of Federal Regulations;

(9) Frozen egg yolks as described by section 160.190 of Title 21 of the Code of Federal Regulations;

(10) Any mixture, irrespective of proportions, of two or more of the products specified in this subsection;

(11) Any product, or mixture of products, specified in this subsection to which has been added no more than sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers, or other similar food additives; and

(12) Any product represented to the customer as, or bearing the statement of identity of, liquid eggs, or any of the products specified in this subsection on the product label according to section 101.3 of Title 21 of the Code of Federal Regulations.

~~(v)~~(u) "Pasteurized" means a pasteurization process applied to eggs in the shell or liquid eggs by any method approved by the United States Food and Drug Administration, United States Department of ~~Food and~~ Agriculture, the Department of Public Health, or the Department.

~~(w)~~(v) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.

~~(x) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.~~

(w) "Records" means any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with the Act and this Chapter.

~~(y)~~(x) "Retailer" means a facility location that conducts commercial sales of shell eggs or liquid eggs to a consumer.

~~(z)~~(y) "Seasoning" for purposes of section 25991(l) of the Health and Safety Code and this Article is synonymous with the term "spice" and means any aromatic vegetable substance in the whole, broken, diced, or ground form, whose primary function in food is seasoning rather than nutritional and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include onions, garlic, peppers, and the spices listed in section 182.10, and Part 184 of Title 21 of the Code of Federal Regulations.

~~(aa)~~(z) "Shell egg" means a whole egg of an egg-laying hen in its shell form, intended for use as human food ~~pursuant to section 25991(p) of the Health and Safety Code~~.

(aa) “Takes physical possession” for the purposes of section 25991(o) of the Health and Safety Code and this Article means when the shell eggs or liquid eggs are delivered to the buyer in California, regardless of whether the title transfer takes place outside of the state, whether the seller and buyer have provided otherwise by a contract, or whether an agent of the buyer accepts the shell eggs or liquid eggs outside of the state for transportation into California.

(bb) “Useable floorspace” means the total square footage of floorspace provided to each egg-laying hen, as calculated by dividing the total square footage of floorspace provided to egg-laying hens in an individual enclosure by the number of egg-laying hens in that individual enclosure. This floorspace shall include both ground-space and elevated level flat platforms upon which hens can roost but shall not include perches or ramps.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, 109947, 113758, and 113789, Health and Safety Code; Title 21, Part 101, section 101.3, Part 160, sections 160.105, 160.110, 160.115, 160.145, 160.150, 160.180, 160.185, and 160.190, Part 172, sections 172.510 and 172.515(b), Part 182, sections 182.10, 182.20, 182.40, 182.50, and Part 184, Code of Federal Regulations; Egg Products Inspection Act, 21 U.S.C. section 1031 et seq.; and Internal Revenue Code, 26 U.S.C. section 501(c)(3).

Section 1320.1. Egg-laying Hen Confinement.

(a) No ~~egg producer or egg distributor~~ person shall knowingly ~~sell or contract to sell~~ engage in a commercial sale within the state ~~a~~ of shell eggs or liquid eggs for human ~~consumption~~ food if it is the product of an egg-laying hen that was confined in an enclosure that fails to comply with all of the following standards:

(1) ~~Prior to January 1, 2022, an enclosure shall provide a minimum of 144 square inches of usable floorspace per hen;~~ The enclosure shall allow the egg-laying hen to lie down, stand up, fully extend limbs, and turn around freely.

(2) ~~Commencing January 1, 2022~~After December 31, 2021, an enclosure shall be a cage-free housing system that complies with all of the following:

(A) The enclosure shall be an indoor or outdoor controlled environment within which hens are free to roam unrestricted;

(B) The enclosure shall provide enrichments that allow hens to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas;

(C) Employees can provide care while standing within the egg-laying hens’ usable floorspace;

(D) And the enclosure shall provide the minimum amount of usable floorspace per hen required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-laying flocks as follows:

(i) Multitiered aviaries in which hens have access to multiple elevated platforms shall provide a minimum of one (1) square foot of usable floorspace per hen;

(ii) Partially slatted systems in which hens have access to elevated flat platforms shall provide a minimum of one (1) square foot of usable floorspace per hen;

(iii) Single-level all-litter floor systems bedded with litter in which hens have limited or no access to elevated flat platforms shall provide a minimum of one and one-half (1.5) square feet of usable floorspace per hen; and

(iv) Any other cage-free housing system not described in this section shall provide a minimum of one (1) square foot of usable floorspace per hen in systems that provide hens with access to vertical space and shall provide a minimum of one and one-half (1.5) square feet of usable floorspace per hen in systems that do not provide hens access to vertical space.

~~(3) For purposes of this section "usable floorspace" means the total square footage of floorspace provided to each egg-laying hen, as calculated by dividing the total square footage of floorspace provided to egg-laying hens in an individual enclosure by the number of egg-laying hens in that individual enclosure. Usable floorspace shall include both ground-space and elevated level flat platforms upon which hens can roost but shall not include perches or ramps; and~~

~~(4)~~(3) Exceptions ~~as~~ to the requirements of this section are specified in section 25992 of the Health and Safety Code and Article 4 of this Chapter ~~apply to the requirements of this section~~.

(b) Commencing January 1, 202~~3~~4, any person engaged in business in ~~this~~ the state as an egg producer, or any out-of-state egg producer that is keeping, maintaining, confining and housing an egg-laying hen for the purposes of egg production for human food as shell eggs or liquid eggs for commercial sale in California, shall hold a valid certification issued pursuant to Article 5 of this Chapter as a certified operation.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1320.2. Egg Distributor Registration.

(a) Commencing January 1, 2023, ~~A~~any in-state or out-of-state person engaged in ~~business~~ a commercial sale into or within ~~this~~ the state as an egg distributor, ~~or any out-of-state~~

~~egg distributor conducting commercial sales of shell eggs or liquid eggs into California for purposes of human food use in the state~~, shall hold a valid registeration with the Department pursuant to this Article.

(b) Any person ~~required to~~ registering pursuant to this section shall submit an application for registration ~~provided~~ by the Department including the following information:

(1) Business name, physical address of distribution operation, mailing address, phone number, email address, website address, federal tax identification number, and name, phone number and email of person authorized to act on the applicant's behalf.

(2) Description of the type(s) of shell eggs ~~and~~ or liquid eggs distributed in the State.

(c) The registration shall not be transferable to any person and shall be applicable only to the location for which originally issued.

(d) A registration is required for each facility location from which shell eggs or liquid eggs are sold, distributed, or otherwise supplied to the location of an end-user.

(e) An egg distributor shall not engage in the commercial sale of shell eggs or liquid eggs within, or into, California unless such person has obtained and holds a valid registration from the Department pursuant to this section for each facility location.

(f) Any change in ownership, change of business name, change in business location, closure of business, or change of name, address, phone number or email of person authorized to act on behalf of the registered distributor must be reported to the Department within 30 ~~business~~ calendar days of such change.

(g) All information set forth on applications for registrations and renewals for registrations, including but not limited to any documentation of certification required by (j) of this section, shall be truthful and not misleading.

(h) Every registration expires 12 months from the date of issue.

(i) A registration may be renewed each 12-month period by the Department in response to an application for renewal by an egg distributor if the business of the facility applying for renewal was conducted in accordance with the requirements of this Article and sections 25990 and 25991 of the Health and Safety Code during the preceding 12 months for which the renewal is requested.

(j) An application to the Department by an egg distributor for initial registration, or for purposes of renewal, shall be accompanied by documentation of valid certification pursuant to Article 5 of this Chapter for each location where registration is being sought. A registration shall not be issued for any facility location for which a valid certification required by this section has not been submitted to the Department.

(k) Notwithstanding the requirements of (j) of this section, a registration may be granted prior to January 1, 2023 to an egg distributor that submits a self-certification to the Department that the For purposes of the valid certification required in (j) of this section, a self-certification by an egg distributor that they complies with all applicable requirements of sections 1320.4 and 1320.5 of this Article, and distributes shell eggs or liquid eggs within or into California only from egg producers that comply with section 1320.1 of this Article, will be accepted by the Department prior to January 1, 2024.

(l) This section shall not apply to a facility that is aAn official plant under mandatory inspectedion under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.) and granted that holds an establishment number with prefix of "G" granted by the Food Safety Inspection Service of the United States Department of Agriculture is excluded from mandatory registration pursuant to this section.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Egg Products Inspection Act, 21 U.S.C. section 1031 et seq.

Section 1320.3. Inspection and Audit of Registered Egg Distributor Facilities.

(a) Every person required to be registered pursuant to section 1320.2 of this Article shall comply with this section.

(b) Every egg distributor by submitting an application for registration of a facility agrees as a condition of registration to provide the Department, and/or certifying agent, entrance and access to the premises and business records of the facility for purposes of inspection and audit as described in Article 5 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1320.4. Shell Egg and Liquid Egg Shipping Document and Labeling Requirements.

(a) Shipping Documents.

(1) Prior to January 1, 2022, all documents of title, shipping invoices, bills of lading, and shipping manifests for all shipments of shell eggs and liquid eggs entering the state or transported within the state for commercial sale in California shall include the statement "California 144 Compliant" and may be abbreviated to read "CA 144". The statement "CA SEFS Compliant" may be used as an alternative statement prior to January 1, 2022, provided the shell eggs are produced in compliance with section 1350 of Title 3 of the California Code of

Regulations and are certified under the Department's Egg Safety and Quality Management Program. The statement shall be legible and plainly printed or stamped.

(2)(1) Commencing January 1, 2022, aAll documents of title, shipping invoices, bills of lading, and shipping manifests for all shipments of shell eggs and or liquid eggs entering the state or transported within the state for commercial sale in California shall include the statement "CA Cage Free" or "Cage Free CA " "Egg CA Prop 12 Compliant". The statement shall be legible and plainly printed or stamped.

(3)(2) For shipments of shell eggs or liquid eggs that were not produced in compliance with section 25991 of the Health and Safety Code and this Article, and enter California exclusively for purposes of transshipment, or export, donation, for human consumption outside of the state or sale to federal agencies or on tribal lands and are not destined for commercial sale in California, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon entrance into the state and during transportation and storage within the state, be marked with the statement "Not for California Consumption" or "Not for California Sale" "For Export", "For Transport", or "Not Prop 12 Compliant". The statement shall be legible and plainly printed or stamped.

(4)(3) For shipments of shell eggs or liquid eggs not produced in compliance with section 25991 of the Health and Safety Code and this Article that originate from an official plant-, whether located inside or outside of the state, under mandatory inspection and that holdings an establishment number with prefix "G" granted by the Food Safety Inspection Service of United States Department of Agriculture under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.) and being transported to another official plant in California under mandatory inspection and that holdings an establishment number with prefix "G" granted by the Food Safety Inspection Service of United States Department of Agriculture under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.), solely for purposes of using the shell eggs or liquid eggs for making food products not covered by the Act or this Article, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon entrance into the state and during transportation within the state, be clearly marked with the statement "Only for use at" immediately followed by the complete establishment number, including the prefix "G", granted by the Food Safety Inspection Service of the United States Department of Agriculture for the specific facility where the shipment is destined for delivery.

(b) Containers. Commencing July 1, 2022, the principal display panel for each container of all shell eggs for commercial sale, or destined for commercial sale, in California shall contain the statement "CA Cage Free" or "Cage Free CA". The statement shall be clearly legible,

~~without obscuring designs, vignettes or crowding, and be plainly printed, stamped or marked in letters not less than ¼ inch in height.~~

~~(c)~~(b) No person shall label, identify, mark, advertise, or otherwise represent, shell eggs or liquid eggs for purposes of commercial sale in California using the statement~~s~~ in (a) ~~and (b)~~ of this section, or as meeting the requirements of the Act or otherwise meeting California cage size or enclosure space requirements for egg-laying hens, unless the shell eggs or liquid eggs were produced in compliance with section 25991 of the Health and Safety Code and this Article.

~~(d)~~(c) ~~Commencing January 1, 2022, n~~No person shall label, identify, mark, advertise, or otherwise represent shell eggs or liquid eggs for purposes of commercial sale in the state using the term "cage free" or other similar descriptive term unless the shell eggs or liquid eggs were produced in compliance with section 1320.1 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Egg Products Inspection Act, 21 U.S.C. section 1031 et seq.

Section 1320.5. Egg Distributor Recordkeeping.

(a) An egg distributor, as a condition of registration pursuant to section 1320.2 of this Article, shall maintain records that comply with all the requirements of this section.

(b) Records shall be sufficient for purposes of an audit trail as defined in section 1320(b) of this Article and the applicable recordkeeping requirements described in section 1326.2 of this Chapter.

(c) Records shall document in a traceable manner that shell eggs ~~and~~ or liquid eggs being distributed for commercial sale into or within California originate from egg producers that are in compliance with all requirements of section 1320.1 of this Article.

(d) Records shall document the address of the location where the distributor, as the buyer, takes physical possession of shell eggs ~~and~~ or liquid eggs for each sales transaction.

(e) Records shall be maintained for two (2) years from the date of creation and be made accessible for inspection and audit by the Department and/or certifying agent as required by section 1320.3 of this Article.

~~(f) This section shall not apply to an official plant at which mandatory inspection is provided under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.) and that holds an Egg Products establishment number (prefix "G") granted by the Food Safety Inspection Service of the United States Department of Agriculture.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Egg Products Inspection Act, 21 U.S.C. section 1031 et seq.

Section 1320.6. Inspection of Conveyances.

(a) Every egg distributor by submitting an application for registration agrees as a condition of registration to provide the Department or ~~other enforcement officer, and/or~~ a certifying agent, access to inspect in California any vehicle or other conveyance under the registrant's operation or control that is transporting shell eggs or liquid eggs into or within the state.

(b) Every person shall stop at the request of ~~an enforcement officer~~ the Department at any California Border Protection Station for purposes of inspection of cargo and any accompanying shipping documents, manifests, and bills of lading, any vehicle or other conveyance transporting into or within the state shell eggs or liquid eggs.

(c) The Department~~, or other enforcement officer in California,~~ may deny entry to or order diversion from the state any vehicle or other conveyance transporting shell eggs or liquid eggs for commercial sale that was produced, packaged, identified, or shipped in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, including but not limited to ~~labeling and marking~~ shipping document requirements specified in section 1320.4 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1320.7. Tagging and Seizure of Shell Eggs or Liquid Eggs.

(a) The Department ~~or other enforcement officer~~ may affix a warning tag or notice to shipping documents, manifests, containers, sub-containers, lots, or loads of shell eggs or liquid eggs which have been produced, packaged, stored, labeled, marked, identified, transported, delivered, or sold in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, and may give notice of such violation to the egg producer, egg distributor, owner, or other person in possession of the shell eggs or liquid eggs.

(b) No person shall remove a warning tag or notice from the place it is affixed except upon written permission or specific direction of the Department ~~or other enforcement officer~~.

(c) ~~An enforcement officer~~The Department may seize and hold any containers, sub-containers, lots, or loads of shell eggs or liquid eggs in California which they have reasonable

suspicion to believe is in violation of the provisions of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article. If the Department ~~or other enforcement officer~~ seizes any container, sub-container, lot, or load of shell eggs or liquid eggs, a hold notice shall be issued to the person that has control of the shell eggs or liquid eggs, and a tag or notice may be affixed to the container, sub-container, lot, or load which states it is so held.

(d) Any shell eggs or liquid eggs for which a hold notice is issued shall be held by the person having control of the shell eggs or liquid eggs and shall not be disturbed, moved, diverted, or offered for sale except under the specific directions of the Department ~~or other enforcement officer~~.

(e) A person may request an informal hearing to contest tagging, hold notice, or seizure of shell eggs or liquid eggs pursuant to section 1327.1 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1320.8. Written Certification.

(a) For purposes of section 25993.1 of the Health and Safety Code, any written certification from a supplier to a buyer engaged in commercial sales of shell eggs or liquid eggs that were not derived from an egg-laying hen confined in a cruel manner shall be based upon an audit trail as defined in section 1320(b) of this Article, and shall be traceable to egg producers compliant with all requirements of section 1320.1 of this Article.

(b) A retailer or food processing facility that is an end-user and takes physical possession, whether by use of a common carrier, private carrier, or other means of conveyance, of shell eggs or liquid eggs at, or directly from, an official plant at which mandatory inspection is provided under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.), ~~and~~ that holds an ~~Egg Products~~ establishment number (prefix “G”) granted by the Food Safety Inspection Service of the United States Department of Agriculture, and that does not hold a valid egg distributor registration, shall:

(1) Maintain records documenting written certifications that meet the requirements of this section for shell eggs or liquid eggs received during the preceding 12-month period.

(2) Maintain records documenting the address of the location where the retailer or food processing facility, as the buyer, takes physical possession of shell eggs ~~and~~ or liquid eggs for each sales transaction.

(3) Make the records required by this section available on-site for inspection by the Department ~~and other state or local health agencies~~ upon request. Electronic records are considered on-site if they are accessible from an on-site location.

(c) Subsection (b) of this section shall not apply to a shell egg or liquid egg end-user that is an official plant at which mandatory inspection is provided under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seg.) and that holds an ~~Egg Products~~ establishment number (prefix "G") granted by the Food Safety Inspection Service of the United States Department of Agriculture.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Egg Products Inspection Act, 21 U.S.C. section 1031 et seg.

Section 1320.9. Denial, Suspension, or Revocation of Egg Distributor Registration.

(a) The Department may deny, suspend, or revoke a registration issued pursuant to this Article for any of the following:

(1) Violations that resulted, or reasonably could have resulted, in the commercial sale of shell eggs or liquid eggs from egg-laying hens that were not confined in compliance with this Article;

(2) Repetitive failure to comply with the requirements of this Article and/or statutes pertaining to shell eggs, liquid eggs or egg-laying hens in sections 25990-25992 of the Health and Safety Code;

(3) Refusal to grant access for, or interference with, inspections or audits as described in sections 1320.3 or 1320.6 of this Article;

(4) Misrepresenting shell eggs or liquid eggs as being produced in compliance with this Article; or

(5) Providing false information on an application for registration.

(b) Proposed suspension or revocation. The Department shall send a written notice of proposed suspension or revocation of registration to the egg distributor. The notice of proposed suspension or revocation shall state:

(1) The date the proposed suspension or revocation is issued;

(2) The reasons for the proposed suspension or revocation;

(3) The effective date of the proposed suspension or revocation;

(A) The effective date of suspension or revocation is 30 calendar days after the date that the proposed suspension or revocation is issued;

(4) The impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement; and

(5) The right to request a formal hearing pursuant section 1327.2 of this Chapter within 30 calendar days of the date the proposed suspension or revocation was issued. Registration shall remain in effect pending the outcome of the formal hearing.

~~(b)~~(c) A person may appeal the Department's decision to ~~refuse to issue, or to~~ deny~~, suspend, or revoke~~ an application or renewal of a registration ~~certificate~~ by requesting a formal hearing pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of the date of the notice of denial.

~~(c) The Department's decision to deny, suspend, or revoke a registration shall remain in effect pending the outcome of an appeal process.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

~~Section 1320.10. Registration with the California Department of Public Health.~~

~~(a) Notwithstanding section 1320.2 of this Article, any person operating a food processing establishment in California shall also register with the California Department of Public Health pursuant to section 110460 of the Health and Safety Code. The registration requirement applies to all forms of processed eggs.~~

~~(b) Evidence of this registration shall be provided to the Department or its designee upon request.~~

~~Note: Authority cited: Sections 25993 and 110065, Health and Safety Code. Reference: Sections 25990, 25991, 109875, 109935, 110045, and 110460, Health and Safety Code.~~

Article 2. ~~Veal~~ Calves.

Section 1321. Definitions.

Unless the context otherwise requires, the following definitions apply to this Article and words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand:

(a) "Act" means the Farm Animal Cruelty statute, as amended (Chapter 13.8 (commencing with section 25990) of Division 20 of the Health and Safety Code~~.~~).

(b) “Audit trail” means records that are in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of whole veal meat that was derived from a ~~veal~~ calf confined in compliance with sections 25991 and 25992 of the Health and Safety Code and this Article, and from veal producers that hold a valid certification as a certified operation issued pursuant to Article 5 of this Chapter.

(c) “Calf” means any calf of the bovine species kept for the purpose of producing the food product described as veal.

(~~c~~d) “Certified operation” means as defined in section 1326(e) of this Chapter.

(~~d~~e) “Certifying agent” means as defined in section 1326(f) of this Chapter.

(~~e~~f) “Commercial sale” for purposes of section 25991(o) of the Health and Safety Code and this Article means to sell, ~~offer for sale, expose for sale, possess for sale,~~ exchange, barter, trade, transfer title or ~~profession~~ possession, or ~~otherwise~~ distribute, conditional or otherwise, in California commerce including, but not limited to, transactions by a retailer with a consumer and electronic transactions made using the internet. It shall not include any of the following transactions or transfers of possession, which apply only to a specific transaction listed below, not to the covered product itself, and therefore does not apply to all subsequent commercial sales of whole veal meat:

(1) Whole veal meat produced outside of the state that enters and exits California without additional processing or repackaging exclusively for purposes of transshipment or export ~~for human consumption~~ outside of the state;

(2) Any sale of whole veal meat undertaken on the premises of an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an establishment number (prefix “M”) granted by the Food Safety Inspection Service of the United States Department of Agriculture; or that is made directly to federal agencies or that takes place on federal lands located within the state;

(3) Any sale of whole veal meat which takes place on tribal lands located within the state; or

~~(3)~~(4) Donations to ~~religious, charitable, scientific, educational, or other~~ nonprofit organizations that have a tax exemption under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.).

~~(4) The exception to definition of commercial sale applies only to a specific transaction listed above, not to the covered product itself, and therefore does not apply to all subsequent sales of whole veal meat.~~

(~~f~~g) “Consumer” means any person who purchases whole ~~uncooked~~ veal meat, as defined in section 25991(v) of the Health and Safety Code and this Article, for the sole purpose of their own ~~family~~ personal use or consumption, or that purchases or consumes cooked veal meat at a restaurant, food facility, or other business that serves cooked or ready-to-eat veal meat to customers or patrons.

(~~g~~h) “Container” means any box, case, basket, tote, can, carton, sack, pouch, bag, package, wrapper, receptacle, or any other device which is used to facilitate the handling, distribution, transportation, or commercial sale of whole veal meat.

(~~h~~i) “Cottage food operation” means an establishment as defined in section 113758 of the Health and Safety Code.

(~~i~~j) “Curing agents” for purposes of section 25991(v) of the Health and Safety Code and this Article means any substance listed and described in section 424.21(c) of Title 9 of the Code of Federal Regulations.

(~~j~~k) “Cut” for purposes of section 25991(v) of the Health and Safety Code and this Article means any uncooked primal, wholesale, sub-primal or retail cut including, but not limited to, those identified and described in the United States Department of Agriculture’s Institutional Meat Purchase Specifications: Fresh Veal Series 300 (November 2014 Edition) and the 2014 Uniform Retail Meat Identity Standards developed by the Industry-Wide Cooperative Meat Identification Standards Committee, but shall exclude any ground or otherwise comminuted meat products.

(~~k~~l) “Department” means the California Department of Food and Agriculture.

(~~l~~m) “Document of title” means a document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the whole veal meat it covers. Examples of such documents include, but are not limited to, bill of lading, dock warrant, dock receipt, warehouse receipt, or an order for the delivery of whole veal meat.

(~~m~~n) “Enclosure” means a structure used to confine a covered animal or animals. For purposes of this subsection and this Article, a structure means any cage, crate, pen, or other construction used to confine a calf.

(~~n~~o) “End-user” means any of the following:

(1) A consumer;

(2) A retailer that is not a veal producer and only conducts commercial sales directly to a consumer, without any further distribution, of whole veal meat ~~that was purchased or received from a veal distributor~~;

(3) A food processing facility or cottage food operation that receives whole veal meat solely for use as an ingredient to manufacture a combination food product that does not meet the definition of whole veal meat as defined in this Article; or

(4) A restaurant, food facility or other business that only cooks and serves veal meat, and/or serves only ready-to-eat veal meat, to customers, patrons, or guests for purposes of consumption.

~~(o) "Enforcement officer" means any of the following:~~

~~(1) Persons employed by and under the supervision and control of the Department; or~~

~~(2) Persons employed by and under the supervision and control of the Department of Public Health.~~

(p) "Flavoring" for purposes of section 25991(v) of the Health and Safety Code and this Article means any substance, whether artificial or natural, the function of which is to impart flavor rather than nutrition, and includes the substances listed and described in sections 172.510, 172.515(b), 182.10, 182.20, 182.40, and 182.50, and substances with a use described as a flavoring, flavoring agent, or flavoring enhancer in Part 184 of Title 21 of the Code of Federal Regulations.

(q) "Food facility" means a facility as defined in section 113789 of the Health and Safety Code.

(r) "Food processing facility" means a facility as defined in section 109947 of the Health and Safety Code.

(s) "Kept for the purpose of producing" for purposes of section 25991(d) of the Health and Safety Code and this Article means keeping a calf of the bovine species that is, or is intended to be, slaughtered at more than 21 days of age or more than 150 pounds in liveweight for the production of food described, advertised, represented, identified, or labeled as veal.

(t) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.

(u) "Ready-to-eat (RTE)" means in a form that is edible without additional preparation to achieve food safety and may receive additional preparation for palatability or aesthetic, gastronomic, or culinary purposes. RTE product is not required to bear a safe-handling instruction (as required for non-RTE products by sections 317.2(l) and 381.125(b)) of Title 9 of the Code of Federal Regulations) or other labeling that directs that the product must be cooked or otherwise treated for safety and can include frozen meat products.

(v) “Records” means any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with the Act and this Chapter.

~~(v)~~(w) “Requiring cooking” for the purposes of section 25991(r) of the Health and Safety Code and this Article means not ready-to-eat in the condition sold, offered for sale, or otherwise distributed.

~~(w)~~(x) “Retailer” means a facility location that conducts commercial sales of whole veal meat to a consumer.

~~(x)~~(y) “Seasoning” for purposes of section 25991(v) of the Health and Safety Code and this Article is synonymous with the term “spice” and means any aromatic vegetable substance in the whole, broken, or ground form, whose primary function in food is seasoning rather than nutritional and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include onions, garlic, peppers, and the spices listed in section 182.10 and Part 184 of Title 21 of the Code of Federal Regulations.

(z) “Takes physical possession” for the purposes of section 25991(o) of the Health and Safety Code and this Article means when the whole veal meat is delivered to the buyer in California, regardless of whether the title transfer takes place outside of the state, whether the seller and buyer have provided otherwise by a contract, or whether an agent of the buyer accepts the whole veal meat outside of the state for transportation into California.

~~(y)~~(aa) “Uncooked” means requiring cooking prior to human consumption.

(bb) “Useable floorspace” shall be calculated by dividing the total square footage of floorspace provided to calves in an enclosure by the number of calves in the enclosure. This floorspace shall also include ground-space for enclosures that are outdoor pens or pastures accessible at all times by all calves confined in the enclosure.

~~(z)~~(cc) “Veal distributor” means a person or facility engaged in the business of commercial sales or distribution of whole veal meat (as a veal producer or otherwise) to an end-user in California. This definition shall not apply to a person or facility that only receives whole veal meat as an end-user.

~~(aa)~~(dd) “Veal producer” means a person engaged in the business of keeping, confining, and/or housing a calf of the bovine species, to be slaughtered at more than 21 days of age or more than 150 pounds, for the purpose of producing the human food product described, advertised, represented, identified, or labeled as veal. This definition shall not apply to the following:

(1) A person housing calves exclusively for purposes of standard dairy herd management practices at, or for, a dairy farm holding a valid market milk permit or manufacturing milk permit pursuant to section 33222 of the Food and Agricultural Code or a valid permit issued by the government milk regulatory authority where the dairy farm is located if not in California; or

(2) An establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture.

~~(bb)~~(ee) "Whole veal meat" means~~, pursuant to section 25991(v) of the Health and Safety Code,~~ any uncooked cut of veal, including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin, or cutlet, that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives. Whole veal meat does not include combination food products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food products, that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives.
Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, 109947, 113758, and 113789, Health and Safety Code; Title 9, Part 317, section 317.2(l), Part 381, section 381.125(b), and Part 424, section 424.21(c), Title 21, Part 172, sections 172.510 and 172.515(b), Part 182, sections 182.10, 182.20, 182.40, 182.50, and Part 184, Code of Federal Regulations; Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.; and Internal Revenue Code, 26 U.S.C. section 501(c)(3).

Section 1321.1. ~~Veal~~ Calf Confinement.

(a) No ~~veal producer or veal distributor~~ person shall knowingly ~~sell or contract to sell~~ engage in a commercial sale within the state of whole veal meat for human ~~consumption~~ food if it is the product of a calf that was confined in an enclosure that fails to comply with the following standards:

(1) An enclosure shall allow the calf to lie down, stand up, fully extend limbs, and turn around freely.

~~(1)~~(2) An enclosure shall provide a minimum of 43 square feet of usable floorspace per calf.

~~(2) The amount of usable floorspace required by (a)(1) of this section shall be calculated by dividing the total square footage of floorspace provided to calves in an enclosure by the number of calves in the enclosure. For purposes of this section, floorspace shall also include~~

~~ground-space for enclosures that are outdoor pens or pastures accessible at all times by all calves in the enclosure; and~~

(3) Exceptions ~~as~~ to the requirements of this section are specified in section 25992 of the Health and Safety Code and Article 4 of this Chapter ~~apply to the requirements of this section~~.

(b) Commencing January 1, 202~~3~~4, any person engaged in business in ~~this~~ the state as a veal producer, or any out-of-state veal producer that is keeping, maintaining, confining, and/or housing calves for the purposes of producing whole veal meat for human food ~~use~~ for commercial sale in California, shall hold a valid certification issued pursuant to Article 5 of this Chapter as a certified operation.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991 and 25992, Health and Safety Code.

Section 1321.2. Veal Distributor Registration.

(a) Commencing January 1, 2023, ~~A~~any in-state or out-of-state person engaged in ~~business~~ a commercial sale into or within ~~this~~ the state as a veal distributor~~, or any out-of-state veal distributor selling whole veal meat into California for purposes of human food use in the state~~, shall ~~register~~ hold a valid registration with the Department pursuant to this Article.

(b) Any person ~~required to~~ registering pursuant to (a) of this section shall submit an application for registration provided by the Department including the following information: Business name, physical address of distribution operation, mailing address, phone number, email address, website address, federal tax identification number, and name, phone number and email of person authorized to act on the applicant's behalf.

(c) The registration shall not be transferable to any person and shall be applicable only to the location for which originally issued.

(d) A registration is required for each facility location from which whole veal meat is sold, distributed, or otherwise supplied to the location of an end-user.

(e) A veal distributor shall not engage in the commercial sale of whole veal meat within, or into, California unless such person has obtained and holds a valid registration from the Department pursuant to this section for each facility location.

(f) Any change in ownership, change of business name, change in business location, closure of business, or change of name, address, phone number or email of person authorized to act on behalf of the registered distributor must be reported to the Department within 30 ~~business~~ calendar days of such change.

(g) All information set forth on applications for registrations and renewals for registrations, including but not limited to any documentation of certification required by (j) of this section, shall be truthful and not misleading.

(h) Every registration expires 12 months from the date of issue.

(i) A registration may be renewed each 12-month period by the Department in response to an application for renewal by a veal distributor if the business of the facility applying for renewal was conducted in accordance with the requirements of this Article and sections 25990 and 25991 of the Health and Safety Code during the preceding 12 months for which the renewal is requested.

(j) An application to the Department by a veal distributor for initial registration, or for purposes of renewal, shall be accompanied by documentation of valid certification pursuant to Article 5 of this Chapter for each location where registration is being sought. A registration shall not be issued for any facility location for which the valid certification required by this section has not been submitted to the Department.

(k) ~~Notwithstanding the requirements of (j) of this section, a registration may be granted prior to January 1, 2023 to a veal distributor that submits a self-certification to the Department that the~~ For purposes of the valid certification required in (j) of this section, a self-certification by a veal distributor that they compli~~es~~y with all applicable requirements of sections 1321.4 and 1321.5 of this Article, and distributes whole veal meat within or into California only from veal producers that comply with section 1321.1 of this Article, will be accepted by the Department prior to January 1, 2024.

(l) ~~This section shall not apply to a~~An establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture is excluded from mandatory registration pursuant to this section.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act (21 U.S.C. section 601 et seq.).

Section 1321.3. Inspection and Audit of Registered Veal Distributor Facilities.

(a) Every person ~~required to be~~ registered pursuant to section 1321.2 of this Article shall comply with this section.

(b) Every veal distributor by submitting an application for registration of a facility agrees as a condition of registration to provide the Department, and/or certifying agent, entrance and access to the premises and business records of the facility for purposes of inspection and audit as described in Article 5 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1321.4. Whole Veal Meat Shipping Document Requirements.

(a) Shipping Documents.

(1) All documents of title~~, shipping invoices, bills of lading,~~ and shipping manifests for ~~all~~ shipments of whole veal meat entering the state or transported within the state for commercial sale in California shall include the statement ~~"California 43+ Compliant" and may be abbreviated to read "CA 43+"~~ "Veal CA Prop 12 Compliant". The statement shall be clearly legible and plainly printed or stamped~~;~~.

(2) For shipments of whole veal meat that were not produced in compliance with section 25991 of the Health and Safety Code and this Article, and enter California exclusively for purposes of transshipment, ~~or~~ export, donation, ~~for human consumption outside of the state~~ or sale to federal agencies or on tribal lands and are not destined for commercial sale in California, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon entrance into the state and during transportation and storage within the state, be marked with the statement ~~"Not for California Consumption" or "Not for California Sale"~~ "For Export", "For Transshipment", or "Not Prop 12 Compliant"~~; and~~. The statement shall be legible and plainly printed or stamped.

(3) For shipments of whole veal meat not produced in compliance with section 25991 of the Health and Safety Code and this Article that originate from a facility, whether located inside or outside of the state, under mandatory inspection and that hold~~ing~~s an establishment number with prefix "M" granted by the Food Safety Inspection Service of the United States Department of Agriculture under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and being transported to another facility in California under mandatory inspection and holding an establishment number with prefix "M" granted by the Food Safety Inspection Service of the United States Department of Agriculture under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), solely for purposes of using the whole veal meat for making food products not covered by the Act or this Article, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon entrance into the state and during transportation within the state,

be clearly marked with the statement “Only for use at” immediately followed by the complete establishment number, including the prefix “M”, granted by the Food Safety Inspection Service of the United States Department of Agriculture for the specific facility where the shipment is destined for delivery.

(b) No person shall label, identify, mark, advertise, or otherwise represent, calves or whole veal meat for commercial sale in California using the statements in (a) of this section, or as meeting the requirements of the Act or otherwise meeting California enclosure space requirements, unless they were produced in compliance with section 25991 of the Health and Safety Code and this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1321.5. Veal Distributor Recordkeeping.

(a) A veal distributor, as a condition of registration pursuant to section 1321.2 of this Article, shall maintain records that comply with all the requirements of this section.

(b) Records shall be sufficient for purposes of an audit trail as defined in section 1321(b) of this Article and the applicable recordkeeping requirements described in section 1326.2 of this Chapter.

(c) Records shall document in a traceable manner that whole veal meat being sold into or within California originates from veal producers that are certified operations pursuant to Article 5 of this Chapter.

(d) Records shall document the address of the location where the distributor, as the buyer, takes physical possession of whole veal meat for each sales transaction.

(e) Records shall be maintained for two (2) years from the date of creation and be made accessible for inspection and audit by the Department and/or a certifying agent as required by section 1321.3 of this Article.

~~(f) This section shall not apply to an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and granted an establishment number (prefix “M”) by the Food Safety Inspection Service of the United States Department of Agriculture.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1321.6. Inspection of Conveyances.

(a) Every veal distributor by submitting an application for registration agrees as a condition of registration to provide the Department or ~~other enforcement officer, and/or~~ a certifying agent, access to inspect in California any vehicle or other conveyance under the registrant's operation or control that is transporting whole veal meat into or within the state.

(b) Every person shall stop at the request of ~~an enforcement officer~~ the Department at any California Border Protection Station for purposes of inspection of cargo and any accompanying shipping documents, manifests, and bills of lading, any vehicle or other conveyance transporting into or within the state whole veal meat.

(c) The Department~~, or other enforcement officer in California,~~ may deny entry to or order diversion from the state any vehicle or other conveyance transporting whole veal meat intended for commercial sale that was produced, packaged, identified, or shipped in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, including but not limited to shipping document requirements specified in section 1321.4 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1321.7. Tagging and Seizure of Whole Veal Meat.

(a) The Department ~~or other enforcement officer~~ may affix a warning tag or notice to shipping documents, manifests, containers, sub-containers, lots, or loads of whole veal meat which have been produced, packaged, stored, labeled, marked, identified, transported, delivered, or sold in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, and may give notice of such violation to the veal producer, veal distributor, owner, or other person in possession of the whole veal meat.

(b) No person shall remove a warning tag or notice from the place it is affixed except upon written permission or specific direction of the Department ~~or other enforcement officer~~.

(c) ~~An enforcement officer~~The Department may seize and hold any containers, sub-containers, lots, or loads of whole veal meat in California which they have reasonable suspicion to believe is in violation of the provisions of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article. If the Department ~~or other enforcement officer~~ seizes any container, sub-container, lot, or load of whole veal meat, a hold notice shall be issued to the person that has control of the whole veal meat, and a tag or notice may be affixed to the container, sub-container, lot, or load which states it is so held.

(d) Any whole veal meat for which a hold notice is issued shall be held by the person having control of the whole veal meat and shall not be disturbed, moved, diverted, or offered for sale except under the specific directions of the Department ~~or other enforcement officer~~.

(e) A person may request an informal hearing to contest tagging, hold notice, or seizure of whole veal meat pursuant to section 1327.1 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1321.8. Written Certification.

(a) For purposes of section 25993.1 of the Health and Safety Code, any written certification from a supplier to a buyer engaged in commercial sales of whole veal meat that was not derived from a calf confined in a cruel manner shall be based upon an audit trail as defined in section 1321(b) of this Article, and shall be traceable to veal producers compliant with all requirements of section 1321.1 of this Article.

(b) A retailer or food processing facility that is an end-user and takes physical possession, whether by use of a common carrier, private carrier, or other means of conveyance, of whole veal meat at, or directly from, an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), ~~granted~~ that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture, and that does not hold a valid veal distributor registration, shall:

(1) Maintain records documenting written certifications that meet the requirements of this section for whole veal meat received during the preceding 12-month period.

(2) Maintain records documenting the address of the location where the retailer or food processing facility, as the buyer, takes physical possession of whole veal meat for each sales transaction.

(3) Make the records required by this section available on-site for inspection by the Department ~~and other state or local health agencies~~ upon request. Electronic records are considered on-site if they are accessible from an on-site location.

(c) Subsection (b) of this section shall not apply to a whole veal meat end-user that is an establishment under mandatory inspect~~ed~~ion under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and ~~granted~~ that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1321.9. Denial, Suspension, or Revocation of Veal Distributor Registration.

(a) The Department may deny, suspend, or revoke a registration issued pursuant to this Article for any of the following:

(1) Violations that resulted, or reasonably could have resulted, in the commercial sale of whole veal meat from a calf that was not confined in compliance with this Article;

(2) Repetitive failure to comply with the requirements of this Article and/or statutes pertaining to whole veal meat or a calf raised for veal in sections 25990-25992 of the Health and Safety Code;

(3) Refusal to grant access for, or interference with, inspections or audits described in sections 1321.3 or 1321.6 of this Article;

(4) Misrepresenting whole veal meat as being produced in compliance with this Article; or

(5) Providing false information on an application for registration.

(b) Proposed suspension or revocation. The Department shall send a written notice of proposed suspension or revocation of registration to the veal distributor. The notice of proposed suspension or revocation shall state:

(1) The date the proposed suspension or revocation is issued;

(2) The reasons for the proposed suspension or revocation;

(3) The effective date of the proposed suspension or revocation;

(A) The effective date of suspension or revocation is 30 calendar days after the date that the proposed suspension or revocation is issued;

(4) The impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement; and

(5) The right to request a formal hearing pursuant section 1327.2 of this Chapter within 30 calendar days of the date the proposed suspension or revocation was issued. Registration shall remain in effect pending the outcome of the formal hearing.

~~(b)~~(c) A person may appeal the Department's decision to ~~refuse to issue, or to~~ deny~~, suspend, or revoke~~ an application or renewal of a registration ~~certificate~~ by requesting a formal hearing pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of the date of the notice of denial.

~~(c) The Department's decision to deny, suspend, or revoke a registration shall remain in effect pending the outcome of an appeal process.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

~~Section 1321.10. Registration with the California Department of Public Health.~~

~~(a) Notwithstanding section 1321.2 of this Article, any person operating a food processing establishment in California shall also register with the California Department of Public Health pursuant to section 110460 of the Health and Safety Code. The registration requirement applies to all forms of processed veal.~~

~~(b) Evidence of this registration shall be provided to the Department or its designee upon request.~~

~~Note: Authority cited: Sections 25993 and 110065, Health and Safety Code. Reference: Sections 25990, 25991, 109875, 109935, 110045, and 110460, Health and Safety Code.~~

Article 3. Breeding Pigs.

Section 1322. Definitions.

Unless the context otherwise requires, the following definitions apply to this Article and words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand:

(a) "Act" means the Farm Animal Cruelty statute, as amended (Chapter 13.8 (commencing with section 25990) of Division 20 of the Health and Safety Code~~.~~).

(b) "Audit trail" means records that are in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of whole pork meat that was derived from a breeding pig, or immediate offspring of a breeding pig, confined in compliance with sections 25991 and 25992 of the Health and Safety Code and this Article, and from pork producers that hold a valid certification as a certified operation issued pursuant to Article 5 of this Chapter.

(c) "Breeding pig" means~~, pursuant to section 25991(a) of the Health and Safety Code,~~ any female pig of the porcine species kept for the purpose of commercial breeding who is six (6) months of age or older, or pregnant.

(d) "Certified operation" means as defined in section 1326(e) of this Chapter.

(e) "Certifying agent" means as defined in section 1326(f) of this Chapter.

(f) “Commercial sale” for purposes of section 25991(o) of the Health and Safety Code and this Article means to sell, ~~offer for sale, expose for sale, possess for sale,~~ exchange, barter, trade, transfer title or possession, or ~~otherwise~~ distribute, conditional or otherwise, in California commerce including, but not limited to, transactions by a retailer with a consumer and electronic transactions made using the internet. It shall not include any of the following transactions or transfers of possession, which apply only to a specific transaction listed below, not to the covered product itself, and therefore does not apply to all subsequent commercial sales of whole pork meat:

(1) Whole pork meat produced outside of the state that enters and exits California, without additional processing or repackaging, exclusively for purposes of transshipment or export ~~for human consumption~~ outside of the state;

(2) Any sale of whole pork meat undertaken on the premises of an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an ~~official~~ establishment number (prefix “M”) granted by the Food Safety Inspection Service of the United States Department of Agriculture; or that is made directly to federal agencies or that takes place on federal lands located within the state; or

(3) Any sale of whole pork meat which takes place on tribal lands located within the state; or

~~(3)~~(4) Donations to ~~religious, charitable, scientific, educational, or other~~ nonprofit organizations that have a tax exemption under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.).

~~(4) The exception to definition of commercial sale applies only to a specific transaction listed above, not to the covered product itself, and therefore does not apply to all subsequent sales of whole pork meat.~~

(g) “Consumer” means any person who purchases whole ~~uncooked~~ pork meat, as defined in section 25991(u) of the Health and Safety Code and this Article, for the sole purpose of their own ~~family~~ personal use or consumption, or that purchases or consumes cooked pork meat at a restaurant, food facility, or other business that serves cooked or ready-to-eat pork meat to customers or patrons.

(h) “Container” means any box, case, basket, tote, can, carton, sack, pouch, bag, package, wrapper, receptacle, or any other device which is used to facilitate the handling, distribution, transportation, or commercial sale of whole pork meat.

(i) “Cottage food operation” means an establishment as defined in section 113758 of the Health and Safety Code.

(j) “Curing agents” for purposes of section 25991(u) of the Health and Safety Code and this Article means any substance listed and described in section 424.21(c) of Title 9 of the Code of Federal Regulations.

(k) “Cut” for purposes of section 25991(u) of the Health and Safety Code and this Article means any uncooked primal, wholesale, sub-primal or retail cut including, but not limited to, those identified and described in the United States Department of Agriculture’s Institutional Meat Purchase Specifications: Fresh Pork Series 400 (November 2014 Edition) and the 2014 Uniform Retail Meat Identity Standards developed by the Industry-Wide Cooperative Meat Identification Standards Committee, but shall exclude any ground or otherwise comminuted meat products.

(l) “Department” means the California Department of Food and Agriculture.

(m) “Document of title” means a document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the whole pork meat it covers. Examples of such documents include, but are not limited to, bill of lading, dock warrant, dock receipt, warehouse receipt, or an order for the delivery of whole pork meat.

(n) “Enclosure” means a structure used to confine a covered animal or animals. For purposes of this subsection and this Article, a structure means any cage, crate, pen, or other construction used to confine a breeding pig.

(o) “End-user” means any of the following:

(1) A consumer;

(2) A retailer that is not a pork producer and only conducts commercial sales directly to a consumer, without any further distribution, of whole pork meat ~~that was purchased or received from a pork distributor~~;

(3) A food processing facility or cottage food operation that receives whole pork meat solely for use as an ingredient to manufacture a combination food product that does not meet the definition of whole pork meat as defined in this Article; or

(4) A restaurant, food facility or other business that only cooks and serves pork meat, and/or serves only ready-to-eat pork meat, to customers, patrons or guests for purposes of consumption.

~~(p) “Enforcement officer” means any of the following:~~

~~(1) Persons employed by and under the supervision and control of the Department; or~~

~~(2) Persons employed by and under the supervision and control of the Department of Public Health.~~

~~(q)~~(p)"Flavoring" for purposes of section 25991(u) of the Health and Safety Code and this Article means any substance, whether artificial or natural, the function of which is to impart flavor rather than nutrition, and includes the substances listed and described in sections 172.510, 172.515(b), 182.10, 182.20, 182.40, and 182.50, and substances with a use described as a flavoring, flavoring agent, or flavoring enhancer in part 184 of Title 21 of the Code of Federal Regulations.

~~(r)~~(q) "Food facility" means a facility as defined in section 113789 of the Health and Safety Code.

~~(s)~~(r) "Food processing facility" means a facility as defined in section 109947 of the Health and Safety Code.

~~(t)~~(s) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate

~~(u)~~(t) "Pork distributor" means a person or facility engaged in the business of commercial sales or distribution of whole pork meat (as a pork producer or otherwise) to an end-user in California. This definition shall not apply to a person or facility that only receives whole pork meat as an end-user.

~~(v)~~(u) "Pork producer" means a person engaged in the business of keeping, maintaining, confining and/or housing a female pig of the porcine species that is six (6) months of age or older, or is pregnant, for the purpose of commercial breeding to produce pork meat from the breeding pig or her immediate offspring for human ~~food~~ consumption. This definition shall not apply to an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture.

(v) "Production cycle" means the lifecycle of a commercial breeding pig for the generation of immediate offspring. A production cycle for gilts begins when they are six months or older and moved into an enclosure for breeding and ends when a litter of piglets is weaned. A new production cycle for sows begins when each litter of piglets is weaned.

(w) "Ready-to-eat (RTE)" means in a form that is edible without additional preparation to achieve food safety and may receive additional preparation for palatability or aesthetic, gastronomic, or culinary purposes. RTE product is not required to bear a safe-handling instruction (as required for non-RTE products by sections 317.2(l) and 381.125(b)) of Title 9 of the Code of Federal Regulations) or other labeling that directs that the product must be cooked or otherwise treated for safety and can include frozen meat products.

(x) “Records” means any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with the Act and this Chapter.

~~(x)~~(y) “Requiring cooking” for the purposes of section 25991(r) of the Health and Safety Code and this Article means not ready-to-eat in the condition sold, offered for sale or otherwise distributed.

~~(y)~~(z) “Retailer” means a facility location that conducts commercial sales of whole pork meat to a consumer.

~~(z)~~(aa) “Seasoning” for purposes of section 25991(u) of the Health and Safety Code and this Article is synonymous with the term “spice” and means any aromatic vegetable substance in the whole, broken, or ground form, whose primary function in food is seasoning rather than nutritional and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include onions, garlic, peppers, and the spices listed in section 182.10, and Part 184 of Title 21 of the Code of Federal Regulations.

(bb) “Takes physical possession” for the purposes of section 25991(o) of the Health and Safety Code and this Article means when the whole pork meat is delivered to the buyer in California, regardless of whether the title transfer takes place outside of the state, whether the seller and buyer have provided otherwise by a contract, or whether an agent of the buyer accepts the whole pork meat outside of the state for transportation into California.

~~(aa)~~(cc) “Uncooked” means requiring cooking prior to human consumption.

(dd) “Usable floorspace” shall be calculated by dividing the total square footage of floorspace provided to breeding pigs in an enclosure by the number of breeding pigs in the enclosure. This floorspace shall also include ground-space for enclosures that are outdoor pens or pastures accessible at all times by all breeding pigs confined in the enclosure.

~~(bb)~~(ee) “Whole pork meat” means~~, pursuant to section 25991(u) of the Health and Safety Code,~~ any uncooked cut of pork, including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin, or cutlet, that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives. Whole pork meat does not include combination food products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food products, that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives.
Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, 109947, 113758, and 113789, Health and Safety Code; Title 9, Part 317, section 317.2(l), Part 381, section 381.125(b), and Part 424, section 424.21(c), Title 21, Part 172,

sections 172.510 and 172.515(b), Part 182, sections 182.10, 182.20, 182.40, 182.50; and Part 184, Code of Federal Regulations; Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.; and Internal Revenue Code, 26 U.S.C. section 501(c)(3).

Section 1322.1. Breeding Pig Confinement.

(a) No ~~pork producer or pork distributor~~ person shall knowingly ~~sell or contract to sell~~ engage in a commercial sale within the state of whole pork meat for human ~~consumption~~ food ~~in the state~~ if ~~it~~ the whole pork meat is the product of a breeding pig, or the product of the immediate offspring of a breeding pig, that was confined at any time during the production cycle for said product in an enclosure that fails to comply with the following standards:

(1) An enclosure shall allow the breeding pig to lie down, stand up, fully extend limbs, and turn around freely.

~~(1)~~(2) ~~Commencing January 1, 2022~~After December 31, 2021, an enclosure shall provide a minimum of 24 square feet of usable floorspace per breeding pig.

~~(2) The amount of usable floorspace required by (a)(1) of this section shall be calculated by dividing the total square footage of floorspace provided to breeding pigs in an enclosure by the number of breeding pigs in the enclosure. For purposes of this section, floorspace shall also include ground-space for enclosures that are outdoor pens or pastures accessible at all times by all pigs in the enclosure.~~

(3) Exceptions to the requirements of this section are specified in section 25992 of the Health and Safety Code and Article 4 of this Chapter ~~apply to the requirements of this section.~~

(b) Commencing January 1, 202~~3~~4, any person engaged in business in ~~this~~ the state as a pork producer, or any out-of-state pork producer that is keeping, maintaining, confining, and/or housing a breeding pig for purposes of producing whole pork meat, from the breeding pig or its immediate offspring, for human food ~~use~~ for commercial sale in California, shall hold a valid certification issued pursuant to Article 5 of this Chapter as a certified operation.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1322.2. Pork Distributor Registration.

(a) Commencing January 1, 2023, ~~A~~any in-state or out-of-state person engaged in ~~business~~ a commercial sale into or within ~~this~~ the state as a pork distributor~~, or any out-of-state pork distributor selling whole pork meat into California for purposes of human food use in the state~~, shall ~~register~~ hold a valid registration with the Department pursuant to this Article.

(b) Any person ~~required to~~ registering pursuant to (a) of this section shall submit an application for registration provided by the Department including the following information: Business name, physical address of distribution operation, mailing address, phone number, email address, website address, federal tax identification number, and name, phone number and email of person authorized to act on the applicant's behalf.

(c) The registration shall not be transferable to any person and shall be applicable only to the location for which originally issued.

(d) A registration is required for each facility location from which whole pork meat is sold, distributed, or otherwise supplied to the location of an end-user.

(e) A pork distributor shall not engage in the commercial sale of whole pork meat within, or into, California unless such person has obtained and holds a valid registration from the Department pursuant to this section for each facility location.

(f) Any change in ownership, change of business name, change in business location, closure of business, or change of name, address, phone number or email of person authorized to act on behalf of the registered distributor must be reported to the Department within 30 ~~business~~ calendar days of such change.

(g) All information set forth on applications for registrations and renewals for registrations, including but not limited to any documentation of certification required by (j) of this section, shall be truthful and not misleading.

(h) Every registration expires 12 months from the date of issue.

(i) A registration may be renewed each 12-month period by the Department in response to an application for renewal by a pork distributor if the business of the facility applying for renewal was conducted in accordance with the requirements of this Article and sections 25990 and 25991 of the Health and Safety Code during the preceding 12 months for which the renewal is requested.

(j) An application to the Department by a pork distributor for initial registration, or for purposes of renewal, shall be accompanied by documentation of valid certification pursuant to Article 5 of this Chapter for each location where registration is being sought. A registration shall not be issued for any facility location for which the valid certification required by this section has not been submitted to the Department.

(k) ~~Notwithstanding the requirements of (j) of this section, a registration may be granted prior to January 1, 2023~~4 ~~to a pork distributor that submits a self-certification to the Department that the~~ For purposes of the valid certification required in (j) of this section, a self-certification by a pork distributor that they compli~~es~~y with all applicable requirements of sections 1322.4 and

1322.5 of this Article, and distributes whole pork meat within or into California only from pork producers that comply with section 1322.1 of this Article, will be accepted by the Department prior to January 1, 2024.

(l) ~~This section shall not apply to a~~An establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an establishment number (prefix "M") granted by the Food Safety Inspection Service of the United States Department of Agriculture with prefix of "M" is excluded from mandatory registration pursuant to this section.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act (21 U.S.C. section 601 et seq.).

Section 1322.3. Inspection and Audit of Registered Pork Distributor Facilities.

(a) Every person ~~required to be~~ registered pursuant to section 1322.2 of this Article shall comply with this section.

(b) Every pork distributor by submitting an application for registration of a facility agrees as a condition of registration to provide the Department, and/or certifying agent, entrance and access to the premises and business records of the facility for purposes of inspection and audit as described in Article 5 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1322.4. Whole Pork Meat Shipping Document Requirements.

(a) Shipping Documents.

(1) ~~Commencing January 1, 2022, a~~All documents of title~~, shipping invoices, bills of lading,~~ and shipping manifests for ~~all~~ shipments of whole pork meat entering the state or transported within the state for commercial sale in California shall include the statement ~~"California 24+ Compliant" and may be abbreviated to read "CA 24+"~~ "Pork CA Prop 12 Compliant". The statement shall be clearly legible and plainly printed or stamped~~;~~.

(2) For shipments of whole pork meat that was not produced in compliance with section 25991 of the Health and Safety Code and this Article, and enter California exclusively for purposes of transshipment, ~~or~~ export, donation, or sale to federal agencies or on tribal lands ~~for human consumption outside of the state~~ and are not destined for commercial sale in California, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon

entrance into the state and during transportation and storage within the state, be marked with the statement ~~"Not for California Consumption" or "Not for California Sale"~~ "For Export", "For Transshipment", or "Not Prop 12 Compliant"~~:~~. The statement shall be legible and plainly printed or stamped.

(3) For shipments of whole pork meat not produced in compliance with section 25991 of the Health and Safety Code and this Article that originate from a facility, whether located inside or outside of the state, under mandatory inspection and that hold~~ings~~s an establishment number with prefix "M" granted by the Food Safety Inspection Service of the United States Department of Agriculture under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and being transported to another facility in California under mandatory inspection and that hold~~ings~~s an establishment number with prefix "M" granted by the Food Safety Inspection Service of the United States Department of Agriculture under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), solely for purposes of using the whole pork meat for making food products not covered by the Act or this Article, all documents of title, shipping invoices, bills of lading, and shipping manifests shall, upon entrance into the state and during transportation within the state, be clearly marked with the statement "Only for use at" immediately followed by the complete establishment number, including the prefix "M", granted by the Food Safety Inspection Service of the United States Department of Agriculture for the specific facility where the shipment is destined for delivery.

(b) No person shall label, identify, mark, advertise, or otherwise represent, pigs or whole pork meat for commercial sale in California using the statements in (a) of this section, or as meeting the requirements of the Act or otherwise meeting California enclosure space requirements, unless they were produced in compliance with section 25991 of the Health and Safety Code and this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1322.5. Pork Distributor Recordkeeping.

(a) A pork distributor, as a condition of registration pursuant to section 1322.2 of this Article, shall maintain records that comply with all the requirements of this section.

(b) Records shall be sufficient for purposes of an audit trail as defined in section 1322(b) of this Article and the applicable recordkeeping requirements described in section 1326.2 of this Chapter.

(c) Records shall document in a traceable manner that whole pork meat being distributed for commercial sale into or within California originates from pork producers that are in compliance with all requirements of section 1322.1 of this Article.

(d) Records shall document the address of the location where the distributor, as the buyer, takes physical possession of whole pork meat for each sales transaction.

(e) Records shall be maintained for two (2) years from the date of creation and be made accessible for inspection and audit by the Department and/or a certifying agent as required by section 1322.3 of this Article.

~~(f) This section shall not apply to an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and granted an establishment number (prefix "M") by the Food Safety Inspection Service of the United States Department of Agriculture with prefix of "M".~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1322.6. Inspection of Conveyances.

(a) Every pork distributor by submitting an application for registration agrees as a condition of registration to provide the Department or ~~other enforcement officer, and/or~~ a certifying agent, access to inspect in California any vehicle or other conveyance under the registrant's operation or control that is transporting whole pork meat into or within the state.

(b) Every person shall stop at the request of ~~an enforcement officer~~ the Department at any California Border Protection Station for purposes of inspection of cargo and any accompanying shipping documents, manifests, and bills of lading, any vehicle or other conveyance transporting into or within the state whole pork meat.

(c) The Department~~, or other enforcement officer in California,~~ may deny entry to or order diversion from the state any vehicle or other conveyance transporting whole pork meat intended for commercial sale that was produced, packaged, identified, or shipped in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, including but not limited to shipping document requirements specified in section 1322.4 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1322.7. Tagging and Seizure of Whole Pork Meat.

(a) The Department ~~or other enforcement officer~~ may affix a warning tag or notice to shipping documents, manifests, containers, sub-containers, lots, or loads of whole pork meat which have been produced, packaged, stored, labeled, marked, identified, transported, delivered, or sold in violation of the requirements of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article, and may give notice of such violation to the pork producer, pork distributor, owner, or other person in possession of the whole pork meat.

(b) No person shall remove a warning tag or notice from the place it is affixed except upon written permission or specific direction of the Department ~~or other enforcement officer~~.

(c) ~~An enforcement officer~~ The Department may seize and hold any containers, sub-containers, lots or loads of whole pork meat in California which they have reasonable suspicion to believe is in violation of the provisions of sections 25990-25992 of the Health and Safety Code, or the provisions of this Article. If the Department ~~or other enforcement officer~~ seizes any container, sub-container, lot, or load of whole pork meat, a hold notice shall be issued to the person that has control of the whole pork meat, and a tag or notice may be affixed to the container, sub-container, lot, or load which states it is so held.

(d) Any whole pork meat for which a hold notice is issued shall be held by the person having control of the whole pork meat and shall not be disturbed, moved, diverted, or offered for sale except under the specific directions of the Department ~~or other enforcement officer~~.

(e) A person may request an informal hearing to contest tagging, hold notice, or seizure of whole pork meat pursuant to section 1327.1 of this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1322.8. Written Certification.

(a) For purposes of section 25993.1 of the Health and Safety Code, any written certification from a supplier to a buyer engaged in commercial sales of whole pork meat that was not derived from a breeding pig, or offspring of a breeding pig, confined in a cruel manner shall be based upon an audit trail as defined in section 1322(b), of this Article, and shall be traceable to pork producers compliant with all requirements of section 1322.1 of this Article.

(b) A retailer or food processing facility that is an end-user and takes physical possession, whether by use of a common carrier, private carrier or other means of conveyance, of whole pork meat at, or directly from, an establishment at which mandatory inspection is provided under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), ~~granted~~ that holds an establishment number (prefix “M”) granted by the Food Safety Inspection Service of the

United States Department of Agriculture with a prefix of “M”, and that does not hold a valid pork distributor registration, shall:

(1) Maintain records documenting written certifications that meet the requirements of this section for whole pork meat received during the preceding 12-month period.

(2) Maintain records documenting the address of the location where the retailer or food processor, as the buyer, takes physical possession of whole pork meat for each sales transaction.

(3) Make the records required by this subsection available on-site for inspection by the Department ~~state or local health agencies~~ upon request. Electronic records are considered on-site if they are accessible from an on-site location.

(c) Subsection (b) of this section shall not apply to a whole pork meat end-user that is an ~~official~~ establishment under mandatory inspect~~ed~~ion under the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and ~~granted~~ that holds an establishment number (prefix “M”) granted by the Food Safety Inspection Service of the United States Department of Agriculture.
Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25900 and 25991, Health and Safety Code and Federal Meat Inspection Act, 21 U.S.C. section 601 et seq.

Section 1322.9. Denial, Suspension, or Revocation of Pork Distributor Registration.

(a) The Department may deny, suspend, or revoke a registration issued pursuant to this Article for any of the following:

(1) Violations that resulted, or reasonably could have resulted, in the commercial sale of whole pork meat from breeding pigs, or offspring of breeding pigs, that was not confined in compliance with this Article;

(2) Repetitive failure to comply with the requirements of this Article and/or statutes pertaining to whole pork meat or breeding pigs in sections 25990-25992 of the Health and Safety Code;

(3) Refusal to grant access for, or interference with, inspections or audits described in sections 1322.3 or 1322.6 of this Article;

(4) Misrepresenting whole pork meat as being produced in compliance with this Article; or

(5) Providing false information on an application for registration.

(b) Proposed suspension or revocation. The Department shall send a written notice of proposed suspension or revocation of registration to the pork distributor. The notice of proposed suspension or revocation shall state:

(1) The date the proposed suspension or revocation is issued;

(2) The reasons for the proposed suspension or revocation;

(3) The effective date of the proposed suspension or revocation;

(A) The effective date of suspension or revocation is 30 calendar days after the date that the proposed suspension or revocation is issued;

(4) The impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement; and

(5) The right to request a formal hearing pursuant section 1327.2 of this Chapter within 30 calendar days of the date the proposed suspension or revocation was issued. Registration shall remain in effect pending the outcome of a formal hearing.

~~(b)~~(c) A person may appeal the Department's decision to ~~refuse to issue, or to~~ deny~~, suspend, or revoke~~ an application or renewal of a registration ~~certificate~~ by requesting a formal hearing pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of the date of the notice of denial.

~~(c) The Department's decision to deny, suspend, or revoke a registration shall remain in effect pending the outcome of an appeal process.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

~~Section 1322.10. Registration with the California Department of Public Health.~~

~~(a) Notwithstanding section 1322.2 of this Article, any person operating a food processing establishment in California shall also register with the California Department of Public Health pursuant to section 110460 of the Health and Safety Code. The registration requirement applies to all forms of processed pork.~~

~~(b) Evidence of this registration shall be provided to the Department or its designee upon request.~~

~~Note: Authority cited: Sections 25993 and 110065, Health and Safety Code. Reference: Sections 25990, 25991, 109875, 109935, 110045, and 110460, Health and Safety Code.~~

Article 4. Exceptions.

Section 1324. Definitions.

Unless the context otherwise requires, the following definitions apply to this Article and words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand:

(a) “Breeding pig” means any female pig of the porcine species kept for the purpose of commercial breeding who is six (6) months of age or older, or pregnant.

(~~a~~b) “Individual treatment” for purposes of section 25992 of the Health and Safety Code, and this Chapter, means any protocol, practice, procedure, or application of care concerned with the diagnosis, treatment, mitigation, or prevention of animal disease, injury or harm that is administered by, or conducted under the order or recommendation of, a licensed veterinarian as part of a veterinarian-client-patient relationship as defined in section 530.3(i) of Title 21 of the Code of Federal Regulations.

(~~b~~c) “Medical research” for purposes of section 25992 of the Health and Safety Code, and this Chapter, means any basic and applied research that relates or contributes to the scientific understanding, promotion, or protection of human or animal health, fitness, function, performance, welfare or care, and that is conducted under the review of an Institutional Animal Care and Use Committee operating in accordance with section 2.31 of Title 9 of the Code of Federal Regulations or is conducted at a facility that holds a valid accreditation by the American Association for Accreditation of Laboratory Animal Care.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code and Title 9, Part 2, section 2.31 and Title 21, Part 530, section 530.3(i), Code of Federal Regulations.

Section 1324.1. Confinement Standards Exceptions.

(a) The Act and this Chapter shall not apply:

(1) During medical research;

(2) During examination, testing, individual treatment, or operation for veterinary purposes;

(3) During transportation;

(4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions;

(5) During slaughter when performed in accordance with the provisions of Chapter 6 (commencing with Section 19501) of Part 3 of Division 9 of the Food and Agricultural Code, relating to humane methods of slaughter, and other applicable laws and regulations;

(6) To a breeding pig during the five-day period prior to the breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets; or

(7) During temporary periods for animal husbandry purposes for no more than six hours in any 24-hour period, and no more than 24 hours total in any 30-day period.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Section 25992, Health and Safety Code.

Article 5. Certification and Accredited Certifiers.

Section 1326. Definitions.

Unless the context otherwise requires, the following definitions apply to this Article and words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand:

(a) "Accreditation or accredit" means a determination made by the Department that authorizes a private entity to conduct certification activities as a certifying agent under this Chapter.

(b) "Act" means the Farm Animal Cruelty statute, as amended (Chapter 13.8 (commencing with section 25990) of Division 20 of the Health and Safety Code~~.~~).

(c) "Area of operation" means the ~~types of~~ facilities and records for covered animal production or covered product distribution operations, including veal calves and whole veal meat, breeding pigs and whole pork meat, egg-laying hens and shell eggs or liquid eggs, or any combination thereof that a certifying agent may ~~be accredited to~~ certify under this Chapter.

(d) "Certification or certify" means a determination made by a certifying agent that a production or distribution operation is in compliance with the Act and this Chapter, which is documented by a certificate of California farm animal confinement compliance.

(e) "Certified operation" means a production or distribution operation, or portion of such operation, that is certified by a certifying agent as utilizing a system of animal confinement or distribution as described by the Act and this Chapter.

(f) "Certifying agent" means any private entity accredited by the Department as a third-party certifying agent for the purpose of certifying a production or distribution operation as a certified operation, the Department, or any government entity that the Department recognizes as providing functionally equivalent certification services to the requirements of this Chapter.

(g) “Certifying agent's operation” means all sites, facilities, personnel, and records used by an accredited private certifying agent to conduct certification activities under the regulations in this Chapter.

(h) “Covered animal” means ~~any calf raised for veal, breeding pig, or egg-laying hen who is~~ all of the following animals when kept on a farm pursuant to sections 25991(f) and (i) of the Health and Safety Code for purposes of producing covered products:

(1) Breeding pig as defined in section 25991(a) of the Health and Safety Code and section 1322(c) of this Chapter;

(2) Calf as defined in section 25991(d) of the Health and Safety Code and section 1321(c) of this Chapter; and

(3) Egg-laying hen as defined in section 25991(g) of the Health and Safety Code and section 1320(l) of this Chapter.

(i) “Covered product” means all of the following:

(1) Shell eggs as defined in section 25991(p) of the Health and Safety Code and section 1320~~(aa)~~(z)~~,~~ of this Chapter; ~~or~~

(2) Liquid eggs as defined in section 25991(l) of the Health and Safety Code and, section 1320(u) of this Chapter; ~~or~~

(3) Whole veal meat as defined in section 25991(v) of the Health and Safety Code and section 1321~~(bb)~~(ee) of this Chapter; ~~or~~ and

(4) Whole pork meat as defined in section 25991(u) of the Health and Safety Code and section 1322~~(bb)~~(ee) of this Chapter.

(j) “Department” means the California Department of Food and Agriculture.

(k) “Distributor” means an egg distributor as defined in section 1320(k), a veal distributor as defined in section 1321~~(z)~~(cc), and a pork distributor as defined in section 1322~~(u)~~(t), of this Chapter.

(l) “Distributor operation” means any operation or portion of an operation that conducts activities as a distributor.

(m) “Employee” means any person providing paid or volunteer services for a certifying agent.

(n) “Governmental entity” means any local, state, or federal domestic government, tribal government, or foreign governmental subdivision providing certification services.

(o) “Immediate family” means the spouse, minor children, or blood relatives who reside in the immediate household of a certifying agent or in the immediate household of employee, inspector, contractor, or other personnel of the certifying agent. For the purpose of this Chapter,

the interest of a spouse, minor child, or blood relative who is a resident of the immediate household of a certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent shall be considered to be an interest of the certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent.

(p) “Inspection” means the act of examining and evaluating the production or distribution area of operation of an applicant for certification or a certified operation to determine compliance with the Act and this Chapter.

(q) “Inspector” means any person retained or used by a certifying agent to conduct inspections of certification applicants or certified production or distribution operations, or an authorized representative of the Department.

(r) “Label” means a display of written, printed, or graphic material on the immediate container of a covered product or any such material affixed to any covered product or affixed to a bulk container containing a covered product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

(s) “Labeling” means all written, printed, or graphic material accompanying a covered product at any time or written, printed, or graphic material about the covered product displayed at retail stores about the product.

(t) “Person” means any individual, firm, partnership, joint venture, association, limited liability corporation, corporation, estate, trust, receiver, or syndicate.

(u) “Private entity” means any domestic or foreign nongovernmental, for-profit, or not-for-profit organization providing certification services.

(v) “Producer” means an egg producer as defined in section 1320(m), a veal producer as defined in section 1321~~(aa)~~(dd), and a pork producer as defined in section 1322~~(v)~~(u).

(w) “Records” means any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with the Act and this Chapter.

(x) “Responsibly connected” means any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant, or a recipient of certification or accreditation.

(y) “Split operation” means an operation that produces or distributes covered animals and/or covered products from operations, or portions of an operation, that are both in conformance and out-of-conformance with the confinement standards of the Act and this Chapter.

(z) “State” means any of the several States of the United States of America, its territories, the District of Columbia, and the Commonwealth of Puerto Rico.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.1. General Requirements for Certification.

A person seeking to receive or maintain certification under this Chapter must:

(a) Comply with the Act and applicable regulations of this Chapter;

(b) Allow on-site inspections by the certifying agent, and/or authorized representatives of the Department, with access to the production and/or distribution operation, and offices as provided for in sections 1326.2 and 1326.5 of this Article;

(c) If a producer, allow access by the certifying agent, and/or authorized representatives of the Department, to pastures, fields, structures, and houses where covered animals and covered animal products may be kept, produced, processed, handled, stored or transported, including the inspection of all enclosures for covered animals;

(d) If a distributor, allow access by the certifying agent, and/or authorized representatives of the Department, to examine all covered products that are sold or intended, held, segregated, stored, packaged, labeled, or represented for sale or distribution in California;

(e) Allow access by the certifying agent, and/or authorized representatives of the Department, to containers, labels, labeling, invoices, documents of title, and bills of lading used in the handling, storage, packaging, sale, transportation, or distribution of covered products in California;

(f) Allow access by the certifying agent, and/or authorized representatives of the Department, during normal business hours for review and copying of records required by section 1326.2 of this Article; and

(g) Immediately notify the certifying agent concerning any change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.2. Recordkeeping by Certified Operations.

(a) In order to receive and maintain certification, a certified operation must maintain records concerning the production and distribution of covered animals and/or covered products.

(b) Such records must:

(1) Be maintained by a producer in sufficient detail to document that covered animals were confined in compliance with sections 25991 and 25992 of the Health and Safety Code and the requirements of this Chapter;

(2) Be maintained by a distributor in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, handling, packaging, distribution, and sale of covered products that were derived from animals confined in compliance with sections 25991 and 25992 of the Health and Safety Code and this Chapter;

(3) Be maintained for not less than two (2) years beyond their creation;

(4) Include records of all covered animal and/or covered product transactions for the preceding two-year period. The records must indicate the date, quantity, identity of the buyer and seller, and the address where physical possession of covered product took place for each transaction;

(5) Include documentation and records for the preceding two-year period pertaining to the production, processing, handling, packaging, storage, transportation, or sale of covered animals or covered products sold, intended for sale in California or identified or represented as compliant with the confinement requirements of the Act and this Chapter;

(6) Include documentation of the size of the certified operation, the quantity of covered animals and/or covered products produced or processed from each facility or farm unit in the certified operation, the number of covered animal enclosures for each facility or farm unit, the size of each enclosure, the number of covered animals housed in each enclosure, and the dates of stocking, harvest and production;

(7) If the facility is a split operation, include documentation sufficient to demonstrate the identification, segregation, distribution, and handling of covered animals and/or covered products to prevent commingling with any animals or products that do not comply with requirements of the Act; and

(8) Include documentation of registration issued by the Department pursuant to sections 1320.2, 1321.2, and 1322.2 of this Chapter, as applicable to the certified operation.

(c) The inspection and audit of any records and documents required by this section, may be conducted by the Department, or other certifying agent, by on-site inspection at the certified operation location, or by utilizing email, phone, teleconference, or any combination thereof, at the discretion of the certifying agent or the Department.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990, 25991, and 25992, Health and Safety Code.

Section 1326.3. Application for Certification.

(a) A person seeking certification of a production or distribution operation by a certifying agent under this Article must submit an application for certification that includes all the following information:

(1) The name of the person completing the application; the applicant's business name, physical address, mailing address, and telephone number; and, when the applicant is a corporation, the name, address, email, and telephone number of the person authorized to act on the applicant's behalf;

(2) The name(s) of any certifying agent(s) to which application has previously been made; the year(s) of application; the outcome of the application(s) submission, including, when available, a copy of any notification of noncompliance, denial or revocation of certification issued to the applicant for certification; and a description of the actions taken by the applicant to correct the noncompliance noted in the notification of noncompliance, including evidence of such correction;

(3) A description of the type and quantity of covered animals and/or covered products to be produced and/or distributed at the facility for which certification is being requested;

(4) A description of the covered animal confinement system to be used at the facility, including but not limited to the number of enclosures, size of enclosures and maximum number of covered animals to be housed in each, and additional information as deemed necessary by the certifying agent to determine compliance with the Act and this Chapter; and

(5) A description of the management practices, physical barriers, and standard operating procedures established to prevent commingling of covered animals or covered products if the facility is a split operation.; and

(b) If the certifying agent is a government entity other than the Department, it may use its own authorized procedures for application for certification in lieu of this section's requirements. Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.4. Review of Application for Certification.

(a) Upon acceptance of an application for certification, a certifying agent must:

(1) Review the application to ensure completeness pursuant to section 1326.3 of this Article;

(2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of the Act and this Chapter;

(3) Verify that an applicant who previously applied to another certifying agent and received a notification of noncompliance~~,~~ or denial ~~or revocation~~ of certification, pursuant to section 1326.7 of this Article, has submitted documentation to support the correction of any issues of noncompliance identified in the notification of noncompliance or denial of certification, as required in section 1326.7(e) of this Article; and

(4) Schedule an on-site inspection, pursuant to section 1326.5 of this Article, of the production or distribution operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production or distribution operation may be in compliance with the applicable requirements of the Act and this Chapter.

(b) A certifying agent shall:

(1) Review the application materials received and communicate its findings to the applicant; and

(2) Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed.

(c) The applicant may withdraw its application at any time. An applicant that voluntarily ~~withdrew~~ withdraws its application prior to the issuance of a notice of noncompliance will not be issued a notice of noncompliance. Similarly, an applicant that voluntarily ~~withdrew~~ withdraws its application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial.

(d) If the certifying agent is a government entity other than the Department, it may use its own authorized procedures for application review in lieu of this section's requirements as long as such review includes an on-site ~~verification~~ inspection of an applicant's compliance with the Act and applicable provisions of this Chapter by a process equivalent to that described in section 1326.5 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.5. Certification On-site Inspections.

(a) On-site inspections.

(1) In order to grant certification, a certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or distributes covered animals or covered products that is included in an operation for which certification is requested. An on-

site inspection must be conducted at least once every 12 months thereafter for each certified operation that produces or distributes covered animals or covered products for the purpose of determining whether to approve the request for certification or whether certification of the operation should continue.

(2) The Department may require that additional inspections be performed by an accredited certifying agent or the Department for the purpose of determining compliance with the Act and this Chapter. Additional inspections may be announced or unannounced as required by the Department.

(b) Scheduling.

(1) The initial on-site inspection must be conducted within 3 months following a determination that the applicant appears to comply or may be able to comply with the requirements of the Act and this Chapter.

(2) All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present, can access operation records, and at a time when facilities and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of the Act and this Chapter can be observed~~, except that this requirement does not apply to unannounced on-site inspections~~.

(c) Verification of information. The on-site inspection of an operation must verify:

(1) The operation's compliance or capability to comply with the Act and this Chapter; and

(2) That the information provided in accordance with sections 1326.3 and 1326.8 of this Article accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.

(d) Exit interview. The ~~inspector~~ certifying agent must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The ~~inspector~~ certifying agent must also address the need for any additional information as well as any issues of concern.

(e) A copy of the on-site inspection report shall be sent to the inspected operation by the certifying agent.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.6. Granting Certification.

(a) After completion of the initial on-site inspection, a certifying agent must review the on-site inspection report, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the confinement or distribution system and all procedures and activities of the applicant's operation are in compliance with the Act and this Chapter, the certifying agent shall grant certification.

(b) When a certifying agent issues a certificate of compliance it shall specify all the following:

(1) Name and address of the certified operation;

(2) Effective date of certification;

(3) Date of most recent on-site inspection;

(4) Categories of operation, including whether the operation is a producer, distributor or both, a split operation, and the species of covered animals and/or types of covered products produced or distributed by the certified operation; and

(5) Name, address, and telephone number of the certifying agent.

(c) Notwithstanding (a) of this section, the Department will accept certifications granted by another government entity using procedures established under the authority of that government entity, provided such certification is based on on-site ~~verification~~ inspection of a certified operation's compliance with the Act and applicable provisions of this Chapter by a process equivalent to that described in section 1326.5 of this Article, and that the certificate specifies at a minimum the information described in paragraph (b) of this section.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.7. Denial of Certification.

(a) When the certifying agent, based on a review of the information specified in sections 1326.2, 1326.3, 1326.4 or 1326.5 of this Article, determines that an applicant for certification is not in compliance with the Act and this Chapter, the certifying agent shall provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a ~~notification~~ notice of denial of certification may be combined in one ~~notification~~ notice. ~~The~~ A notification of noncompliance shall provide:

(1) A description of each noncompliance;

(2) The facts upon which the notification of noncompliance is based; and

(3) The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) Upon receipt of such notification of noncompliance, the applicant may:

(1) Correct noncompliances and submit a description of the corrective actions taken with supporting documentation to the certifying agent;

(2) Correct noncompliances and submit a new application to another certifying agent: Provided, that the applicant must include a complete application, the notification of noncompliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation; or

(3) Submit written information to the issuing certifying agent to rebut the noncompliance described in the notification of noncompliance.

(c) After issuance of a notification of noncompliance, the certifying agent must:

(1) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal and conduct an on-site inspection if necessary;

(2) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to section 1326.6 of this Article; or

(3) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.

(d) A certifying agent must issue a written notice of denial of certification to an applicant who fails to respond to the notification of noncompliance within 30 calendar days of the date issued.

(e) A notice of denial of certification must state the reason(s) for denial and the applicant's right to:

(1) Reapply for certification pursuant to sections 1326.3 and 1326.8 of this Article;

(2) Request mediation pursuant to section 1327.~~2~~3 of this Chapter within 30 calendar days of date of notice of denial; or

(3) ~~File an appeal for~~ Request a formal hearing of the denial of certification pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of date of notice of denial.

(f) An applicant for certification who has received a written notification of noncompliance or a written notice of denial of certification may apply for certification again at any time with any certifying agent, in accordance with sections 1326.3 and 1326.8 of this Article. When such applicant submits a new application to a certifying agent other than the certifying agent who issued the notification of noncompliance or notice of denial of certification, the applicant for certification must include a copy of the notification of noncompliance or notice of denial of

certification and a description of the actions taken, with supporting documentation, to correct the noncompliances noted in the notification of noncompliance.

(g) A certifying agent who receives a new application for certification, which includes a notification of noncompliance~~,~~ or a notice of denial ~~or revocation~~ of certification, must treat the application as a new application and begin a new application process pursuant to sections 1326.3 and 1326.4 of this Article.

(h) Notwithstanding (a) of this section, if a certifying agent has ~~reason to believe~~ evidence that an applicant for certification has ~~willfully~~ made a false statement or otherwise ~~purposefully~~ misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this Article, the certifying agent may deny certification pursuant to (e) of this section without first issuing a notification of noncompliance.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.8. Continuation of Certification.

(a) To continue certification, a certified operation must annually submit the following renewal information, as applicable, to the certifying agent:

(1) A summary statement, supported by documentation, detailing any deviations from, or changes to, information submitted on the previous year's application, including but not limited to any additions to or deletions from the information required pursuant to section 1326.3 of this Article;

(2) An update on the correction of ~~minor~~ any noncompliances previously identified by the certifying agent as requiring correction for continued certification; and

(3) Other information as deemed necessary by the certifying agent to determine compliance with the Act and this Chapter.

(b) Following the receipt of the information specified in subsection (a) of this section, the certifying agent shall arrange and conduct an on-site inspection of the certified operation pursuant to section 1326.5 of this Article to determine compliance with the Act and this Chapter.

(c) If the certifying agent determines, based on the on-site inspection and a review of the information specified in (a) of this section, that a certified operation is not complying with the requirements of the Act and this Chapter, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with section 1326.20 of this Article.

(d) If the certifying agent determines, based on the on-site inspection and a review of the information specified in subsection (a) of this section, that the certified operation is complying

with the Act and this Chapter, the certifying agent shall issue an updated certificate of compliance pursuant to section 1326.6(b) of this Article.

(e) Any change in ownership, change of business name, or change in business location, closure of business, or change of name, address, phone number or email of person authorized to act on behalf of the certified operation must be reported to the certifying agent within 30 calendar days of such change.

(f) If the certifying agent is a government entity other than the Department, it may use its own authorized procedures for continuation of certification in lieu of this section's requirements as long as such renewal process includes an on-site ~~verification~~ inspection of the certified operation~~'s~~ to determine compliance with the Act and applicable provisions of this Chapter by a process equivalent to that described in section 1326.5.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.9. Areas and Duration of Accreditation as a Certifying Agent.

(a) The Department may accredit a qualified domestic or foreign applicant to certify a domestic or foreign production or distribution operation as a certified operation.

(b) Accreditation shall be for a period of five (5) years from the date of approval of accreditation pursuant to section 1326.14 of this Article.

(c) In lieu of accreditation under (a) of this section, the Department will accept a foreign certifying agent's accreditation to certify production or distribution operations if the Department determines, upon the request of a foreign government, that the standards under which the foreign government authority accredited the foreign certifying agent are functionally equivalent to the requirements of this Chapter.

(d) Notwithstanding any provision of this Chapter, the Department may, at its discretion, certify a production or distribution operation as a certified operation after determining an operation is in compliance with the provisions of the Act and this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.10. General Requirements for Accredited Certifying Agents.

(a) In order to receive and maintain accreditation, a private entity accredited as a certifying agent under this Chapter must:

(1) Have sufficient expertise in covered animal production and covered product distribution techniques to fully comply with and implement the terms and conditions of the certification program established under this Chapter;

(2) Carry out the provisions of the Act and this Chapter, including the provisions of certifying operations as described in sections 1326.3 through 1326.8 of this Article;

(3) Use a sufficient number of adequately trained personnel, including inspectors, and certification review personnel, to comply with and implement the certification program established under this Chapter;

(4) Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in covered animal production and covered product distribution to successfully perform the duties assigned;

(5) Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and this Chapter;

(6) Maintain all records pursuant to section 1326.17(b) of this Article and make all such records available for inspection and copying during normal business hours by authorized representatives of the Department;

(7) Not disclose any information collected pursuant to this Article that was obtained while certifying producers or distributors for compliance with this Chapter to any third-party without approval by the Department. Any request to an accredited certifying agent for records or documents must be submitted to the Department for review and approval pursuant to the California Public Records Act (Government Code section 6250 et seq.);

(8) Prevent conflicts of interest by:

(A) Not certifying a production or distribution operation if the certifying agent or a responsibly connected party of such certifying agent has or has held a commercial interest in the production or distribution operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(B) Excluding any person, including contractors, with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified production or distribution operations for all entities in which such person has or has held a commercial interest, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(C) Not permitting any employee, inspector, contractor, or other personnel to accept payment, gifts, or favors of any kind, other than prescribed fees, from any business inspected.

(9) Refrain from making false or misleading claims about its accreditation status, the accreditation program for certifying agents, or the nature or qualities of covered products; and

(10) Submit to the Department a copy of:

(A) Within 14 calendar days of creation, any notice of proposed suspension or revocation and ~~notification~~ notice of suspension or revocation sent pursuant to section 1326.20 of this Article; and

(B) Annual report as described in section 1326.17(a) of this Article including the name, address, and telephone number of each operation granted initial certification pursuant to section 1326.6 of this Article or an updated certification pursuant to section 1326.8 of this Article, during the preceding year.

(b) A private entity accredited as a certifying agent must:

(1) Hold the Department harmless for any failure on the part of the certifying agent to carry out the provisions of the Act and this Chapter; and

(2) Transfer to the Department all records or copies of records concerning the person's certification activities related to this Article in the event that the certifying agent dissolves or loses its accreditation; provided, that, such transfer shall not apply to a merger, sale, or other transfer of ownership of a certifying agent.

(c) No certifying agent under this Article shall exclude from participation in or deny the benefits of certification to any person due to discrimination because of race, color, sex, national origin, gender, religion, age, disability, political beliefs, sexual orientation, national origin, source of income, or marital or family status.

(d) A private entity seeking accreditation under this Article must sign and return a statement of agreement prepared by the Department which affirms that, if granted accreditation as a certifying agent under this Chapter, the applicant will carry out the provisions of the Act and this Chapter, including but not limited to all applicable requirements of this section.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.11. Applying for Accreditation as a Certifying Agent.

(a) A private entity seeking accreditation as a certifying agent under this section must submit an application for accreditation provided by the Department which contains the applicable information and documents set forth in sections 1326.12 and 1326.13 of this Article.

(b) Following the receipt of the information and documents, the Department will determine, pursuant to sections 1326.12 and 1326.13 of this Article, whether the applicant for accreditation should be accredited as a certifying agent.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.12. Applicant Information for Accreditation as a Certifying Agent.

A private entity seeking accreditation as a certifying agent must submit the following information:

(a) The business name, primary office location, mailing address, name of the person(s) responsible for the certifying agent's day-to-day operations, contact numbers (telephone, facsimile, email and Internet address) of the applicant, and~~,~~ the entity's federal taxpayer identification number;

(b) The name, office location, mailing address, and contact numbers (telephone, facsimile, email and Internet address) for each of its organizational units, such as Chapters or subsidiary offices, and the name of a contact person for each unit;

(c) Each area of operation (~~veal~~ calves, breeding pigs, ~~,~~egg-laying hens, or distribution) for which accreditation is requested and the estimated number of each type of operation anticipated to be certified annually by the applicant along with a copy of the applicant's schedule of fees for all services to be provided under these regulations by the applicant;

(d) The type of entity the applicant is (e.g., for-profit business, not-for-profit membership association) and documentation showing the entity's status and organizational purpose, such as Articles of incorporation and by-laws or ownership or membership provisions, and its date of establishment; and

(e) A list of each State or foreign country in which the applicant has previously conducted certification services and a list of each State or foreign country in which the applicant intends to certify production or distribution operations pursuant to this Chapter.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.13. Evidence of Expertise and Ability.

A private entity seeking accreditation as a certifying agent must submit to the Department all of the following documents and information:

(a) Personnel.

(1) The name and position description of personnel in the certifier's operation performing inspections, members of any certification review ~~and evaluation~~ committees, and inspection contractors.

(2) A description of the qualifications, including experience, training, and education in auditing, inspection, covered animal production and/or covered product distribution, or other relevant areas of work for:

(A) Each inspector to be used by the applicant; and

(B) Each person to be designated by the applicant to review or evaluate applications for certification.

(3) A description of procedures, practices, and training, including biosecurity training, to ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, auditing and decision-making responsibilities have sufficient expertise to successfully perform the duties assigned and to comply with and implement the requirements of the Act and this Chapter.

(b) Administrative policies and procedures.

(1) A copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue ~~certification~~ certificates;

(2) A copy of the procedures to be used for reviewing and investigating certified operations compliance with the Act and this Chapter and the reporting of violations of the Act and this Chapter to the Department; and

(3) A copy of the procedures to be used for complying with the recordkeeping requirements set forth in section 1326.10(a)(6) of this Article.

(c) Conflicts of interest. A copy of procedures to be implemented to prevent the occurrence of conflicts of interest, as described in section 1326.10(a)(8) of this Article.

(d) Other information. Any other information the applicant believes may assist in the Department's evaluation of the applicant's expertise and ability.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.14. Granting Accreditation.

(a) Accreditation will be granted when:

(1) The accreditation applicant has submitted the information required by sections 1326.12 and 1326.13 of this Article; and

(2) The Department determines that the applicant for accreditation meets the requirements for accreditation as stated in section 1326.10 of this Article, as determined by a review of the information submitted in accordance with sections 1326.12 and 1326.13 of this Article and, if necessary, a review of the information obtained from an on-site ~~evaluation~~ inspection as provided for in section 1326.16 of this Article.

(b) On making a determination to approve an application for accreditation, the Department will notify the applicant of the granting of accreditation in writing, stating:

(1) The area(s) for which accreditation is given;

(2) The effective date of the accreditation; and

(3) The date of expiration of the accreditation.

(c) The accreditation of a certifying agent shall continue in effect until such time as the certifying agent fails to renew accreditation as provided in section 1326.17(c) of this Article, the certifying agent voluntarily ceases its certification activities, or accreditation is suspended or revoked pursuant to section 1326.21 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.15. Denial of Accreditation.

(a) If the Department has ~~reason to believe~~ evidence, based on a review of the information specified in sections 1326.12 and 1326.13 of this Article or after an on-site ~~evaluation~~ inspection as specified in section 1326.16, that an applicant for accreditation is not able to comply or is not in compliance with the requirements of the Act and this Chapter, the Department shall provide a written notification of noncompliance to the applicant. Such notification shall provide:

(1) A description of each noncompliance;

(2) The facts upon which the notification of noncompliance is based; and

(3) The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) When each noncompliance has been resolved, the Department will send the applicant a written notification of noncompliance resolution and proceed with further processing of the application.

(c) If an applicant fails to correct the noncompliances, fails to report the corrections by the date specified in the notification of noncompliance, fails to file a rebuttal of the notification of noncompliance by the date specified, or is unsuccessful in its rebuttal, the Department will

provide the applicant with written ~~notification~~ notice of accreditation denial. An applicant who has received written ~~notification~~ notice of accreditation denial may apply for accreditation again at any time in accordance with sections 1326.12 and 1326.13 of this Article or ~~appeal the denial of accreditation in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ request a formal hearing pursuant to section 1327.2 of this Chapter within 30 calendar days of the notice of denial.

(d) If the certifying agent was accredited prior to an on-site ~~evaluation~~ inspection and the on-site ~~evaluation~~ inspection reveals issues of noncompliance, the Department will begin the noncompliance procedures for accredited certifying agents according to section 1326.21 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.16. Certifying Agent On-site ~~Evaluations~~ Inspections.

(a) In order to receive and maintain accreditation, an accredited certifying agent must allow on-site ~~evaluations~~ inspections for the purpose of examining the certifying agent's operations and records to evaluate~~ing~~ its compliance with the Act and this Chapter. On-site ~~evaluations~~ inspections shall include a review of the certifying agent's certification procedures, facilities, administrative and management systems for production or distribution operations certified by the certifying agent. On-site ~~evaluations~~ inspections shall be conducted by a representative(s) of the Department.

(b) An initial on-site ~~evaluation~~ inspection of an accreditation applicant may, at the discretion of the Department, be conducted before or after issuance of the applicant's "~~notification~~ notice of accreditation." An on-site ~~evaluation~~ inspection shall be conducted after application for renewal of accreditation, but prior to the issuance of a notice of renewal of accreditation. One or more on-site ~~evaluations~~ inspections will be conducted during the period of accreditation to determine whether an accredited certifying agent is complying with the requirements set forth in section 1326.10 of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.17. Annual Report, Recordkeeping, and Renewal of Accreditation.

(a) Annual report. An accredited certifying agent must submit annually to the Department, on or before January 30, the following reports:

(1) A complete and accurate update of information submitted pursuant to sections 1326.10(a)(10)(B), 1326.12 and 1326.13 of this Article;

(2) Information supporting any changes being requested in the areas of accreditation described in section 1326.9 of this Article; and

(3) A description of the measures implemented in the previous year and any measures to be implemented in the coming year to satisfy any terms and conditions determined by the Department to be necessary, as specified in the most recent on-site inspection report.

(b) Recordkeeping. Accredited private certifying agents must maintain records according to the following schedule:

(1) Records obtained from applicants for certification and certified operations must be maintained for not less than three (3) years beyond their receipt;

(2) Records created by the certifying agent regarding applicants for certification and certified operations must be maintained for not less than three (3) years beyond their creation; and

(3) Records created or received by the certifying agent pursuant to the accreditation requirements of this Article, ~~excluding any records covered by section 1326.17(b)(2) of this Article,~~ must be maintained for not less than three (3) years beyond their creation or receipt.

(c) Renewal of accreditation.

(1) An accredited certifying agent's application for accreditation renewal must be received at least 6 months prior to the fifth anniversary of issuance of the ~~notification~~ notice of accreditation and each subsequent renewal of accreditation. Certifying agents with an expired accreditation shall not perform certification activities under the Act and this Chapter.

(2) Following receipt of the information submitted by the certifying agent in accordance with (a) of this section and the results of an on-site ~~evaluation~~ inspection, the Department will determine whether the certifying agent remains in compliance with the Act and this Chapter and should have its accreditation renewed.

(d) Notice of renewal of accreditation. Upon a determination that the certifying agent is in compliance with the Act and this Chapter, the Department will issue a notice of renewal of accreditation according to 1326.14(b) of this Article.

(e) Notice of denial of renewal of accreditation. If the certifying agent is found not to be in compliance with the Act and this Chapter, and the accreditation has expired, the Department will issue a notice of denial of renewal and include reason(s) why renewal was denied and corrective actions to be taken by the certifying agent before applying again according to sections 1326.12 and 1326.13 of this Article. A notice of denial of renewal of accreditation can

be appealed by requesting a formal hearing pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of the notice of denial.

(f) Noncompliance. Upon a determination that the certifying agent is not in compliance with the Act and this Chapter, and the accreditation has not expired, the Department will initiate proceedings to suspend or revoke the certifying agent's accreditation as described in section 1326.21 of this Article.

(g) Amending accreditation. Amendment to scope of an accreditation may be requested at any time. The application for amendment shall be provided by the Department and shall contain information applicable to the requested change in accreditation, and a complete and accurate update of the information submitted pursuant to sections 1326.12 and 1326.13 of this Article.

(h) Any change in ownership, change of business name, change in business location, closure of business, or change of name, address, phone number or email of person authorized to act on behalf of the accredited certifier must be reported to the Department within 30 calendar days of such change.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.18. General Compliance.

(a) As a condition of certification and accreditation as a private certifying agent, the Department may inspect and review certified production and distribution operations and accredited certifying agents that are private entities for compliance with the Act or this Chapter.

(b) The Department may initiate suspension or revocation proceedings against a certified operation as described in section 1326.20 of this Article:

(1) When the Department has determined a certified operation has violated or is not in compliance with the Act or this Chapter; or

(2) When a certifying agent, other than the Department, has fail~~s~~ed to take appropriate action to enforce the Act or this Chapter.

(c) The Department may initiate suspension or revocation of a private certifying agent's accreditation, as described in section 1326.21 of this Article, if the certifying agent that is a private entity fails to meet, conduct, or maintain accreditation requirements pursuant to the Act or this Chapter.

(d) Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to sections 1326.20, 1326.21, and 1327.3~~2~~ and each response to such notification must be sent in writing to the recipient~~'s place of business via a delivery service which provides dated return receipts~~.
Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.19. Investigation of Certified Operations.

A certifying agent shall report to the Department complaints of noncompliance with the Act or this Chapter concerning production and distribution operations certified as compliant with the Act and this Chapter by the certifying agent. The Department may at its discretion investigate complaints of noncompliance with the Act and require additional inspections by a certifying agent.
Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.20. Noncompliance Procedure for Certified Operations.

(a) Notification. When an inspection, review, or investigation of a certified operation by a certifying agent reveals any noncompliance with the Act or regulations in this Chapter, a written notification of noncompliance shall be sent by the certifying agent to the certified operation. Such notification shall provide:

(1) The date issued;

~~(1)~~(2) A description of each noncompliance;

~~(2)~~(3) The facts upon which the notification of noncompliance is based; and

~~(3)~~(4) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) Resolution. When a certified operation demonstrates that each noncompliance has been resolved within the prescribed time period, the certifying agent shall send the certified operation a written notification of noncompliance resolution.

(c) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent shall send the certified operation a written ~~notification~~ notice of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the

noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the notice of proposed suspension or revocation of certification may be combined ~~in one notification~~. The ~~notification~~ notice of proposed suspension or revocation of certification shall state:

(1) The date the proposed suspension or revocation was issued:

~~(1)~~(2) The reasons for the proposed suspension or revocation;

~~(2)~~(3) The ~~proposed~~ effective date of proposed suspension or revocation;

(A) The ~~maximum~~ number of days from date of ~~notification~~ the notice of proposed suspension or revocation and effective date of suspension or revocation is 30 calendar days;

~~(3)~~(4) The impact of a suspension or revocation on future eligibility for certification including conditions for reinstatement; and

~~(4)~~(5) The right to request mediation pursuant to section 1327.~~2~~3 of this Chapter or to request a formal hearing pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days of the date the proposed suspension or revocation was issued. ~~The notice of proposed suspension or revocation shall remain in effect pending the outcome of an appeals process.~~

(6) The certifying agent and the Department shall not issue a notice of suspension or revocation while the outcome from mediation or a formal hearing is pending.

(d) Willful violations. Notwithstanding (a) of this section, if a certifying agent has evidence that a certified operation has willfully violated the Act or this Chapter, the certifying agent shall send the certified operation a ~~notification~~ notice of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

(e) Suspension or revocation.

(1) If the certified operation fails to correct the noncompliance according to the prescribed time period, to resolve the issue through rebuttal or mediation, or to ~~file an appeal~~ request a formal hearing of the proposed suspension or revocation of certification before the suspension or revocation goes into effect ~~according to the notice of proposed suspension or revocation~~, the certifying agent shall send the certified operation a written ~~notification~~ notice of suspension or revocation.

(2) A certifying agent must not send a ~~notification~~ notice of suspension or revocation to a certified operation that has requested mediation pursuant to section 1327.~~2~~3 of this Chapter or ~~filed an appeal pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3~~

~~of Title 2 of the Government Code~~ a formal hearing pursuant to section 1327.2 of this Chapter, while final resolution of either is pending.

(f) Eligibility.

(1) A certified operation whose certification has been suspended under section 1326.20 of this Article may at any time, unless otherwise stated in the ~~notification~~ notice of suspension, submit a request to the Department for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and this Chapter.

(2) A certified operation or a person responsibly connected with an operation whose certification has been revoked under section 1326.20 of this Article will be ineligible to receive certification for a period of two (2) years following the date of such revocation.

~~(3) A certified operation whose certification is suspended or revoked by a certifying agent has the right to appeal this decision pursuant to section 1327.2 of this Chapter or through a formal hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The notice of suspension or revocation shall remain in effect pending the outcome of an appeals process.~~

(g) Notwithstanding (a) through (e) of this section, if the certifying agent is a government entity other than the Department, the noncompliance procedures for certified operations established under the authority of that government entity may be followed in lieu of sections 1326.20(a) through (e) of this Article.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.21. Noncompliance Procedure for Accredited Certifying Agents.

(a) Notification. When an inspection, review, or investigation of an accredited certifying agent by the Department reveals any noncompliance with the Act or this Chapter, a written notification of noncompliance shall be sent by the Department to the certifying agent. Such notification shall provide:

(1) A description of each noncompliance;

(2) The facts upon which the notification of noncompliance is based; and

(3) The date by which the certifying agent must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible.

(b) Resolution. When the certifying agent demonstrates that each noncompliance has been resolved within the prescribed time period, the Department shall send the certifying agent a written notification of noncompliance resolution.

(c) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the Department shall send a written ~~notification~~ notice of proposed suspension or revocation of accreditation to the certifying agent. ~~The notification of proposed suspension or revocation shall state whether the certifying agent's accreditation or specified areas of accreditation are to be suspended or revoked.~~ When correction of a noncompliance is not possible, the notification of noncompliance and the notice of proposed suspension or revocation may be combined ~~in one notification~~. The ~~notification~~ notice of proposed suspension or revocation of accreditation shall state:

(1) The date that the proposed suspension or revocation was issued;

~~(1)~~(2) The reasons for the proposed suspension or revocation;

~~(2)~~(3) The ~~proposed~~ effective date of the proposed suspension or revocation;

(A) The ~~maximum~~ number of days from date of ~~notification~~ the notice of proposed suspension or revocation and effective date of suspension or revocation is 30 calendar days;

~~(3)~~(4) The impact of a suspension or revocation on future eligibility for accreditation including conditions for reinstatement; and

~~(4)~~(5) The right to ~~file~~ request a formal hearing ~~appeal~~ pursuant to ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code~~ section 1327.2 of this Chapter within 30 calendar days from the date that the proposed suspension or revocation was issued. ~~The Department's notice of proposed suspension or revocation shall remain in effect pending the outcome of an appeals process.~~

(6) The Department shall not issue a notice of suspension or revocation while the outcome of a formal hearing is pending.

(d) Willful violations. Notwithstanding paragraph (a) of this section, if the Department has ~~reason to believe~~ evidence that a certifying agent has willfully violated the Act or this Chapter, the Department shall send a written ~~notification~~ notice of proposed suspension or revocation of accreditation to the certifying agent.

(e) Suspension or revocation. When the accredited certifying agent fails to correct the issues of noncompliance as described in the proposed suspension or revocation, or fails to ~~file~~ request a formal hearing ~~appeal~~ of the proposed suspension or revocation of accreditation within ~~the prescribed time~~ 30 calendar days from the date the proposed suspension or

revocation was issued, the Department shall send a written notice of suspension or revocation of accreditation to the certifying agent.

(f) Cessation of certification activities. A certifying agent whose accreditation is suspended or revoked must:

(1) Cease all certification activities under this Chapter in each area of accreditation and in each State for which its accreditation is suspended or revoked; and

(2) Transfer to the Department all records concerning its certification activities that were suspended or revoked.

(g) Eligibility.

(1) A certifying agent whose accreditation is suspended by the Department under this section may at any time, unless otherwise stated in the ~~notification~~ notice of suspension, submit a request to the Department for reinstatement of its accreditation. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and this Chapter.

(2) A certifying agent whose accreditation is revoked by the Department shall be ineligible to be accredited as a certifying agent under the Act and this Chapter for a period of not less than 2 years following the date of such revocation.

~~(3) A certifying agent whose accreditation is suspended or revoked by the Department has the right to appeal this decision pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The Department's decision to suspend or revoke an accreditation shall remain in effect pending the outcome of an appeal process.~~

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1326.22. Government Entity Providing Certification.

(a) A government entity acting as a certifying agent and performing certification of producer or distribution operations for compliance with the Act and this Chapter may:

(1) Register annually with the Department;

(2) Submit to the Department a copy of any notice of proposed suspension or revocation of certification and ~~notification~~ notice of suspension and revocation of certification sent pursuant to section 1326.20 of this Article; and

(3) Submit to the Department a list, on January 30 of each year, the name, address, and telephone number of each operation granted initial certification pursuant to section 1326.6 of

this Article ~~or~~ and an updated certification pursuant to section 1326.8 of this Article, during the preceding year.

(b) For issues of ~~certifier~~ certifying agent noncompliance, the Department will use substantially equivalent procedures to section 1327.~~2~~3 of this Chapter to resolve any noncompliance in a government entity's certification activities under this Chapter, and if the government entity fails to correct such noncompliance, to notify the government entity that the Department will no longer accept its certifications for compliance with the Act and this Chapter.

Article 6. ~~Informal~~ Hearings and Mediation.

Section 1327.1. Seizure or Holding of Covered Product Informal Hearing Procedures.

(a) A respondent may request an informal hearing to contest a notice of adverse determination that seizes or places a hold on covered product pursuant to sections 1320.7, 1321.7, and 1322.7 of this Chapter.

(b) The request for an informal hearing shall be submitted to the Department by electronic mail, facsimile, or by telephone within three (3) business days from the date of receipt of the notice of adverse determination.

(c) The notice of adverse determination shall remain in effect pending the outcome of the informal hearing.

(d) Hearings conducted under this section shall be held within three (3) business days after the Department receives the request for an informal hearing.

(e) The informal hearing shall be presided over and conducted by a Hearing Officer designated by the Secretary.

(f) The standard of proof to be applied by the Hearing Officer shall be preponderance of the evidence unless statutes or regulations applicable to the determination provide a higher standard.

(g) A teleconference line shall be made available at every hearing.

(h) Hearings shall be recorded by the Department. A transcript of the recording or an electronic copy of the recording shall be provided to any interested party upon written request.

(i) The decision of the Hearing Officer shall be in writing, issued within three (3) business days after the conclusion of the hearing, and shall be effective immediately upon issuance.

(j) The decision shall be served on the respondent by U.S. Mail or, if available, by electronic mail.

(k) The respondent may appeal the Hearing Officer's decision and order by filing a petition for a writ of administrative mandamus in accordance with section 1094.5 of the Code of Civil Procedure.

Note: Authority cited: Section 25993, Health and Safety Code and section 11400.20, Government Code. Reference: Sections 11445.30, 11445.40, 11445.50, and 11445.60, Government Code and sections 25990, 25991, and 25992, Health and Safety Code.

Section 1327.2. Formal Hearing Procedures.

(a) A respondent may request a formal hearing to contest a notice of adverse determination pursuant to sections 1320.9, 1321.9, 1322.9, 1326.7, 1326.15, 1326.17, 1326.20, and 1326.21 of this Chapter.

(b) The request for a formal hearing shall be made by written correspondence to the California Department of Food and Agriculture, Legal Office of Hearings and Appeals, 1220 N Street, Suite 315, Sacramento, California 95814.

(c) Formal hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The notice of adverse determination shall remain in effect pending the outcome of a formal hearing.

Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

Section 1327.~~2~~3. Mediation.

(a) Mediation may be requested for ~~any~~ adverse actions that include denial of certification under section 1326.7 or any proposed suspension or revocation or noticed suspension or revocation of certification under section 1326.20.

(b) Any request for mediation shall be requested in writing to the applicable certifying agent within 30 calendar days of the date a denial of certification, proposed suspension or revocation, or noticed suspension or revocation of certification was issued.

(c) The certifying agent may accept or reject the request for mediation of an adverse action.

(1) If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation of the rejection. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal of the proposed adverse action, pursuant to ~~Chapter 5 (commencing~~

with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, section 1326.2 of this Chapter within 30 calendar days of the date of the written notification of rejection of the request for mediation.

(2) If the certifying agent accepts the request for mediation, certifying agent shall provide written notification to the applicant or certified operation of the acceptance.

(d) The mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation.

(e) The parties to the mediation shall have no more than 30 calendar days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 calendar days from termination of mediation to appeal the certifying agent's decision to deny, suspend, or revoke certification pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code section 1327.2 of this Chapter.

(f) Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and this Chapter.

(g) If the certifying agent is an out-of-state government entity, the mediation procedures established under the authority of that government entity may be followed in lieu of this section. Note: Authority cited: Section 25993, Health and Safety Code. Reference: Sections 25990 and 25991, Health and Safety Code.

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TITLE 3. FOOD AND AGRICULTURE
ADDENDUM TO THE INITIAL STATEMENT OF REASONS
RELATING TO ANIMAL CONFINEMENT

Subject Matter of Proposed Regulation

Animal Confinement

Sections Affected for Proposed Modified Text

Sections 1320, 1320.1, 1320.2, 1320.3, 1320.4, 1320.5, 1320.6, 1320.7, 1320.8, 1320.9, 1320.10, 1321, 1321.1, 1321.2, 1321.3, 1321.4, 1321.5, 1321.6, 1321.7, 1321.8, 1321.9, 1321.10, 1322, 1322.1, 1322.2, 1322.3, 1322.4, 1322.5, 1322.6, 1322.7, 1322.8, 1322.9, 1322.10, 1324, 1324.1, 1326, 1326.1, 1326.3, 1326.4, 1326.5, 1326.6, 1326.7, 1326.8, 1326.10, 1326.12, 1326.13, 1326.14, 1326.15, 1326.16, 1326.17, 1326.18, 1326.20, 1326.21, 1326.22, 1327.2, and 1327.3.

Summary of Revisions to the Proposed Regulations

The Department of Food and Agriculture (Department) is now publishing proposed modified text and adding to the rulemaking file this addendum to the Initial Statement of Reasons (ISOR) to provide rationale for the proposed modified text, to clarify statements made in the ISOR, and to include additional Materials Relied Upon to further support the Department's proposal pertaining to annual on-site inspections.

After consideration of comments received during the 45-day comment period which closed on July 12, 2021, the public hearing held on August 27, 2021, and written comments received on August 27, 2021, revisions to the proposed regulation text are shown in the accompanying document using double underline for additions and single strikeout for deletions. These revisions are consistent with the original purpose of proposed regulations to implement the Act by establishing a program of registration, certification, conveyance inspection, and labeling and marking requirements for the sale of shell eggs, liquid eggs, whole veal meat, and whole pork meat in the state. Revisions to the text were made to increase clarity of the regulations for stakeholder compliance, increase consistency with the language used in statute and regulations, and after careful consideration, as a response to stakeholder concerns.

Responses to all comments received during rulemaking will be included in the Final Statement of Reasons, which will be published upon approval by the Office of Administrative Law.

Updates to the Initial Statement of Reasons

Benefits of the Regulatory Action and Economic Impact Assessment

The Department's statements in the "Benefits of this Regulatory Action" section of the Initial Statement of Reasons (ISOR) conclude: "This proposal does not directly impact human health and welfare of California residents, worker safety, or the State's environment, however the Department can infer that benefits accrue to Californians knowing that breeding pigs, veal calves, and egg-laying hens are raised with a minimum space requirement, which may be more space than covered animals previously were allotted. There are no quantitative studies that document or measure the effect of confinement of covered animals according to the standards outlined in the Act for people in California." Additionally, the Economic Impact Assessment section (f) in the ISOR, the Notice of Proposed Action, and the Standardized Regulatory Impact Assessment (SRIA) make similar statements. In response to comments received, the Department adds the following clarification regarding the proposal's impact on human health and safety:

> *The Department recognizes that text of the Proposition 12 ballot initiative, as approved by voters, General Election (November 6, 2018), stated that the initiative's purpose was "to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of California consumers, and increase the risk of foodborne illness and associated negative fiscal impacts on the State of California." The Department's prior statements reflect only that there is not currently a consensus in peer-reviewed published scientific literature that would allow the Department to independently confirm, according to its usual scientific practices, that the specific minimum confinement standards outlined in Health and Safety Code (HSC) 25991 reduce the risk of human food-borne illness, promote worker safety, or other human or safety concerns. The Department does not suggest, however, that it was unreasonable for California's voters to pass the Proposition 12 initiative as a precautionary measure to address any potential threats to the health and safety of California consumers while such health and safety impacts remain a subject of scientific scrutiny. For example, the scientific literature supporting the potential public health benefits related to egg-laying hens that are provided additional space and the opportunity to express natural behavior continues to increase well after an earlier standard on confining hens (Proposition 2, 2008) went into effect.*

Estimated Costs for Businesses to Comply

The Department's statement in the Estimated Costs for Businesses to Comply section of the ISOR describes initial and ongoing costs for a typical business in California to comply with the Act and proposed regulations and is also indicated in section B of form STD 399. There are two estimates listed for both initial and ongoing costs for the two typical California businesses that will be impacted: pork producers and egg producers. For pork producers making whole pork meat the ISOR states, "Estimated ongoing cost is greater than the initial cost of conversion at $100,000 per year for a typical breeding pig farm due to lower piglet output per sow and increased sow mortality." This statement results from determinations made in the "Farm Cost Increase" section in the SRIA which states, "Hog farms must allow breeding pigs at least 24 square feet per pig of usable floor space and therefore hog farms may adopt a group housing system to meet housing regulations."..."The increase in feed cost per pig would mainly come from higher sow mortality and less efficient breeding in new housing systems." The Department adds the following clarification regarding the proposal's statements related to sow mortality:

Proposition 12 prohibits confinement of breeding pigs in a manner that prevents them from lying down, standing up, fully extending their limbs, or turning around freely and after December 31, 2021, that fails to provide a minimum usable floorspace of twenty-four square feet per breeding pig. How a pork producer decides to implement these confinement standards on their operation will be specific to their farm and may include housing breeding pigs separately or in groups. There is no requirement in Proposition 12 for breeding pigs to be housed in a group setting, although the Department recognizes pork producers may choose this option for confining breeding pigs under Proposition 12. Empirical evidence is not conclusive that confining breeding pigs in a group setting with a minimum of twenty-four square feet per pig will increase sow mortality. The SRIA states, "Based on discussion with farmers and industry members, we assess that currently, most farms use gestation crates or allow about 20 square feet of usable floor space for group-housed breeding sows, and it would be costly to meet the Prop 12 requirements." Proposition 12 minimum confinement standards of twenty-four square feet of usable floorspace per breeding pig is greater than the current industry standard of only providing twenty square feet per breeding pig in group housing. The Department does not know if confining breeding pigs in groups with twenty-four square feet per breeding pig will increase sow mortality. The statement related to sow mortality in the SRIA was written in the context of estimating "potential" economic impacts, not as a definitive statement on breeding pig health impacts of Proposition 12 implementation.

Modifications Provided for in the 15-Day Comment Period

Specific details of proposed modifications to the text may be found below by article and section.

Article 1. Egg-laying Hens.

Section 1320. Definitions.

1320(a) made a punctuation edit.

1320(e) struck "offer for sale", "expose for sale", "possess for sale", added "title or", struck "otherwise", and added "conditional or otherwise" to clarify the intent of and accurately describe the meaning of a commercial sale in the context of the proposed regulations and the statute. The Department additionally revised the definition to include the exclusion as stated in subsection (4) for organizational purposes and added "commercial" for consistency in the regulatory text when referring to the sale of shell eggs or liquid eggs.

1320(e)(1) struck "for human consumption" to clarify the intent of the subsection which is to specify that any shell eggs or liquid eggs produced outside of the state, not only those intended for human consumption as currently stated, entering and exiting California, without additional processing or repacking and exported outside of the state are not included in the definitions of shells eggs or liquid eggs and therefore are not included in commercial sale pursuant to the

regulations.

1320(e)(2) struck “Egg Products” for consistency in the regulatory text when referencing an establishment number of the United States Department of Agriculture (USDA), Food Safety Inspection Service (FSIS). The subsection also adds clarification to those transactions or transfers of possession of covered product to federal agencies or taking place on federal lands are excluded from the definition of commercial sale.

1320(e)(3) added a new subsection to clarify transactions or transfers of possession of covered product taking place on tribal lands in California are not considered a commercial sale, and therefore excluded from the Act and regulations. This change is in response to stakeholder and commenter questions about sales on tribal lands.

1320(e)(3) revised the subsection numbering to read 1320(e)(4).

1320(e)(4) struck “religious, charitable, scientific, educational, or other”. This change is in response to stakeholder and commenter requests for the Department to clarify the exclusion from the definition of a commercial sale for non-profits donating covered products.

1320(e)(4) struck the subsection and revised the text for inclusion in subsection (e) for organizational purposes.

1320(f) struck “family” and added “personal” to clarify how use or consumption of shell eggs or liquid eggs occurs by a consumer pursuant to the proposal.

1320(j) made a grammatical edit and added “but are not limited to” with punctuation edits, to clarify that the provided list of examples of the documents constituting a document of title is not exhaustive.

1320(l) struck “pursuant to section 25991 of the Health and Safety Code” as the reference is unnecessary.

1320(m) added text to accurately define “egg producer” consistent with the HSC, revised language for consistency in the regulatory text when referencing federal processing plants under the authority of the USDA, FSIS, and made a grammatical edit.

1320(o)(2) struck text to better describe the intent of the definition of an end-user in the context of a retailer. An end-user is a retailer whether the shell eggs or liquid eggs they sell to a consumer are purchased or received from an egg distributor.

1320(p) struck the definition of “enforcement officer” because only the Department will implement the requirements of this proposal and therefore a general term which includes the Department, and the Department of Public Health (DPH) is unnecessary.

1320(q) revised the subsection number to read 1320(p).

1320(p) added text to clarify and narrow the scope of the reference to Part 184 of Title 21 of the Code of Federal Regulations to substances with a use described as a flavoring, flavoring agent, or flavoring enhancer, which came at the request of stakeholders and commenters.

1320(r) revised the subsection number to read 1320(q).

1320(s) revised the subsection number to read 1320(r).

1320(t) revised the subsection number to read 1320(s).

1320(u) revised the subsection number to read 1320(t).

1320(t) added text to clarify the definition applies to liquid eggs “intended for use as human food” which is consistent with the HSC.

1320(v) revised the subsection number to read 1320(u).

1320(u) struck text to correctly name the USDA.

1320(w) revised the subsection number to read 1320(v).

1320(x) struck the entire term and definition because the term is not used in the proposed modified regulation text.

1320(w) added a new term which is necessary to make the proposed recordkeeping requirements specific by defining in what form or type of information the Department considers “records”. This change is in response to stakeholder and commenter concerns that the Department’s record requirements should be more specific and allow for electronic records.

1320(y) revised the subsection number to read 1320(x).

1320(z) revised the subsection number to read 1320(y).

1320(aa) revised the subsection number to read 1320(z).

1320(z) struck text as the reference to the HSC is unnecessary.

1320(aa) added a definition for “takes physical possession” in response to stakeholder and commenter concerns. The Department is clarifying what “takes physical possession” means for the regulated industry to understand that when a covered product is delivered to a buyer in California, this considered a sale under the Act and the proposal, regardless of any title changes or sales contract specifics negotiated for possession to take place prior to delivery of a covered product to a buyer within the state.

1320(bb) relocated to this section, a term used and defined in section 1320.1(a)(3). This change is in response to stakeholder and commenter concerns that the Department did not include a definition for the term.

Section 1320.1. Egg-laying Hen Confinement.

1320.1(a) struck “egg producer or egg distributor” and added “person” which is necessary to correctly state that the subsection applies to any person, not only egg producers or egg distributors. The subsection also deletes “sell or contract to sell” and adds “engage in a commercial sale” to clarify the subsection only applies to those persons who are contracting to sell within the state shell eggs or liquid eggs for human food and therefore must be in compliance with the confinement standards of the Act. These changes were made in response to stakeholder and commenter concerns regarding their confusion with a commercial sale and selling compliant product in the state. The subsection also struck “consumption” and added “food” to clarify the use of shell eggs or liquid eggs is for human food and made other grammatical edits as necessary.

1320.1(a)(1) struck the egg-laying hen confinement requirement prior to January 1, 2022 because implementation of the regulations before January 1, 2022 is unlikely. The Department added text to include the mandate of the Act requiring that “The enclosure shall allow the egg-laying hen to lie down, stand up, fully extend limbs, and turn around freely”. The later change is in response to stakeholder and commenter concerns that the Department did not address the “turn around/turning around freely” requirements of the Act. The Department’s addition of the requirement in the regulatory text also makes it convenient for stakeholders, so they do not need to reference the HSC when determining confinement compliance standards.

1320.1(a)(2) struck “Commencing January 1, 2022” and added “After December 31, 2021” for consistency with the requirements as stated in the Act.

1320.1(a)(3) relocated the definition of “useable floorspace” to section 1320(bb) for organizational purposes.

1320.1(a)(4) revised the subsection number to read 1320.1(a)(3).

1320.1(a)(3) revised the text for clarity.

1320.1(b) revised the text to state the requirements for egg producer third-party certification begins January 1, 2024 which is in response to stakeholder and commenter requests for the Department to delay the requirement for third-party certification of egg producers. The subsection also made a grammatical change and added “for commercial sale” to further clarify the intent of the subsection which is to apply to commercial sales in California.

Section 1320.2. Egg Distributor Registration.

1320.2(a) added text to include an implementation date of January 1, 2023 for egg distributor registration in response to stakeholder and commenter requests for the Department to delay the requirement for egg distributor registration. The subsection also revised the text to clarify the intent of the subsection which is to require that any “in-state or out-of-state” person engaged in “a commercial sale into or within” the state as an egg distributor shall hold a valid registration with the Department and made other grammatical edits as necessary.

1320.2(b) revised the text for clarity.

1320.2(b)(2) revised the text for consistency of terms used throughout the Chapter.

1320.2(f) revised the text to state “calendar” days rather than business days for the timeframe within which a distributor must notify the Department of a change to their registration. This change makes the 30-day timeframe to report changes to the Department easier to determine.

1320.2(k) revised the text to clearly state when an egg distributor submits an application for egg distributor initial or renewal registration, a self-certification in lieu of the valid third-party certification required of subsection (j) will be accepted by the Department prior to January 1, 2024. These changes are in response to stakeholder and commenter requests for the Department to delay the requirement for egg distributor third-party certification and for organizational purposes.

1320.2(l) revised the text to restate and clarify the exclusion from required distributor registration for official plants under mandatory federal inspection. These changes are in response to stakeholder and commenter requests for clarity regarding sales at USDA, FSIS establishments and for organizational purposes.

Section 1320.3. Inspection and Audit of Registered Egg Distributor Facilities.

1320.3(a) struck obsolete text for organizational purposes.

Section 1320.4. Shell Egg and Liquid Egg Shipping Document and Labeling Requirements.

The Department struck “and Labeling” from the section heading because subsection (b) removed the egg carton labeling requirements from the proposal.

1320.4(a)(1) struck the entire subsection because regulations will not be implemented before January 1, 2022.

1320.4(a)(2) revised the subsection number to read 1320.4(a)(1).

1320.4(a)(1) struck “Commencing January 1, 2022,” because regulations will not be implemented prior to this date. The subsection struck “shipping invoices” and “bills of lading”

because the definition of documents of title includes these documents, therefore repeating them was redundant. The subsection additionally struck text requiring specified verbiage on shell egg or liquid egg shipping documents and added new shipping document verbiage. These changes come in response to stakeholder and commenter concerns that the originally proposed shipping document statements may imply that the shell eggs or liquid eggs were produced in California. Therefore, the Department is proposing a change to the shipping document wording to clarify the shell eggs or liquid eggs represented were produced in compliance with California Proposition 12. Lastly, the subsection added a statement to require the markings on shipping documents shall be legible and plainly printed or stamped, for consistency of marking requirements in the regulations.

1320.4(a)(3) revised the subsection number to read 1320.4(a)(2).

1320.4(a)(2) revised the regulatory text to clarify the requirement for noncompliant shell eggs or liquid eggs entering California for sale to federal agencies or on tribal lands and not destined for commercial sale in California, to maintain specified marking requirements on shipping documents. This change is in response to stakeholder and commenter requests for the Department to clarify whether the sale of shell eggs or liquid eggs to federal agencies or on tribal lands fall under the definition of commercial sale. The subsection also revised the marking statements required on shipping documents to identify the product as intended for export, transport, donation, or that it is not compliant, as specified. These changes are in response to stakeholder and commenter concerns that the originally proposed wording on shipping documents may be disparaging or otherwise prejudice export products and may cause refusal for acceptance by other countries. Lastly, the subsection added a statement to require the markings on shipping documents shall be legible and plainly printed or stamped, for consistency of marking requirements in the regulations.

1320.4(a)(4) revised the subsection numbering to read 1320.4(a)(3).

1320.4(a)(3) made an organizational edit and revised language for consistency in the regulatory text when referencing federal processing plants under the authority of the USDA, FSIS.

1320.4(b) struck the entire subsection as the regulations will not require specified egg carton labeling. This change is in response to stakeholder and commenter concerns that the proposed egg carton labeling may be confusing to consumers by implying the shell eggs were produced in California when many shell eggs sold in the state are imported from other states, regraded, repackaged, and sold to California consumers.

California and several other states have or soon will implement cage-free labeling of shell egg cartons, therefore having the requirement to identify the eggs as “CA” cage-free shell eggs would cause unnecessary burdens on the industry. Additionally, some egg carton claims include requirements that go beyond the proposed "cage free," (like "Organic" and "Free Range") and have other third-party verifications, and as explained above, including “CA” could

mislead consumers.

The Department, however, went beyond these recommendations and struck all shell egg carton labeling requirements for purposes of implementing the requirements of the Act and this proposal because compliance documentation of liquid eggs, whole veal meat, and whole pork meat are relying on shipping documents. In addition, existing regulations and the FAC require truth in labeling for the Department's Shell Egg Food Safety Program.

1320.4(c) revised the subsection numbering to read 1320.4(b).

1320.4(b) made a punctuation edit and struck "and (b)" because it is an obsolete reference.

1320.4(d) revised the subsection numbering to read 1320.4(c).

1320.4(c) struck "Commencing January 1, 2022," because regulations will not be implemented prior to this date.

Section 1320.5. Egg Distributor Recordkeeping.

1320.5(c) revised the text for consistency of terms used throughout the Chapter.

1320.5(d) revised the text for consistency of terms used throughout the Chapter.

1320.5(f) struck the entire subsection for organizational purposes because it is unnecessary since subsection 1320.2(l) excludes official plants under mandatory inspection under the federal Egg Products Inspection Act from the requirement for registration as an egg distributor.

Section 1320.6. Inspection of Conveyances.

1320.6(a) struck text referring to an "enforcement officer" because it is unnecessary and redundant.

1320.6(b) struck text referring to an "enforcement officer" and added "the Department" to clarify every person shall stop at the request of the Department, as specified.

1320.6(c) struck text referring to an "enforcement officer" because it is unnecessary and redundant.

Section 1320.7 Tagging and Seizure of Shell eggs or Liquid Eggs.

1320.7(a) struck text referring to an "enforcement officer" because it is unnecessary and redundant.

1320.7(b) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

1320.7(c) struck text referring to an “enforcement officer” two times and added “The Department” to clarify the Department may seize and hold containers, sub-containers, lots, or loads of shell eggs or liquid eggs, as specified.

1320.7(d) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

Section 1320.8. Written Certification.

The Department is adding to the statement of purpose and necessity for stakeholder clarity that this proposed section would establish specific requirements to strengthen the basis of written attestations to ensure they are accurate, truthful, and auditable. A business owner or operator may rely on written certification because HSC section 25993.1 provides that it shall be a defense to any action to enforce subdivision (b) of section 25990 that a business owner or operator relied in good faith upon a written certification by the supplier that the shell eggs or liquid eggs were not derived from an egg-laying hen who was confined in a cruel manner.

1320.8(b) added “physical” to clarify where possession of product takes place for consistency with new subsection 1320(aa) which defines “takes physical possession”. The subsection made changes consistency of terms used throughout the Chapter and struck “Egg Products” for consistency when referencing an establishment number of the USDA, FSIS. Lastly, this subsection added “which does not hold a current egg distributor registration” to clarify who needs to follow the requirements of the subsection. An official plant at which mandatory inspection is maintained under the federal Egg Products Inspection Act may register with the Department as an egg distributor, but it is not a requirement. If a retailer or food processor end-user takes physical possession of shell eggs or liquid eggs from a registered egg distributor, then this section does not apply. Changes to this subsection are for organizational purposes to clarify the intent as proposed.

1320.8(b)(3) struck “and other state or local health agencies” because implementation of the requirements will take place under the authority and direction of the Department.

1320.8(c) struck “Egg Products” for consistency of the regulatory text when referencing an establishment number of the USDA, FSIS.

Section 1320.9. Denial, Suspension, or Revocation of Egg Distributor Registration

1320.9(b) added a new subsection to describe the procedures taken by the Department for a proposed suspension or revocation of an egg distributor registration, which is to provide notice of the proposed action and to inform the distributor of the: (1) date the proposed suspension or revocation is issued; (2) reason for the proposed suspension or revocation; (3) effective date of

the proposed suspension or revocation, including a statement that the effective date is 30 calendar days after the date issued; (4) future eligibility for registration including conditions for reinstatement; and (5) right to request a formal hearing which must be requested within 30 calendar days of the date the proposed suspension or revocation was issued. The subsection also informs the distributor that their registration shall remain in effect pending the outcome of a formal hearing which is necessary, so the distributor understands the status of their registration during this time.

1320.9(b) revised the subsection numbering to read 1320.9(c).

1320.9(c) deleted obsolete text and clarified that a person may appeal the Department's decision to deny a registration or a renewal of a registration and struck "certificate" because it was redundant. The Department replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations and added "within 30 calendar days of date of the notice of denial" to inform the distributor of the timeframe for appealing a notice of denial.

1320.9(c) struck the entire subsection because the proposed requirements are revised and included in modified subsection (b)(5).

Section 1320.10. Registration with the California Department of Public Health.

1320.10 struck the entire section to avoid confusion because stakeholders will need to comply with all other applicable laws and regulations outside of this proposal, not only those laws and regulations with Department of Public Health.

Article 2. Veal Calves.

The Department struck "Veal" from the section heading for consistency of terms used throughout the Chapter.

Section 1321. Definitions.

1321(a) made a punctuation edit.

1321(b) struck "veal" for consistency of terms used throughout the Chapter.

1321(c) added a new subsection to define "calf" as used in the article, which was omitted in the originally proposed text.

1321(c) revised the subsection numbering to read 1321(d).

1321(d) revised the subsection numbering to read 1321(e).

1321(e) revised the subsection numbering to read 1321(f).

1321(f) struck “offer for sale”, “expose for sale”, “possess for sale”, added “title or”, corrected a typographical error, struck “otherwise”, and added “conditional or otherwise” to clarify the intent of and accurately describe the meaning of a commercial sale in the context of the proposed regulations and the statute. The Department additionally revised the definition to include the exclusion as stated in subsection (4) for organizational purposes and added “commercial” for consistency in the regulatory text when referring to the sale of whole veal meat.

1321(f)(1) struck “for human consumption” to clarify the intent of the subsection which is to specify that any whole veal meat produced outside of the state, not only whole veal meat intended for human consumption as currently stated, entering, and exiting California, without additional processing or repacking and exported outside of the state is not included in the definition of whole veal meat and therefore is not included in commercial sale pursuant to the regulations.

1321(f)(2) added clarification to those transactions or transfers of possession of covered product to federal agencies or taking place on federal lands are excluded from the definition of commercial sale.

1321(f)(3) added a new subsection to clarify transactions or transfers of possession of covered product taking place on tribal lands in California are not considered a commercial sale, and therefore excluded from the Act and regulations. This change is in response to stakeholder and commenter questions about sales on tribal lands.

1321(f)(3) revised the subsection numbering to read 1321(f)(4).

1321(f)(4) struck “religious, charitable, scientific, educational, or other”. This change is in response to stakeholder and commenter requests for the Department to clarify the exclusion from the definition of a commercial sale for non-profits donating covered products.

1321(f)(4) struck the entire subsection and revised the text for inclusion in subsection (f) for organizational purposes.

1321(f) revised the subsection number to read 1321(g).

1321(g) struck “uncooked” for consistency of terms used throughout the Chapter. The subsection also struck “family” and added “personal” to clarify how use or consumption of whole veal meat occurs by a consumer pursuant to the proposal.

1321(g) revised the subsection number to read 1321(h).

1321(h) revised the subsection number to read 1321(i).

1321(i) revised the subsection number to read 1321(j).

1321(j) revised the subsection number to read 1321(k).

1321(k) revised the subsection number to read 1321(l).

1321(l) revised the subsection number to read 1321(m).

1321(m) made a grammatical edit and added “but are not limited to” with punctuation edits, to clarify that the provided list of examples of documents constituting a document of title is not exhaustive.

1321(m) revised the subsection number to read 1321(n).

1321(n) revised the subsection number to read 1321(o).

1321(o)(2) struck text to define an end-user accurately and clearly in the context of a retailer. An end-user is a retailer whether the whole veal meat they sell to a consumer is purchased or received from a veal distributor.

1321(o) struck the definition of “enforcement officer” because only the Department will implement the requirements of this proposal and therefore a general term which includes the Department and the DPH is unnecessary.

1321(p) added text to clarify and narrow the scope of the reference to Part 184 of Title 21 of the Code of Federal Regulations to substances with a use described as a flavoring, flavoring agent, or flavoring enhancer, which came at the request of stakeholders and commenters.

1321(v) added a new term which is necessary to make the proposed recordkeeping requirements specific by defining what forms or type of information the Department considers “records”. This change is in response to stakeholder and commenter concerns that the Department’s record requirements should be more specific and allow for electronic records.

1321(v) revised the subsection number to read 1321(w).

1321(w) revised the subsection number to read 1321(x).

1321(x) revised the subsection number to read 1321(y).

1321(z) added a definition for “takes physical possession” in response to stakeholder and commenter concerns. The Department is clarifying what “takes physical possession” means for the regulated industry to understand that when a covered product is delivered to a buyer in California, this considered a sale under the Act and the proposal, regardless of any title changes or sales contract specifics negotiated for possession to take place prior to delivery of

a covered product to a buyer within the state.

1321(y) revised the subsection number to read 1321(aa).

1321(bb) relocated to this section, a term used and defined in section 1321.1(a)(2). This change is in response to stakeholder and commenter concerns that the Department did not include a definition for the term.

1321(z) revised the subsection number to read 1321(cc).

1321(aa) revised the subsection number to read 1321(dd).

1321(bb) revised the subsection number to read 1321(ee).

1321(ee) struck text as the reference to the HSC is unnecessary.

Section 1321.1. Veal Calf Confinement.

The Department struck “Veal” from the section heading for consistency of terms used throughout the Chapter.

1321.1(a) struck “veal producer or veal distributor” and added “person” which is necessary to correctly state that the subsection applies to any person, not only veal producers or veal distributors. The subsection also deletes “sell or contract to sell” and adds “engage in a commercial sale” to clarify the subsection only applies to those persons who are contracting to sell within the state whole veal meat for human food and therefore must be in compliance with the confinement standards of the Act. These changes were made in response to stakeholder and commenter concerns regarding their confusion with a commercial sale and selling compliant product in the state. The subsection also struck “consumption” and added “food” to clarify the use of whole veal meat is for human food and made other grammatical and punctuation edits as necessary.

1321.1(a)(1) added a new subsection to include the mandate of the Act requiring that “An enclosure shall allow the calf to lie down, stand up, fully extend limbs, and turn around freely.” This change is in response to stakeholder and commenter concerns that the Department did not address the “turn around/turning around freely”. The Department’s addition of the requirement in the regulatory text also makes it convenient for stakeholders, so they do not have to reference to the HSC when determining compliance standards.

1321.1(a)(1) struck the subsection numbering to read 1321.1(a)(2).

1321.1(a)(2) relocated the definition of “useable floorspace” to section 1321(bb) for organizational purposes.

1321.1(a)(3) revised the text for clarity.

1321.1(b) revised the text to state the requirements for veal producer third-party certification begins January 1, 2024 which is in response to stakeholder and commenter requests for the Department to delay the requirement for third-party certification of veal producers. The subsection also made a grammatical change and added “for commercial sale” to further clarify the intent of the subsection which is to apply to commercial sales in California.

Section 1321.2. Veal Distributor Registration.

1321.2(a) added text to include an implementation date of January 1, 2023 for veal distributor registration in response to stakeholder and commenter requests for the Department to delay the requirement for veal distributor registration. The subsection also revised the text to clarify the intent of the subsection which is to require that any “in-state or out-of-state” person engaged in “a commercial sale into or within” the state as a veal distributor shall hold a valid registration with the Department and made other grammatical edits as necessary.

1321.2(b) revised the text for clarity.

1321.2(f) revised the text to state “calendar” days rather than business days for the timeframe within which a distributor must notify the Department of a change to their registration. This change makes the 30-day timeframe to report changes to the Department easier to determine.

1321.2(k) revised the text to clearly state when a veal distributor submits an application for veal distributor initial or renewal registration, a self-certification in lieu of the valid third-party certification required of subsection (j) will be accepted by the Department prior to January 1, 2024. These changes are in response to stakeholder and commenter requests for the Department to delay the requirement for veal distributor third-party certification and for organizational purposes.

1321.2(l) revised the text to restate and clarify the exclusion from required distributor registration for official plants under mandatory federal inspection. These changes are in response to stakeholder and commenter requests for clarity regarding sales at USDA, FSIS establishments and for organizational purposes.

Section 1321.3. Inspection and Audit of Registered Veal Distributor Facilities.

1321.3(a) struck obsolete text for organizational purposes.

Section 1321.4. Whole Veal Meat Shipping Document Requirements.

1321.4(a)(1) struck “shipping invoices” and “bills of lading” because the definition of documents of title includes these documents, therefore repeating them was redundant. The subsection additionally struck text requiring specified verbiage on whole veal meat shipping documents

and added new shipping document verbiage. This latter change comes in response to stakeholder and commenter concerns that the originally proposed shipping document statements may imply that the whole veal meat was produced in California. Therefore, the Department is proposing a change to the shipping document wording to clarify the whole veal meat represented was produced in compliance with California Proposition 12. The subsection additionally made a punctuation edit.

1321.4(a)(2) revised the regulatory text to clarify the requirement for noncompliant whole veal meat entering California for sale to federal agencies or on tribal lands and not destined for commercial sale in California, to maintain specified marking requirements on shipping documents. This change is in response to stakeholder and commenter requests for the Department to clarify whether the sale of whole veal meat to federal agencies or on tribal lands falls under the definition of commercial sale. The subsection also revised the marking statements required on shipping documents to identify the product as intended for export, transport, donation, or that it is not compliant, as specified. These changes are in response to stakeholder and commenter concerns that the originally proposed wording on shipping documents may be disparaging or otherwise prejudice export products and may cause refusal for acceptance by other countries. The subsection additionally made an organizational and punctuation edit and added a statement to require the markings on shipping documents shall be legible and plainly printed or stamped, for consistency of marking requirements in the regulations.

1321.4(a)(3) revised language for consistency when referencing federal processing plants under the authority of the USDA, FSIS.

1321.4(b) added “whole” to read “whole veal meat” for consistency of terms used throughout the Chapter.

Section 1321.5. Veal Distributor Recordkeeping.

1321.5(f) struck the entire subsection for organizational purposes because it is unnecessary since section 1321.2(l) excludes official plants under mandatory inspection under the Federal Meat Inspection Act from the requirement for registration as a veal distributor.

Section 1321.6. Inspection of Conveyances.

1321.6(a) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

1321.6(b) struck text referring to an “enforcement officer” and added “the Department” to clarify every person shall stop at the request of the Department, as specified.

1321.6(c) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

Section 1321.7. Tagging and Seizure of Whole Veal Meat.

1321.7(a) struck text referring to an “enforcement officer” because it is unnecessary and redundant. The subsection also added “whole” to read “whole veal meat” for consistency with terms used throughout the Chapter.

1321.7(b) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

1321.7(c) struck text referring to an “enforcement officer” and added “The Department” to clarify the Department may seize and hold containers, sub-containers, lots, or loads of whole veal meat, as specified. The subsection also struck a second “enforcement officer” reference and added “whole” to read “whole veal meat” two times for consistency.

1321.7(d) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

Section 1321.8. Written Certification.

The Department is adding to the statement of purpose and necessity for stakeholder clarity that this proposed section would establish specific requirements to strengthen the basis of written attestations to ensure they are accurate, truthful, and auditable. A business owner or operator may rely on written certification because HSC section 25993.1 provides that it shall be a defense to any action to enforce subdivision (b) of section 25990 that a business owner or operator relied in good faith upon a written certification by the supplier that the whole veal meat was not derived from a calf who was confined in a cruel manner.

1321.8(b) added “physical” to clarify where possession of product takes place for consistency with new subsection 1321(z) which defines “takes physical possession”. The subsection made changes as necessary for clarity and added “which does not hold a valid veal distributor registration” to clarify who needs to follow the requirements of the subsection. An official plant at which mandatory inspection is maintained under the Federal Meat Inspection Act may register with the Department as a veal distributor, but it is not a requirement. If a retailer or food processor end-user takes physical possession of whole veal meat from a registered veal distributor, then this section does not apply. Changes to this subsection are for consistency and organizational purposes to further clarify the intent as proposed.

1321.8(b)(3) struck “state or local health agencies” because implementation of the requirements will take place under the authority and direction of the Department.

1321.8(c) revised language for consistency when referencing federal processing plants under the authority of the USDA, FSIS.

Section 1321.9. Denial, Suspension, or Revocation of Egg Distributor Registration

1321.9(b) added a new subsection to describe the procedures taken by the Department for a proposed suspension or revocation of a veal distributor registration, which is to provide notice of the proposed action and to inform the distributor of the: (1) date the proposed suspension or revocation is issued; (2) reason for the proposed suspension or revocation; (3) effective date of the proposed suspension or revocation, including a statement that the effective date is 30 calendar days after the date issued; (4) future eligibility for registration including conditions for reinstatement; and (5) right to request a formal hearing which must be requested within 30 calendar days of the date the proposed suspension or revocation was issued. The subsection also informs the distributor that their registration shall remain in effect pending the outcome of a formal hearing which is necessary, so the distributor understands the status of their registration during this time.

1321.9(b) revised the subsection numbering to read 1321.9(c).

1321.9(c) deleted obsolete text and clarified that a person may appeal the Department's decision to deny a registration or a renewal of a registration and struck "certificate" because it was redundant. The Department replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations and added "within 30 calendar days of date of the notice of denial" to inform the distributor of the timeframe for appealing a notice of denial.

1321.9(c) struck the entire subsection because the proposed requirements are revised and included in modified subsection (b)(5).

Section 1321.10. Registration with the California Department of Public Health.

1321.10 struck the entire section to avoid confusion because stakeholders will need to comply with all other applicable laws and regulations outside of this proposal, not only those laws and regulations with Department of Public Health.

Article 3. Breeding Pigs.

Section 1322. Definitions.

1322(a) made a punctuation edit.

1322(b) added language to clarify that the records consisting of an audit trail are applicable to the breeding pig, as well as the immediate offspring of a breeding pig, which is necessary for consistency with the HSC.

1322(c) struck reference to the HSC because it is unnecessary.

1322(f) struck “offer for sale”, “expose for sale”, “possess for sale”, added “title or”, struck “otherwise”, and added “conditional or otherwise” to clarify the intent of and accurately describe the meaning of a commercial sale in the context of the proposed regulations and the statute. The Department additionally revised the definition to include the exclusion as stated in subsection (4) for organizational purposes and added “commercial” for consistency in the regulatory text when referring to the sale of whole pork meat.

1322(f)(1) struck “for human consumption” to clarify the intent of the subsection which is to specify that any whole pork meat produced outside of the state, not only whole pork meat intended for human consumption as currently stated, entering, and exiting California, without additional processing or repacking and exported outside of the state is not included in the definition of whole pork meat and therefore is not included in commercial sale pursuant to the regulations.

1322(f)(2) struck “official” for consistency when referencing federal processing plants under the authority of the USDA, FSIS. The subsection also added clarification to those transactions or transfers of possession of covered product to federal agencies or taking place on federal lands are excluded from the definition of commercial sale.

1322(f)(3) added a new subsection to clarify transactions or transfers of possession of covered product taking place on tribal lands in California are not considered a commercial sale, and therefore excluded from the Act and regulations. This change is in response to stakeholder and commenter questions about sales on tribal lands.

1322(f)(3) revised the subsection numbering to read 1322(f)(4).

1322(f)(4) struck “religious, charitable, scientific, educational, or other”. This change is in response to stakeholder and commenter requests for the Department to clarify the exclusion from definition of a commercial sale for non-profits donating covered products.

1322(f)(4) struck the entire subsection and revised the text for inclusion in subsection (f) for organizational purposes.

1322(g) struck “uncooked” for consistency of terms used throughout the Chapter. The subsection also struck “family” and added “personal” to clarify how use or consumption of whole pork meat occurs by a consumer pursuant to the proposal.

1322(m) made a grammatical edit and added “but are not limited to” with punctuation edits, to clarify that the provided list of examples of the documents constituting a document of title is not exhaustive.

1322(o)(2) struck text to define an end-user accurately and clearly in the context of a retailer. An end-user is a retailer whether the whole pork meat they sell to a consumer is purchased or received from a pork distributor.

1322(p) struck the definition of “enforcement officer” because only the Department will implement the requirements of this proposal and therefore a general term which includes the Department and the DPH is unnecessary.

1322(q) revised the subsection number to read 1322(p).

1322(q) added text to clarify and narrow the scope of the reference to Part 184 of Title 21 of the Code of Federal Regulations to substances with a use described as a flavoring, flavoring agent, or flavoring enhancer, which came at the request of stakeholders and commenters.

1322(r) revised the subsection number to read 1322(q).

1322(s) revised the subsection number to read 1322(r).

1322(t) revised the subsection number to read 1322(s).

1322(u) revised the subsection number to read 1322(t).

1322(v) revised the subsection number to read 1322(u).

1322(u) added text to the definition of “pork producer” to clarify the source of the whole pork meat as “from a breeding pig or her immediate offspring”, which is consistent with the HSC. The Department also revised the text to clarify the purpose of the pork meat is for “human” consumption.

1322(v) added “production cycle” to clarify the meaning of the term as used throughout the article. This change is in response to stakeholder and commenter concerns that the regulations lacked clarity regarding life stages of a breeding pig in relation to the regulations and the Act.

1322(x) added a new term which is necessary to make the proposed recordkeeping requirements specific by defining what forms or type of information the Department considers “records”. This change is in response to stakeholder and commenter concerns that the Department’s record requirements should be more specific and allow for electronic records.

1322(x) revised the subsection number to read 1322(y).

1322(y) revised the subsection number to read 1322(z).

1322(z) revised the subsection number to read 1322(aa).

1322(bb) added a definition for “takes physical possession” in response to stakeholder and commenter concerns. The Department is clarifying what “takes physical possession” means

for the regulated industry to understand that when a covered product is delivered to a buyer in California, this considered a sale under the Act and the proposal, regardless of any title changes or sales contract specifics negotiated for possession to take place prior to delivery of a covered product to a buyer within the state.

1322(aa) revised the subsection number to read 1322(cc).

1322(dd) relocated to this section, a term used and defined in section 1322.1(a)(2). This change is in response to stakeholder and commenter concerns that the Department did not include a definition for the term.

1322(bb) revised the subsection number to read 1322(ee).

1322(ee) struck text as the reference to the HSC is unnecessary.

Section 1322.1. Breeding Pig Confinement.

1322.1(a) struck “pork producer or pork distributor” and added “person” which is necessary to correctly state that the subsection applies to any person, not only pork producers or pork distributors. The subsection also deletes “sell or contract to sell” and adds “engage in a commercial sale within the state of” to clarify the subsection only applies to those persons who are contracting to sell within the state whole pork meat for human food and therefore must be in compliance with the confinement standards of the Act. These changes were made in response to stakeholder and commenter concerns regarding their confusion with a commercial sale and selling compliant product in the state. The subsection struck “consumption”, added “food”, and added “the whole pork meat” to clarify the use of whole pork meat is for human food. The subsection also added text to clarify compliance with the confinement standards for a breeding pig, or the product of the immediate offspring of a breeding pig, is required “at any time during the production cycle” for said product, which is consistent with the definition of “production cycle.” Lastly, the subsection made grammatical edits as necessary.

1322.1(a)(1) added a new subsection to include the mandate of the Act requiring that “An enclosure shall allow the breeding pig to lie down, stand up, fully extend limbs, and turn around freely”. This change is in response to stakeholder and commenter concerns that the Department did not address the “turn around/turning around freely” requirements of the Act. The Department’s addition of the requirement in the regulatory text also makes it convenient for stakeholders, so they do not have to reference to the HSC when determining compliance standards.

1322.1(a)(1) struck the subsection numbering to read 1322.1(a)(2).

1322.1(a)(2) struck “Commencing January 1, 2022” and added “After December 31, 2021” for consistency with the requirements as stated in the Act.

1322.1(a)(2) relocated the definition of “useable floorspace” to subsection 1322(dd) for organizational purposes.

1322.1(a)(3) revised the text for clarity.

1322.1(b) revised the text to state the requirements for pork producer third-party certification begins January 1, 2024 which is in response to stakeholder and commenter requests for the Department to delay the requirement for third-party certification of pork producers. The subsection also made a grammatical change and added “for commercial sale” to further clarify the intent of the subsection is to apply to commercial sales in California.

Section 1322.2. Pork Distributor Registration.

1322.2(a) added text to include an implementation date of January 1, 2023 for pork distributor registration in response to stakeholder and commenter requests for the Department to delay the requirement for pork distributor registration. The subsection also revised the text to clarify the intent of the subsection which is to require that any “in-state or out-of-state” person engaged in “a commercial sale into or within” the state as a pork distributor shall hold a valid registration with the Department and made other grammatical edits as necessary.

1322.2(b) revised the text for clarity.

1322.2(f) revised the text to state “calendar” days rather than business days for the timeframe within which a distributor must notify the Department of a change to their registration. This change makes the 30-day timeframe to report changes to the Department easier to determine.

1322.2(k) revised the text to clearly state when a pork distributor submits an application for pork distributor initial or renewal registration, a self-certification in lieu of the valid third-party certification required of subsection (j) will be accepted by the Department prior to January 1, 2024. These changes are in response to stakeholder and commenter requests for the Department to delay the requirement for pork distributor third-party certification and for organizational purposes.

1322.2(l) revised the text to restate and clarify the exclusion from required distributor registration for official plants under mandatory federal inspection. These changes are in response to stakeholder and commenter requests for clarity regarding sales at USDA, FSIS establishments and for organizational purposes.

Section 1322.3. Inspection and Audit of Registered Pork Distributor Facilities.

1322.3(a) struck obsolete text for organizational purposes.

Section 1322.4. Whole Pork Meat Shipping Document Requirements.

1322.4(a)(1) struck “Commencing January 1, 2022,” because regulations will not be implemented by this date. The subsection struck “shipping invoices” and “bills of lading” because the definition of documents of title includes these documents, therefore repeating them was redundant. The subsection additionally struck text requiring specified verbiage on whole pork meat shipping documents and added new shipping document verbiage. These changes come in response to stakeholder and commenter concerns that the originally proposed shipping document statements may imply that the whole pork meat was produced in California. Therefore, the Department is proposing a change to the shipping document wording to clarify the whole pork meat represented was produced in compliance with California Proposition 12.

1322.4(a)(2) revised the regulatory text to clarify the requirement for noncompliant whole pork meat entering California for sale to federal agencies or on tribal lands and not destined for commercial sale in California, to maintain specified marking requirements on shipping documents. This change is in response to stakeholder and commenter requests for the Department to clarify whether the sale of whole pork meat to federal facilities or on tribal lands falls under the definition of commercial sale. The subsection also revised the marking statements required on shipping documents to identify the product as intended for export, transport, donation, or that it is not compliant, as specified. These changes are in response to stakeholder and commenter concerns that the originally proposed wording on shipping documents may be disparaging or otherwise prejudice export products and may cause refusal for acceptance by other countries. Lastly, the subsection added a statement to require the markings on shipping documents shall be legible and plainly printed or stamped, for consistency of marking requirements in the regulations.

1322.4(a)(3) revised language for consistency when referencing federal processing plants under the authority of the USDA, FSIS.

Section 1322.5. Pork Distributor Recordkeeping.

1322.5(f) struck the entire subsection for organizational purposes because it is unnecessary since section 1322.2(l) excludes official plants under mandatory inspection under the Federal Meat Inspection Act from the requirement for registration as a pork distributor.

Section 1322.6. Inspection of Conveyances.

1322.6(a) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

1322.6(b) struck text referring to an “enforcement officer” and added “the Department” to clarify every person shall stop at the request of the Department, as specified.

1322.6(c) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

Section 1322.7. Tagging and Seizure of Whole Pork Meat.

1322.7(a) struck text referring to an “enforcement officer” because it is unnecessary and redundant. The subsection also added “whole” to read “whole pork meat” two times for consistency with terms used throughout the Chapter.

1322.7(b) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

1322.7(c) struck text referring to an “enforcement officer” and added “The Department” to clarify the Department may seize and hold containers, sub-containers, lots, or loads of whole pork meat, as specified. The subsection also struck a second “enforcement officer” reference and added “whole” to read “whole pork meat” three times for consistency with terms used throughout the Chapter.

1322.7(d) struck text referring to an “enforcement officer” because it is unnecessary and redundant.

Section 1322.8. Written Certification.

The Department is adding to the statement of purpose and necessity for stakeholder clarity that this proposed section would establish specific requirements to strengthen the basis of written attestations to ensure they are accurate, truthful, and auditable. A business owner or operator may rely on written certification because HSC section 25993.1 provides that it shall be a defense to any action to enforce subdivision (b) of section 25990 that a business owner or operator relied in good faith upon a written certification by the supplier that the whole pork meat was not derived from a breeding pig who was confined in a cruel manner.

1322.8(b) added “physical” to clarify where possession of product takes place for consistency with new subsection 1322(bb) which defines “takes physical possession”. The subsection made changes for consistency of terms used throughout the Chapter and added “which does not hold a valid pork distributor registration” to clarify who needs to follow the requirements of the subsection. An official plant at which mandatory inspection is maintained under the Federal Meat Inspection Act may register with the Department as a pork distributor, but it is not a requirement. If a retailer or food processor end-user takes physical possession of whole pork meat from a registered pork distributor, then this section does not apply. Changes to this subsection are for organizational purposes to clarify the intent as proposed.

1322.8(b)(3) struck “state or local health agencies” because implementation of the requirements will take place under the authority and direction of the Department.

1322.8(c) revised the text for consistency when referencing federal processing plants under the authority of the USDA, FSIS.

Section 1322.9. Denial, Suspension, or Revocation of Pork distributor Registration.

1322.9(b) added a new subsection to describe the procedures taken by the Department for a proposed suspension or revocation of a pork distributor registration, which is to provide notice of the proposed action and to inform the distributor of the: (1) date the proposed suspension or revocation is issued; (2) reason for the proposed suspension or revocation; (3) effective date of the proposed suspension or revocation, including a statement that the effective date is 30 calendar days after the date issued; (4) future eligibility for registration including conditions for reinstatement; and (5) right to request a formal hearing which must be requested within 30 calendar days of the date the proposed suspension or revocation was issued. The subsection also informs the distributor that their registration shall remain in effect pending the outcome of a formal hearing which is necessary, so the distributor understands the status of their registration during this time.

1322.9(b) revised the subsection numbering to read 1322.9(c).

1322.9(c) deleted obsolete text and clarified that a person may appeal the Department's decision to deny a registration or a renewal of a registration and struck "certificate" because it was redundant. The Department replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations and added "within 30 calendar days of date of the notice of denial" to inform the distributor of the timeframe for appealing a notice of denial.

1322.9(c) struck the entire subsection because the proposed requirements are revised and included in modified subsection (b)(5).

Section 1322.10. Registration with the California Department of Public Health.

1322.10 struck the entire section to avoid confusion because stakeholders will need to comply with all other applicable laws and regulations outside of this proposal, not only those laws and regulations with Department of Public Health.

Article 4. Exceptions.

Section 1324. Definitions.

The subsection added an introductory statement for consistency with the definition sections in all articles of this proposal.

1324(a) added a definition for "breeding pig" to define the term as used in the article, which is consistent with the term defined in Article 3. Breeding Pigs.

1324(a) revised the subsection number to read 1324(b).

1324(b) revised the subsection number to read 1324(c).

1324(c) revised the definition of “medical research” to additionally include medical research conducted at a facility accredited by the American Association for Accreditation of Laboratory Animal Care (AAALAC). The AAALAC is an international organization whose primary purpose is to improve the welfare of animals produced for or used in research, teaching and testing, and to enhance the quality of these activities through accreditation of the animal care and use program. This change is in response to stakeholder and commenter comments that the definition as originally proposed may limit funding sources for legitimate medical research and recommendation the definition should be expanded to provide for medical research funded privately or through other mechanisms. In support of this addition to the definition, the Department added the AAALAC International, Bylaws (May 2, 2019) to the rulemaking file for inclusion in the list of Materials Relied Upon (Document Added – 1).

Section 1324.1. Confinement Standards Exceptions.

The Department added new section heading and section 1324.1(a)(1) through (7) to inform the regulated industry of exceptions to the confinement standards as stated in the Act. This change is in response to stakeholder and commenter concerns that the Department should include all relevant exceptions to the confinement standards as stated in the Act for egg-laying hens, calves, and breeding pigs, rather than referencing the HSC in the confinement section of each article. The Department recognizes repeating exact wording of statute into regulatory text is uncommon, however the Department’s addition of the exceptions as stated in the Act into the proposed modified regulatory text as subsections 1324.1(a)(1) through (7) in this case, makes it less confusing and convenient for stakeholders, so they do not have to reference to the HSC when determining applicable exceptions to the Act’s compliance standards. The Department also added the required authority and reference citations.

Article 5. Certification and Accredited Certifiers.

Section 1326. Definitions.

1326.(b) made a punctuation edit.

1326(c) revised the text to clarify the specific areas and items that a certifying agent may certify pursuant to the Chapter and made other changes for consistency of terms used throughout the Chapter.

1326(h) added text to ensure the details provided by definitions in the HSC for a breeding pig, calf, and an egg-laying hen are also considered in the definition of “covered animal.”

1326(i)(1) revised the reference to the definition of shell eggs and made a grammatical edit.

1326(i)(2) made an edit for grammatical purposes.

1326(i)(3) revised the reference to the definition of whole veal meat and made grammatical edits.

1326(i)(4) revised the reference to the definition of whole pork meat.

1326(k) revised the references to the definitions of veal distributor and pork distributor.

1326(p) added “area of” for clarity.

1326(v) revised the references to the definitions of veal producer and pork producer.

Section 1326.1. General Requirements for Certification.

1326.1(d) added “in California” to clarify the intent of the subsection.

1326.1(e) added “in California” to clarify the intent of the subsection.

Section 1326.3. Application for Certification.

1326.3(a)(4) added “and” for grammatical purposes.

1326.3(a)(5) made a punctuation edit and struck “and” for grammatical purposes.

Section 1326.4. Review of Application for Certification.

1326.4(a)(3) made a punctuation edit, added “or” and struck “or revocation” to clarify revocation of certification is not applicable to this subsection.

1326.4(c) made a grammatical change to read “withdraws” two times.

1326.4(d) replaced “verification” with “inspection” as inspection is the appropriate term.

Section 1326.5. On-site Inspections.

The section heading added “Certification” to differentiate between the certifying agent on-site inspections as proposed in section 1326.16.

In the Department’s justification for subsections (a) and (a)(1), the Department made the following statements, “This subsection goes on to require that a certifying agent conduct an annual inspection once every 12 months for a certified operation to maintain certification. An annual inspection is an agricultural industry standard for frequency of visits to ensure participants continue to maintain standards as required for specific programs, therefore the Department proposes a similarly structured schedule for on-site inspections.” In support of annual inspections once every 12 months, the Department added references to several farm animal welfare certification sources successfully implementing annual inspections used to verify an operation’s conformity with the standards required by the entity from which they are seeking

certification. As several public comments received by the Department raised concern that annual inspections as proposed were too frequent, the Department added the below Materials Relied Upon in further support of proposed annual on-site inspections. For simplicity of renewal certifications and logistics for the operations in scheduling on-site inspections, the Department proposes to keep on-site inspections at 12-month intervals.

The Department added the following documents to the list of Materials Relied Upon in support of annual on-site inspections as proposed:

- *Organic 101: Ensuring Organic Integrity Through Inspections* (Document Added – 2)
- *Title 7, Code of Federal Regulations, Part 205, section 205.406* (Document Added – 3)
- *American Humane Certified™, Becoming American Humane Certified™* (Document Added – 4)
- *Humane Farm Animal Care, Policy Program Manual* (Document Added – 5)
- *A Greener World, A Greener World Compliance Policy Manual – North America* (Document Added – 6)
- *Global Animal Partnership, Pig Standards* (Document Added – 7)

1326.5(b)(2) added text to clarify when a certifying agent schedules an on-site inspection, the authorized representative of the operation who is knowledgeable about the operation must have access to operation records. The Department added this condition in response to stakeholder and commenter concerns that it was important to have a representative of the farm present during an on-site inspection. Having a farm employee present during the on-site visit is necessary to ensure biosecurity protocol of the farm is followed and to provide access to locations and paperwork related to covered animals and covered product only. The Department, however, retains the right to unannounced visits at the location of covered animals and covered product to verify compliance because verification of compliance cannot be performed at a central corporate office or via paperwork alone, therefore, this on-site inspection is needed for program integrity.

1326.5(d) revised the text for consistent use of the word “certifying agent” two times in the subsection.

Section 1326.6. Granting Certification.

1326.6(a) added “certifying” to read “certifying agent” for clarity.

1326.6(c) replaced “verification” with “inspection” as inspection is the appropriate term.

Section 1326.7. Denial of Certification.

1326.7(a) replaced “notification” with “notice” twice for consistency of terms used throughout the Chapter and made a grammatical edit.

1326.7(d) added “within 30 calendar days of the date issued” to clarify the timeframe for responding to the notice of noncompliance.

1326.7(e)(2) revised the reference to read “section 1327.3” for clarity and added “within 30 calendar days of date of notice or denial” to clarify the timeframe for requesting mediation.

1326.7(e)(3) revised the text to correctly state an applicant’s right to “request” a formal hearing. The subsection also struck reference to the formal hearing proceedings as specified in Government Code and instead references to section 1327.2 of this proposal which describes the proposed formal hearing procedures.

1326.7(f) added “certifying” to clarify certifying agent.

1326.7(g) made a punctuation edit, added “or” and struck “or revocation” to clarify revocation of certification is not applicable to this subsection.

1326.7(h) replaced “reason to believe’ with “evidence” and struck “willfully” and “purposefully” for consistency of terms used throughout the Chapter.

Section 1326.8. Continuation of Certification.

1326.8(a)(2) struck “minor” and added “any” to require a certified operation to update the correction of “any” noncompliances previously identified by a certifying agent when submitting renewal information as a part of continued certification. This change comes in response to stakeholder and commenter concerns to prevent application of inconsistent standards when determining a continued certification.

1326.8(e) added “calendar” for clarity.

1326.8(f) replaced “verification” with “inspection” as inspection is the more appropriate term, made a punctuation edit, and added “to determine” for clarity.

Section 1326.10. General Requirements for Accredited Certifying Agents.

1326.10(a)(7) added “that was” for grammatical purposes.

1326.10(a)(10)(A) added “calendar” to clarify the timeframe as stated and replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.10(c) added text to fully describe possible reasons for discrimination consistent with California’s Fair Employment Practices Act.

Section 1326.12. Applicant Information for Accreditation as a Certifying Agent.

1326.12(a) made a punctuation edit.

1326.12(c) struck “veal” for consistency when referring to calves and made an organizational edit.

Section 1326.13. Evidence of Expertise and Ability.

1326.13(a)(1) deleted “and evaluation” for clarity.

1326.13(a)(3) added “including biosecurity training” to the required documents and information a prospective certifying agent must submit to the Department to demonstrate personnel conducting inspections have sufficient expertise to successfully perform the duties of a certifying agent pursuant to the proposal. This added text is in response to stakeholder and commenter concerns that certifying agents coming on to a farm for inspections must follow the farm’s biosecurity protocols and must be sufficiently trained and familiar with animal production.

1326.13(b)(1) replaced “certification” with “certificates” for clarity.

Section 1326.14. Granting Accreditation.

1326.14(a)(2) replaced “evaluation” with “inspection” for consistency of terms used throughout the Chapter.

Section 1326.15. Denial of Accreditation.

1326.15(a) replaced “reason to believe” with “evidence” and “evaluation” with “inspection” for consistency of terms used throughout the Chapter.

1326.15(c) replaced “notification” with “notice” twice and struck the Government Code reference to formal hearing proceedings. The subsection added a reference to section 1327.2 describing the formal hearing proceedings pursuant to these regulations and added “within 30 calendar days of the notice of denial” to inform the applicant of the timeframe for requesting a formal hearing.

1326.15(d) replaced “evaluation” with “inspection” twice for consistency of terms used throughout the Chapter.

Section 1326.16. On-site Evaluations.

Added “Certifying Agent” to the section heading to differentiate between the certification on-site inspections proposed in section 1326.5 and replaced “Evaluations” with “Inspections” for consistency of terms used throughout the Chapter.

1326.16(a) replaced “evaluation” with “inspection” three times for consistency of terms used throughout the Chapter and added “records to” and made a grammatical edit to allow for the review of records held by a certifying agent during an on-site visit which is needed to receive and maintain accreditation.

1326.16(b) replaced “evaluation” with “inspection” three times and replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

Section 1326.17. Annual Report, Recordkeeping, and Renewal of Accreditation.

1326.17(b)(3) struck text excluding specified recordkeeping because it no longer applies to the proposed text.

1326.17(c)(1) replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.17(c)(2) replaced “evaluation” with “inspection” for consistency of terms used throughout the Chapter.

1326.17(e) replaced the Government Code reference to formal hearing proceedings with a reference to section 1327.2 describing the formal hearing proceedings pursuant to these regulations and added “within 30 calendar days of the notice of denial” to inform the applicant of the timeframe for requesting a formal hearing.

1326.17(h) added “calendar” to clarify the timeframe as stated.

Section 1326.18. General Compliance.

1326.18(b)(2) added specified text to clarify the Department may initiate suspension or revocation proceedings when the certifying agent is not the Department.

1326.18(d) revised the text to clarify notification by the Department to a certifying agent as specified, must be sent “in writing” and struck requirements stating the location and method of such notification which provide for more flexibility when making the notification to a recipient.

Section 1326.20. Noncompliance Procedure for Certified Operations.

1326.20(a)(1) added a new subsection stating “The date issued” to require the notification of noncompliance to include this information for clarity.

1326.2(a)(1) revised the subsection number to read 1326.20(a)(2).

1326.2(a)(2) revised the subsection number to read 1326.20(a)(3).

1326.2(a)(3) revised the subsection number to read 1326.20(a)(4).

1326.20(c) replaced “notification” with “notice” two times for consistency of terms used throughout the Chapter, added “notice of” for clarity, and struck “in one notification” because the text is obsolete.

1326.20(c)(1) added a new subsection to state “The date the proposed suspension or revocation was issued” requiring the notice of proposed suspension or revocation of certification to include this information for clarity.

1326.20(c)(1) revised the subsection number to read 1326.20(c)(2).

1326.20(c)(2) revised the subsection number to read 1326.20(c)(3).

1326.20(c)(3) relocated “proposed” for clarity.

1326.20(c)(3)(A) struck “maximum” because it is obsolete to the intent of the subsection and replaced “notification” with “the notice” for consistency of terms used throughout the Chapter .

1326.20(c)(3) revised the subsection number to read 1326.20(c)(4).

1326.20(c)(4) revised the subsection number to read 1326.20(c)(5)

1326.20(c)(5) revised the reference to read section 1327.3 which describes the mediation proceedings pursuant to these regulations, replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing procedures specified in section 1327.2 of these regulations, and added “within 30 calendar days of the date the proposed suspension or revocation was issued” for clarity. These changes describe content of the notice of proposed suspension or revocation of certification which is necessary to inform a certified operation of the options they have when a certifying agent is proposing a suspension or revocation of their certification and the timeframe for requesting mediation or a formal hearing. The subsection additionally deleted language describing the pending outcome of an appeal. This deleted text is revised and restated in new subsection (6) below.

1326.20(c)(6) added a new subsection restating from subsection (5) above that the certifying agent and the Department will not issue a notice of suspension or revocation while the outcome from mediation or a formal hearing is pending which was necessary to clearly describe the intent of the subsection.

1326.20(d) replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.20(e)(1) replaced “file an appeal” with “request a formal hearing”, added “the”, struck obsolete text “according to the notice of proposed suspension or revocation”, and replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.20(e)(2) replaced “notification” with “notice” for consistency of terms used throughout the Chapter, revised the reference to read section 1327.3 which describes the mediation proceedings pursuant to these regulations, and replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations for clarity.

1326.20(f)(1) replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.20(f)(3) struck the entire subsection because the proposed requirements are revised and included in modified subsections (e)(1) and (e)(2).

Section 1326.21. Noncompliance Procedure for Accredited Certifying Agents.

1326.21(c) replaced “notification” with “notice” two times and added “notice of” for consistency of terms used throughout the Chapter to correctly refer to the notice of proposed suspension or revocation of accreditation. The subsection additionally struck obsolete text stating the notification would state whether the certifying agent’s accreditation or specified areas of accreditation are “to be” suspended or revoked which does not apply because the suspension or revocation is only being “proposed”.

1326.21(c)(1) added a new subsection stating “the date the proposed suspension or revocation was issued” to require the notice of proposed suspension or revocation of accreditation to include this information for clarity.

1326.21(c)(1) revised the subsection to read 1326.21(c)(2).

1326.21(c)(2) revised the subsection to read 1326.21(c)(3).

1326.21(c)(3) relocated “proposed” for clarity.

1326.21(c)(3)(A) struck “maximum” because it is not applicable to the intent of the subsection and replaced “notification” with “the notice” for consistency of terms used throughout the Chapter.

1326.21(c)(3) revised the subsection to read 1326.21(c)(4).

1326.21(c)(4) revised the subsection to read 1326.21(c)(5).

1326.21(c)(5) replaced “file” with “request” with respect to the formal hearing, replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations, and added “within 30 calendar days of the date the proposed suspension or revocation was issued” for clarity. These changes describe content of the notice of proposed suspension or revocation of accreditation which is necessary to inform an accredited certifying agent of the options they have when the Department is proposing a suspension or revocation of their accreditation and the timeframe for requesting mediation or a formal hearing. The subsection additionally deleted language describing the pending outcome of an appeal. This deleted text is revised and restated in new subsection (6) below.

1326.21(c)(6) added a new subsection restating from subsection (5) above that the Department will not issue a notice of suspension or revocation while the outcome from a formal hearing is pending which was necessary to clearly describe the intent of the subsection.

1326.21(d) replaced “reason to believe” with “evidence” and replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.21(e) replaced “file” with “request” and deleted “appeal” for consistency of terms used throughout the Chapter. The subsection additionally added “30 calendar days from the date the proposed suspension or revocation was issued” to inform the accredited certifying agent of the timeframe to request the formal hearing.

1326.21(g)(1) replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.21(g)(3) struck the entire subsection because the proposed requirements are revised and included in modified subsection (c)(5).

Section 1326.22. Government Entity Providing Certification.

1326.22(a)(2) replaced “notification” with “notice” for consistency of terms used throughout the Chapter.

1326.22(a)(3) replaced “or” with “and” for consistency of terms used throughout the Chapter.

1326.22(b) replaced “certifier” with “certifying agent” for consistency of terms used throughout the Chapter.

Article 6. Informal Hearing and Mediation.

The Department struck “Informal” from the section heading for clarity and made a grammatical edit.

Section 1327.2. Formal Hearing Procedures.

The Department added a new subsection to inform the regulated industry of the procedures required when requesting a formal hearing to contest a notice of adverse determination issued by the Department.

1327.2(a) informs a respondent that they may contest a notice of adverse determination pursuant to the sections as specified. This subsection is necessary to identify the sections in the Chapter where a formal hearing may be used to contest the notice of adverse determination.

1327.2(b) informs the respondent that the request for a formal hearing must be in writing and sent to the Department as specified.

1327.2(c) informs the respondent the conduct of the formal hearing which is pursuant to the Government Code authorizing use of formal hearings.

1327.2(d) informs a respondent that the adverse determination shall remain in effect pending the outcome of a formal hearing which is necessary, so the respondent understands the status of the adverse determination during this time.

The subsection added the applicable authority and reference citations pertaining to the regulation section.

Section 1327.2. Mediation.

The Department revised the section numbering to read Section 1327.3. Mediation.

1327.2(a) revised the text to clearly state mediation may be requested for “adverse actions that include” for clarity.

1327.2(c) added “of an adverse action” to clarify the intent of the subsection.

1327.2(c)(1) added “of the proposed adverse action” to clarify the intent of the subsection, replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2, and added “calendar” to clarify the timeframe as stated.

1327.2(e) added “calendar” two times to clarify the timeframe as stated, added “to deny, suspend, or revoke certification” to accurately state the intent of the subsection, and replaced the reference to the formal hearing proceedings specified in Government Code with the formal hearing proceedings specified in section 1327.2 of these regulations.

AAALAC International

Bylaws

Approved by BOT-December 12, 2016
Updated by BOD-February 2017
Updated by BOD-May 21, 2017
Updated by Member Organization Delegates-September 24, 2017
Updated by Member Organization Delegates-May 3, 2018
Updated by Member Organization Delegates-May 2, 2019

BYLAWS

of

AAALAC International

May 2019

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BYLAWS
AAALAC INTERNATIONAL

ARTICLE I Purpose

The name of this organization shall be AAALAC International or the "Association." It is organized and operated exclusively for one or more of the purposes specified in Section 501(c)(3) of the Internal Revenue Code of 1954.

The primary purpose of AAALAC International, as stated in the Articles of Incorporation, is to improve the welfare of animals produced for or used in research, teaching and testing, and to enhance the quality of these activities through accreditation of the animal care and use program. These Bylaws are not intended to include purposes or authorize powers different from those provided in the original Articles of Incorporation, 1965, of the American Association for Accreditation of Laboratory Animal Care.

ARTICLE II Offices

AAALAC International shall have and maintain continuously in Illinois a registered office and have a registered agent whose location is at such registered office, and may have other offices, within or without the State of Illinois, as the Board of Directors (hereafter may be referred to as the "Board") may determine from time to time. The Board may elect to change the principal place of business of AAALAC International ("Executive Office") from the State of Illinois. Upon completion of any such change, all documents on file with the State of Illinois shall be revised to reflect such move.

ARTICLE III Membership

Section 1. ***Member Organizations***

Members of AAALAC International shall be organizations (hereafter referred to as "Member Organizations") professionally concerned with the care, study, and use of animals in scientific research, teaching, and testing. Member Organizations must share the values, goals and philosophy, and support the purpose and objectives of AAALAC International according to Article I, as determined at the sole discretion of the Member Organizations. A list of Member Organizations shall be maintained. Each Member Organization shall appoint one individual to serve as the appointee of said Member Organization (hereafter referred to as the "Member Organization Delegate" or "Delegate") at Member meetings, as further set forth immediately below in Section 2 of this Article.

Section 2. ***Member Organization Delegates***

Each Member Organization shall appoint a Delegate to serve for a period of three years as its designee at Member Organization Delegate meetings ("Member meetings" or "meeting of the Members") and for voting by ballot outside of Member meetings. The term of office shall begin on January 1 of the first year of the term and conclude on December 31 of the final year of the term. Delegates may serve more than one consecutive term. If the appointed Member Organization Delegate is absent or unable to participate,

Member Organizations may not designate an alternate or substitute designee to serve as a Member Organization Delegate at a Member meeting or to vote by ballot outside of Member meetings for the election of the Board of Directors or any other purpose. However, upon the resignation of a Member Organization Delegate, the Member Organization shall appoint a replacement as stipulated below in Section 5 of this Article. Any action required or permitted to be taken by Member Organizations under these Bylaws shall be taken by vote of the Member Organization Delegates.

No more than two Member Organizations may appoint the same individual to serve as their Member Organization Delegate. In such event, in voting at Member meetings and by electronic or other ballot outside Member meetings said Member Organization Delegate will be entitled to one vote for each Member Organization appointment. Each Member Organization shall be responsible for all costs incurred by the Delegate in attending meetings. A Member Organization Delegate may concurrently serve as either an ad hoc Consultant/Specialist or Council Member Emeritus, but may not concurrently serve on the Council on Accreditation.

Section 3. Qualifications

An organization may be admitted to membership in AAALAC International upon an affirmative vote of two-thirds of the Member Organization Delegates present at a Member Meeting at which there is a quorum or by an electronic vote following the opportunity for a secure online discussion.

In order to demonstrate shared values, goals and philosophy, each organization applying for membership shall provide copies of its Bylaws, information on membership composition, information on funding, relevant position statements on animal care and use, and representative publications. In addition, upon request a Member Organization shall provide copies of its annual budget and any amendments to Bylaws or official changes in position statements on animal care and use.

Section 4. Standing

A Member Organization shall be in good standing if it appoints a Member Organization Delegate and supports the purposes and objectives of AAALAC International. A Member Organization that does not appoint a Delegate or does not continue to support the purpose and objectives of AAALAC International shall be deemed not to be in good standing and therefore not entitled to vote.

Section 5. Resignation of Member Organizations and Member Organization Delegates

Any Member Organization may resign effective sixty days after it files with the AAALAC International office its intention to resign. In the event of any such resignation, the resigned Member Organization sha ll have no claim upon any assets of AAALAC International. Resigning Member Organizations shall be obligated to resolve all fiscal obligations to AAALAC International within 60 days of the date of resignation. Any Member Organization Delegate may resign by delivering a written resignation to the Association at its principal office or to the Chair, Secretary, or Chief Executive Officer. Upon the resignation of a Member Organization Delegate, the Member Organization shall appoint another Member Organization Delegate whose three-year term shall commence upon appointment.

Section 6. Removal of Member Organizations and Member Organization Delegates

A Member Organization not in good standing may be removed from membership upon the affirmative vote of two-thirds of the Member Organization Delegates present at a meeting of the Members; provided, however, that the Member Organization whose removal is sought shall be provided with sixty days written notice of the issue and pending action. In the event of any such removal, the removed Member Organization shall have no claim upon any assets of AAALAC International. Removed Member Organizations shall be obligated to resolve all fiscal obligations to AAALAC International. Any Member Organization shall have the authority to remove its Member Organization Delegate at any time, with or without cause, and appoint a replacement Member Organization Delegate.

Section 7. Powers and Rights

Member Organizations in good standing, by majority vote except where noted, shall have the following powers and rights of the Association:

a. To elect the Board of Directors of the Association (i.e., the Officers and Directors) as set forth in Article IV, Section 5 and Article V, Section 2 of these Bylaws;

b. To approve all amendments to these Bylaws and to the Articles of Incorporation of the Association by the affirmative vote of two-thirds of the Member Organization Delegates in good standing, as set forth in Article XIII of these Bylaws;

c. To approve, by affirmative vote of two-thirds of the Member Organization Delegates in good standing, the dissolution, merger, or consolidation of the Association;

d. To admit and remove Member Organizations, as set forth above in Article III, Sections 3 and 6 of these Bylaws;

e. To elect a member of the Audit and Finance Committee of the Board of Directors, as set forth below in Article VIII, Section 2 of these Bylaws; and,

f. To increase/decrease the number of Director positions on the Board of Directors beyond the range specified in Article V, Section 2, upon the recommendation of the Board of Directors.

Section 8. Transferability or Assignability

Membership in AAALAC International shall not be transferable or assignable.

ARTICLE IV Member Meetings and Voting

Section 1. Regular Annual Meeting

There shall be a regular annual meeting of the Members. Except as otherwise provided in these Bylaws, meetings shall be conducted in accordance with Robert's Rules of Order. Directors and other Member Organization Delegates wishing to introduce new substantive business should provide written notice of the issue(s) to the Chief Executive Officer at least thirty days prior to the meeting.

Section 2. ***Special Meetings***

Special Meetings of the Members may be called by the Chair of the Board of Directors upon due notice, as set forth immediately below in Section 3 of this Article. Alternatively, the Member Organization Delegates may call a Special Meeting of the Members by submitting the signatures, which may be electronic, of at least one-third of the Member Organization Delegates to the Chair or Secretary of the Board of Directors.

Section 3. ***Notice***

Written notice for the regular annual Member meeting shall be given at least sixty days prior to the proposed meeting date. Written notice for Special Meetings of the Members shall be delivered not less than five days nor more than sixty days prior to the proposed meeting date. Written notice shall be sent to each Member Organization Delegate at the address on file in the records of the Association and will include the place or means (electronic), the date, the hour, and the purpose of the meeting. Notices required to be "written," to be "in writing," to have "written consent," to have "written approval" and the like by or of Member Organization Delegates, Directors, or committee members shall include any communication transmitted or received by electronic means. Notice of all meetings in which an amendment to these Bylaws or to the Articles of Incorporation is to be considered shall also contain a statement of the wording of the proposed Bylaw amendment.

Section 4. ***Presence at Meetings by Remote Communication***

Member Organization Delegates may attend any annual or special Member meetings through telephonic, electronic, or other means of communication by which all in attendance have the ability to fully and equally participate in all discussions and voting on a substantially simultaneous basis. Such participation shall constitute presence in person at such meeting.

Section 5. ***Voting at Meetings and by Electronic and Other Ballots***

All matters brought before the Member Organization Delegates must be considered and voted upon at a duly called meeting of the Member Organization Delegates, except for the election of the Board of Directors, approval of amendments to these Bylaws, and admittance of an organization to membership as set forth immediately below. Member Organization Delegates may not assign their votes or ballots to any other person or party nor permit any other person or party to cast their votes or submit ballots on their behalf. In order to vote at a meeting of the Members, a Member Organization Delegate must be present, as the term “Presence” is defined in Section 4 immediately above, at a duly called meeting of the Members and cast his or her vote during the meeting. Voting may be permitted by voice, electronic, or other means by which votes can be submitted and received during the course of the duly held meeting.

The election of the Board of Directors, including Officers and Directors, the approval of amendments to these Bylaws, and admittance of an organization to membership may occur at a Member meeting or by separate ballot without a meeting by mail, email, or any other electronic means pursuant to which all Member Organization Delegates entitled to vote thereon are given the opportunity to vote; provided, however, that 1) the number of Member Organization Delegates casting votes would constitute a quorum if such election or vote had been held at a meeting, and 2) in regard to Board elections, voting by ballot occurs in a manner sufficient to allow the timely assumption of Officer and Director positions by January 1 of each year. Nominees who receive the greatest number of votes cast will be elected to office.

Section 6. Quorum and Action at Meetings

A majority of the Member Organization Delegates shall constitute a quorum for the transaction of business at any meeting of the Members. At any meeting of the Members at which a quorum is present, the vote of a majority of those present shall decide any matter unless a different vote is specified by these Bylaws, the Articles of Incorporation, or by law.

ARTICLE V Board of Directors

Section 1. Authority

As further enumerated in Article VI of these Bylaws, the business and affairs of the Association shall be controlled and governed by the Board of Directors, which will be comprised of Officers and Directors, and shall have the right to exercise all powers of the Association that are not expressly reserved to the Member Organizations of the Association by these Bylaws, the Articles of Incorporation, or by applicable law.

Section 2. Election and Composition

The Board of Directors shall be comprised of ten to fifteen persons consisting of: the five elected Officers of the Association, which shall be the Chair, Vice Chair, Vice Chair Elect, Secretary, and Treasurer; three to eight additional Directors; and the President and Vice President of the Council on Accreditation. Directors shall be elected by the Member Organization Delegates.

The President and Vice President of the Council on Accreditation are not elected by the Member Organizations but shall serve on the Board of Directors *ex officio* with full voting authority. The President and Vice President of the Council shall be counted as two of the ten to fifteen directorships permitted under these Bylaws and shall be counted for purposes of determining a quorum and for any other numerical requirements set forth in these Bylaws.

In addition, the Immediate Past Chair shall serve on the Board of Directors *ex officio* without vote. The position of Immediate Past Chair shall not be counted as one of the ten to fifteen directorships nor shall be counted in determining a quorum or for any other numerical requirements set forth under these Bylaws.

A person may serve simultaneously as a Member Organization Delegate and as a member of the Board of Directors. If a Member Organization Delegate's term expires while holding a position on the Board of Directors, the Director or Officer may finish his/her term on the Board of Directors. However, upon the expiration of his/her term as Member Organization Delegate he or she shall no longer serve as the Member Organization Delegate and the Member Organization shall appoint a successor Member Organization Delegate.

The Member Organization Delegates shall strive to maintain a balanced and diverse board composition, recognizing the range of geographic regions, organizational size, and scientific scope of AAALAC's constituent organizations, while seeking to recruit individuals with the select skills and experience needed by the Association at the time of each election.

Section 3. ***Terms of Office***

The term of office for Directors is three years and shall begin January 1 of the first year of the term and conclude December 31 of the final year of the term. Directors may serve no more than two three-year terms. Officer term limits are defined in Article VII of these Bylaws. If a Director chooses to stand for election to another office on the Board before his/her term of office expires, the current office will be considered vacant and will be included on the ballot for the number of years remaining in the vacated term. Therefore, the term of a Director elected to a vacated position will be the amount of time remaining in the vacated term and, after completion of the partial term, that individual may be eligible to stand for election to a second, and final, term (up to three years) as Director. The Director may choose to stand for election to his/her current office, in addition to the other office, if s/he is still in the first term of his/her current position. If the Director is re-elected to his/her vacated position, the term of service will be for the remaining number of years in the vacated term and is considered the second term of service for the position of Director. An individual's total service on the Board of Directors as a Director and/or Officer is limited to twelve years.

Section 4. ***Meetings***

The Board of Directors shall hold regular and/or special meetings of the Board. Special Meetings of the Board of Directors may be called by the Chair of the Board or a majority of the Directors then in office, by giving notice, of the date, time, place, and purpose of such meeting, to all Directors at least three days in advance of such meeting. Notices required to be "written," to be "in writing," to have "written consent," to have "written approval" and the like by or of Directors or committee members shall include any communication transmitted or received by electronic means. Notice of all meetings in which an amendment to these Bylaws or to the Articles of Incorporation is to be considered shall also contain a statement of the wording of the proposed amendment.

Section 5. ***Quorum and Voting***

A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. At any meeting of the Board of Directors at which a quorum is present, a majority of those Directors present shall decide any matter, unless a different vote is specified by law, the Articles of Incorporation, or these Bylaws. The Immediate Past Chair, serving in an *ex officio* capacity, shall not be counted in determining the number of directorships or in constituting a quorum.

Section 6. ***Meetings by Remote Communication***

One or more Directors may attend any annual, regular, special, or committee meeting of the Board through telephonic, electronic, or other means of communication by which all Directors have the ability to fully and equally participate in all discussions and voting on a substantially simultaneous basis. Such participation shall constitute presence in person at such meeting.

Section 7. ***Action Without a Meeting***

Any action required or permitted to be taken at any Board meeting may be taken without a meeting if a consent in writing, setting forth the action as taken, shall be signed by all of the Directors with respect to such subject matter. Such consent, which may be signed in counterparts, shall have the same force and effect as a vote of the Board of Directors.

Section 8. Waiver of Notice for Meetings

Whenever any notice of a meeting is required to be given to any Director under these Bylaws, the Articles of Incorporation, or by applicable law, a waiver of notice in writing signed by the Director, whether before or after the time of the meeting, shall be equivalent to the giving of such notice.

Section 9. Compensation

Directors shall receive reimbursement for expenses reasonably incurred in the course of their Board service, as prescribed in the Travel Expense and Reimbursement Policy, and may receive a reasonable and nominal honorarium in recognition of their time and personal commitment to attending Board meetings. However, Directors, with the exception of President and the Vice President of Council on Accreditation, shall not receive any other compensation from the Association nor shall Directors receive payment for serving the Association in any other capacity.

Section 10. Resignation

Any Director may resign by delivering a written resignation to the Association at its principal office or to the Chair, Secretary, or Chief Executive Officer. Such resignation shall be effective upon receipt unless it is specified to be effective at a later time.

Section 11. Removal

Any Director may be removed, with or without assignment of cause, by a vote of a majority of the Member Organizations in good standing at a meeting of the Members or by a vote of three-fourths of the entire Board of Directors at any meeting of the Directors. No Director shall be removed from office unless the notice of the meeting at which removal is to be considered states such purpose and opportunity to be heard at such meeting is given to the Director whose removal is sought.

Section 12. Vacancies

Except as noted elsewhere in these Bylaws, a vacancy occurring in the Directors shall be filled by the Member Organization Delegates subsequent to the next annual meeting or during a special meeting. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

ARTICLE VI Powers and Responsibilities of the Board of Directors

Section 1. General Powers

The business and affairs of the Association shall be controlled and governed by the Board of Directors, which shall have the right to exercise all powers of the Association that are not expressly reserved to the Member Organizations of the Association by these Bylaws, the Articles of Incorporation, or by applicable law.

Section 2. ***Specific Responsibilities***

The rights and responsibilities of the Board of Directors shall include, but are not limited to, the following:

a. Provide leadership and vision;
b. Review and approve budget;
c. Employ and dismiss from employ a Chief Executive Officer of AAALAC International;
d. Increase/decrease the number of Directors on the Board of Directors within the range specified in Article V, Section 2;
e. Promote current and future Member Organization involvement and engagement;
f. Set fee structure for Units/Member Organizations;
g. Ratify Council on Accreditation and Council Member Emeritus membership (i.e., by approval of the ballot);
h. Affirm Council on Accreditation actions;
i. Establish Rules of Accreditation and serve as an appellate body regarding the Council's accreditation determinations as set forth in Article X;
j. Determine office location;
k. Distribute assets in event of dissolution as set forth in Article XIV, Section 11.

ARTICLE VII Officers

Section 1. ***Officers***

The Officers of the Association shall be a Chair, a Vice Chair, a Vice Chair Elect, a Secretary, a Treasurer, and an Immediate Past Chair.

Section 2. ***Election and Terms***

The Officers of the Association shall be elected from and by the Member Organization Delegates. The duration of the term of office of each Officer varies by office position and is set forth below in this Article VII under each Officer provision. The terms of office shall begin January 1 of the first year of the term and conclude on December 31 of the final year of the term. Each Officer shall hold office until a successor has been elected and qualified.

Section 3. ***Chair***

The Chair shall preside at meetings of the Board of Directors and the annual meeting of the Members. The Chair, or other proper Officer or agent of the Association authorized by the Board of Directors, may sign any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed. The Chair shall perform all duties incident to the office of Chair and such other duties as may be prescribed by the Board of Directors from time to time. The Chair shall have a primary leadership role in overseeing the general conduct and welfare of the Association. The term of office for the Chair shall be one year. Upon completion of the term, the Chair shall become the Immediate Past Chair.

Section 4. ***Vice Chair***

The Vice Chair shall perform duties as assigned by the Chair. Upon completion of the Chair's one-year

term of office, the Vice Chair shall become the Chair. The Vice Chair shall act as Chair in the absence of the Chair and, when so acting, shall have all the responsibility, powers and authority of the Chair.

Section 5. Vice Chair Elect

The Vice Chair Elect shall perform duties as assigned by the Chair and shall assume the position of Vice Chair upon completion of the one-year term of office of the Vice Chair. The Vice Chair Elect shall act as Vice Chair in the absence of the Vice Chair and, when so acting, shall have all the responsibility, powers and authority of the Vice Chair.

Section 6. Secretary

The Secretary, or other proper Officer or agent of the Association authorized by the Board of Directors, shall keep the minutes of the meetings of the Board of Directors and of the Members; ensure that all notices are given in accordance with the provisions of these Bylaws; be custodian of the corporate records; keep record of all Member Organizations and their Delegates; and in general perform all such duties as may from time to time be assigned by the Board of Directors. The term of office for the Secretary shall be three years. No person shall be elected to the office of the Secretary for more than two terms. If the Secretary chooses to stand for election to another office on the Board before his/her term of office expires, the current office will be considered vacant and will be included on the ballot for the number of years remaining in the vacated term. Therefore, the term of the Secretary elected to a vacated position will be the amount of time remaining in the vacated term and, after completion of the partial term, that individual may be eligible to stand for election to a second, and final, term (up to three years) as Secretary. The Secretary may choose to stand for election to his/her current office, in addition to the other office, if s/he is still in the first term of his/her current position. If the Secretary is re-elected to his/her vacated position, the term of service will be for the remaining number of years in the vacated term and is considered the second term of service for the position of Secretary.

Section 7. Treasurer

The Treasurer shall oversee maintenance of the financial records of the Association and the Board of Directors may delegate the administration of these responsibilities to the Chief Executive Officer, Financial Manager and other Executive Office staff, who shall perform such duties subject to the direction and oversight of the Treasurer. The Treasurer will also review expenses incurred by the Chief Executive Officer during the conduct of Association business. The term of office for the Treasurer shall be three years. No person shall be elected to the office of the Treasurer for more than two terms. If the Treasurer chooses to stand for election to another office on the Board before his/her term of office expires, the current office will be considered vacant and will be included on the ballot for the number of years remaining in the vacated term. Therefore, the term of the Treasurer elected to a vacated position will be the amount of time remaining in the vacated term and, after completion of the partial term, that individual may be eligible to stand for election to a second, and final, term (up to three years) as Treasurer. The Treasurer may choose to stand for election to his/her current office, in addition to the other office, if s/he is still in the first term of his/her current position. If the Treasurer is re-elected to his/her vacated position, the term of service will be for the remaining number of years in the vacated term and is considered the second term of service for the position of Treasurer.

Section 8. ***Immediate Past Chair***

The Immediate Past Chair shall be the retiring Chair. The Immediate Past Chair is a non-voting *ex officio* member of the Board of Directors. The position of Immediate Past Chair shall not be counted as one of the ten to fifteen directorships permitted under these Bylaws nor shall be counted in determining a quorum or for purposes of any other numerical requirements set forth under these Bylaws.

Section 9. ***Resignation***

Any Officer may resign by delivering a written resignation to the Association at its principal office or to the Chair, Secretary or Chief Executive Officer. Such resignation shall be effective upon receipt unless it is specified to be effective at a later time.

Section 10. ***Removal***

Any Officer, except for the President and the Vice President of the Council on Accreditation and the Immediate Past Chair, all of whom serve in an *ex officio* capacity, may be removed, with or without assignment of cause, by a vote of a majority of all the Member Organization Delegates in good standing at a meeting of the Members or by a vote of three-fourths of the entire Board of Directors at any meeting of the Directors. No Officer shall be removed from office unless the notice of the meeting at which removal is to be considered states such purpose and opportunity to be heard at such meeting is given to the Officer whose removal is sought.

Section 11. ***Vacancies***

A vacancy occurring in an Officer position in the interim between elections shall be filled temporarily by majority vote of the Board of Directors. An individual appointed by action of the Board of Directors shall serve until a successor is elected by the Member Organization Delegates following the next annual meeting or during a special meeting. An Officer elected to fill a vacancy shall be elected for the unexpired term of his/her predecessor in office.

ARTICLE VIII Committees of the Board

Section 1. ***Committees***

The Board of Directors may create such special committees, in addition to those specified below, as it determines to be in the best interest of the Association. The Board of Directors shall determine the duties, powers, and composition of such committees, except that the Board shall not delegate to such committees those powers which by law may not be delegated. Each committee shall submit to the Board of Directors, at such meetings as the Board may designate, a report of the actions and recommendations of the committee for consideration and approval by the Board of Directors. Any special committee created by the Board may be terminated at any time by the Board of Directors.

Section 2. ***Audit and Finance Committee***

There shall be an Audit and Finance Committee with both financial and audit responsibilities. The financial responsibilities shall include review of the Treasurer's report prior to its presentation to the Board

of Directors and other relevant duties that may be assigned by the Board of Directors. The audit responsibilities shall include selection of an independent auditor, with approval by the Board of Directors; review of the arrangements, scope and plan for the audit; consideration of comments from the independent auditor, including those with respect to weaknesses in internal accounting controls and corrective actions taken by management; discussion of matters relating to the financial statements or other results of the audit; review of internal accounting procedures and controls; and other relevant duties that may be assigned by the Board. This committee will consist of at least five members to include 1) the Treasurer of the Board of Directors, 2) the Vice Chair of the Board of Directors, 3) the President of the Council on Accreditation, and 4) the Chief Executive Officer, who shall be excluded from all audit functions of this Committee, and 5) an additional committee member elected by the Member Organization Delegates for a one year term.

Section 3. Nominating Committee

The composition of the Nominating Committee will be appointed at least annually. The Nominating Committee shall follow the Nominating Committee Procedural Guidelines.

Section 4. Planning Committee

In order to ensure that the Association's Strategic Plan remains compelling and relevant to the issues that face AAALAC International, the Planning Committee will assess progress on the Strategic Plan, revisit priorities, identify challenges in accomplishing the objectives and strategies and propose solutions. In addition, as unanticipated, new developments and needs are identified, the Planning Committee will either recommend that new topics be included in the Strategic Plan or that a new Strategic Plan be developed.

Section 5. Cohen Award Committee

The Cohen Award Committee shall consist of the three most recent living recipients of the AAALAC International Bennett J. Cohen Award willing to participate. This Committee will evaluate the nominations based upon standards and in accordance with procedures adopted by the Board of Directors and make a formal recommendation to the Board of Directors by May 31 of years in which nominations are acted upon.

ARTICLE IX Council on Accreditation

Section 1. Purpose

The Council on Accreditation (hereafter referred to as the "Council") shall operate a voluntary system of accreditation of animal care and use programs in accordance with these Bylaws and the Rules of Accreditation (hereafter referred to as the "Rules") established by the Board of Directors under Article X.

Section 2. Membership

The President of the Council, with input from the Chair of the Board of Directors, shall appoint a Council Nominating Committee to identify candidates for election to the Council. The Council Nominating Committee will include equal numbers of members of the Council and the Member Organization Delegates. The Council shall by majority vote select members to the Council from those nominated by the

Council Nominating Committee, subject to ratification by the Board of Directors in accordance with Article VI, Section 2, Item g. The Board of Directors shall, after a fair hearing, have authority to remove members from the Council by two-thirds vote. The Council membership shall comprise no fewer than ten individuals whose principal expertise is in directing and/or managing animal care programs, including veterinary care programs, and no fewer than five individuals whose principal expertise is in the administration, management or conduct of research, teaching or testing involving the use of animals.

Section 3. Qualifications

The membership of Council shall include only such persons who have the qualifications, skills, and capacities through education or experience to conduct evaluations of animal care and use programs. A Council member shall not participate in the evaluation of any program that the member is not eligible or qualified to site visit or with which the member has a real or perceived conflict of interest, as set forth in the Rules of Accreditation. An individual may not serve as both a Council Member and a Member Organization Delegate, a member of the Board of Directors (except for the Council President and Vice President), or a member of the AAALAC International staff.

Section 4. Term of Service

Membership on the Council shall be for a period of three years. Terms shall take effect on July 1 and terminate on June 30, except that interim terms shall take effect as determined by action of the Board of Directors. Members of the Council shall be eligible for re-election for a maximum of four terms, and will be limited to twelve years of service, except as may be determined otherwise by the Board of Directors.

Section 5. President and Vice President

A President and Vice President of the Council shall be elected by the Council membership during each calendar year and shall take office on July 1. The President and Vice President shall serve on the Board of Directors of the Association *ex officio* with full voting authority. The President shall preside at all meetings of the Council and shall be responsible to the Board of Directors for the general conduct and leadership of the Council. The Vice President shall act as President in the absence of the President and, when so acting, shall have all the responsibility, powers and authority of the President. Additional Officers may be elected by the Council membership to allow the Council to conduct its business in an orderly manner.

Section 6. Meetings

Meetings of the Council shall be held upon call of the Council President or the Chair of the Board of Directors whenever, in the opinion of either, there is sufficient business to justify a meeting.

Section 7. Reports

The Council President shall report on the activities and status of the accreditation program at each annual meeting of the Member Organization Delegates and as otherwise directed by the Chair.

Section 8. Recommendations

The Council shall recommend to the Board of Directors any actions necessary to further the accreditation

program, including any revision to the Rules issued by the Board of Directors under Article X. Such recommendations shall not be binding upon the Board of Directors.

Section 9. Council Member Emeriti

Council Member Emeriti assisting the Council shall be nominated by a Council Member Emeritus Nominating Committee appointed by the Council President. Council shall by majority vote elect Emeriti. The term of service to the Council as an Emeritus shall be for a period of three years with terms eligible for renewal every three years up to a maximum of 12 years. The duties and functions of the Council Member Emeriti shall be as provided by the Board of Directors, these Bylaws, the Rules of Accreditation, and Council guidelines. An individual may not serve as both a Council Emeritus (i.e., lead site visits and make an accreditation recommendation) and a member of the Board of Directors or a member of the AAALAC International staff.

Section 10. Ad hoc Consultants and Specialists

Ad hoc Consultants and Specialists assisting the Council shall be identified by an Ad hoc Consultant/Specialist Selection Committee appointed by the Council President, and shall possess the same qualifications as members of the Council, as described in this Article IX, Section 3, above. Former Council Members may be retained as Ad hoc Specialists. The duties, functions, and terms of service of the Consultants/Specialists shall be as provided by the Board of Directors, these Bylaws, the Rules of Accreditation, and Council guidelines. An individual who serves as both an Ad Hoc Consultant/Specialist and a Member Organization Delegate shall not forfeit rights and duties as a Member Organization Delegate. However, an individual may not serve as both an Ad Hoc Consultant/Specialist and a member of the Board of Directors or a member of the AAALAC International staff.

Section 11. Expenses

Members of the Council, Council Member Emeriti, and Ad hoc Consultants/Specialists shall receive an honorarium and be reimbursed for expenses incurred in attending Council meetings and performing site visits (as described in the Travel Expense and Reimbursement Policy).

ARTICLE X Accreditation Program

The Board of Directors shall be authorized to issue rules concerning the accreditation of animal care and use programs for implementation by the Council, and it may delegate authority to establish such Rules of Accreditation to the Council and Chief Executive Officer. The Rules shall include, but shall not be limited to, the standards and requirements for accreditation, the establishment of application fees, the maintenance of confidential records, the awarding of certificates of accreditation, and the procedures for establishing or revising standards, conducting site visits, granting or denying accreditation, and holding hearings concerning withholding or revocation of accreditation.

ARTICLE XI Chief Executive Officer

The Chief Executive Officer, also referred to as "CEO," shall serve as a full time employee of the

Association, with the overall responsibility of implementing the policies and programs of the Board as directed by the Board of Directors, including general management of the Executive Office staff and safekeeping of the Association's assets. Specific responsibilities and duties may be reviewed and modified by a majority vote of the Board. Salary will be established and approved by the Board of Directors. The Chief Executive Officer shall hire and establish compensation for all other personnel.

ARTICLE XII Advisory Groups

The Board of Directors may, as it determines or at the recommendation of the Member Organizations, establish and terminate such Advisory Groups as are determined by the Board of Directors and interest of Member Organizations. The function of the Advisory Groups shall be to advise and make non-binding recommendations to the Board of Directors or the Member Organizations with respect to matters within the areas of their unique knowledge, skill, experience, and expertise and relevant to the core mission of the Association. Advisory Groups shall serve in an honorary capacity. As such, Advisory Groups do not have right to notice of or to attend or vote at a meeting of the Board of Directors, the Members, or the Council on Accreditation. Such Advisory Groups may include, without limitation, groups involved in global standards and the research environment, agricultural animals in research, non-traditional animals (wildlife), industry, use of animals in education, animal welfare oversight, science and technology, and future directions. The area of purview and responsibilities of each Advisory Group shall be determined by the Board of Directors.

ARTICLE XIII Amendments

These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the affirmative vote of two-thirds of the Member Organization Delegates present at a meeting of the Member Organization Delegates in which a quorum is present. The Board of Directors' support (or lack of support) for the proposed amendment(s) and rationale for that position will be provided. If such vote is held by electronic or other ballot outside a meeting, the proposed amendment(s) is adopted if a majority of Delegates in good standing vote and two-thirds of the votes are affirmative.

ARTICLE XIV Miscellaneous

Section 1. ***Fiscal Year***

The fiscal year of AAALAC International shall begin on January 1 and end on December 31 of each calendar year.

Section 2. ***Use of Funds***

All funds shall be used only for the administration of AAALAC International and in the furtherance of the purposes for which the Association was created. No part of the net income of AAALAC International shall inure to the benefit of or be distributable to its Member Organizations, Directors, Officers, Executive Office staff, or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance

of the purposes set forth in Article I of these Bylaws.

Section 3. Checking Account

Funds of the Association on deposit with any bank or trust company shall be subject to withdrawal on the signature of such person or persons as may be determined by resolution of the Board of Directors.

Section 4. Investments

An investment policy shall be developed and monitored by the Audit and Finance Committee. Subject to ratification and periodic review by the Board of Directors, the Audit and Finance Committee will select a professional Investment Advisor and maintain a current investment policy.

Section 5. Audits

All accounts of AAALAC International shall be audited annually by independent Certified Public Accountants who shall be selected by the Audit and Finance Committee, with approval by the Board of Directors. A copy of the report of said audit shall be delivered to AAALAC International at a time appropriate for review by the Audit and Finance Committee and the Board of Directors.

Section 6. Indemnification

The Association shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an Officer or Director of the Association, member of the Council on Accreditation, Council Member Emeriti, Ad hoc Consultant/Specialist, and the Chief Executive Officer and other staff of the Association against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the Association; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of the Board of Directors who are not at that time parties to the proceeding.

This Section 6 constitutes a contract between the Association and the indemnified persons. No amendment or repeal of the provisions of this Section 6 which adversely affects the right of an indemnified person under this Section 6 shall apply to such indemnified person with respect to those acts or omissions which occurred at any time prior to such amendment or repeal.

Section 7. Restrictions on Activities

No part of the net earnings of the Association shall inure to the benefit of, or be distributable to its Member Organizations, Directors, Officers, or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of the Association. Notwithstanding any other provision of these Bylaws, neither the Association nor any Director, Officer, employee, agent, or any other representative of the Association shall carry on any other activities not permitted to be carried on (a) by a

corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Section 8. ***Political Activity***

Except to the extent permitted by the Internal Revenue Code, whether pursuant to an election under Section 501(h) or otherwise, no substantial part of the activities of the Association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Association shall neither participate nor intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Section 9. ***Conflict of Interest***

Members of the Board of Directors, Council on Accreditation, former Council, inclusive of Council Emeriti, Ad hoc Consultants/Specialists and AAALAC Executive Office staff must avoid circumstances that pose a conflict of interest in accord with AAALAC International's policy statements and guidelines regarding Conflict of Interest. Acceptable standards of professional conduct (as described in the Code of Ethics) must be practiced.

Section 10. ***Gifts***

The Board of Directors or the Chief Executive Officer may accept on behalf of AAALAC International any grant, contribution, gift, bequest or devise for any general or special purpose of AAALAC International, except that no gift of any greater than nominal value for or from any unit seeking or having received accreditation shall be accepted by a member of the Executive Office staff, Council or Board of Directors.

Section 11. ***Dissolution and Liquidation***

Upon dissolution of the Association, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Association, dispose of all of the assets of the Association exclusively for the purposes of the Association in such manner, or to such organization or organizations established and operated exclusively for charitable, educational, literary or scientific purposes as shall at that time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine.

Section 12. ***Public Policy Positions***

All public policy positions taken on behalf of AAALAC International must be approved by two-thirds of the members present at a meeting of the Board of Directors. This approval process does not apply to matters pertaining to AAALAC International's assessment and accreditation of animal care and use programs or to the operations of the Council on Accreditation or the Board of Directors.

Organic 101: Ensuring Organic Integrity through Inspections

Posted by Miles McEvoy, Deputy Administrator of the National Organic Program in Food and Nutrition
Feb 21, 2017

Organic inspector Elizabeth Whitlow at an organic vineyard inspection. Every organic operation involved between the farm and market is inspected to verify compliance with the USDA organic regulations. Photo courtesy ccof.org.

This is the fifteenth installment of the Organic 101 series that explores different aspects of the USDA organic regulations.

USDA certified organic products are produced and sold around the world, many originating from over 17,700 organic operations right here in the United States. The USDA organic label assures consumers that products have been produced through approved methods and that prohibited substances, like synthetic pesticides, have not been used. I am often asked how the USDA verifies organic claims, and whether organic operations are inspected.

In order to sell, label, or represent products as organic in the United States, operations must be certified. The National Organic Program, part of USDA's Agricultural Marketing Service, accredits private, foreign, and State entities called certifying agents to certify and inspect organic operations.

So how does this all work? First, the operation would apply for certification through a certifying agent. The certifier will ask for information including a history of substances applied to land during the previous three years, and an Organic System Plan describing the practices and substances to be used. The certifier reviews applications to verify that practices comply with USDA organic regulations, and then an inspector conducts an on-site inspection.

Every organic operation must be inspected each year. The inspector verifies that the operation's plan accurately reflects the operation and that the farmer is following the plan. Organic inspectors are trained to look critically at all aspects of an operation.

When first arriving at an organic operation, the inspector is looking for things like buffer zones from neighboring farms to ensure that the organic integrity of crops is maintained. The inspector then visits the fields and asked questions about pest management, soil fertility, and other factors. They also look at storage and preparation areas to make sure everything meets the organic requirements.

One of the most important responsibilities of the inspector is to examine records that document farming practices. Specifically, the inspector will audit invoices, records of material applications, organic sales, harvest, and yield. The inspector can explain the organic regulations but is not allowed to provide advice on how to farm or how to overcome identified barriers to certification. This separation between the farmer and the certifier maintains the "independent third party" nature of the transaction.

During the visit, the inspector may also collect samples for residue testing. Certifying agents use test results to identify and address instances in which organic products may have unintentionally come in contact with prohibited substances and to detect and deter fraud.

At the conclusion of the inspection, there is an exit interview where the inspector reviews any areas of concern. The inspector submits the inspection report to the certifier and it is reviewed alongside the Organic Systems Plan. As long as there are no issues and the operation is in compliance with the organic regulations, an organic certificate is issued by the certifying agent.

Every organic farm, packing facility, processor, and distributor involved between the farm and market is inspected to verify compliance with the USDA organic regulations. Every organic operation is required to renew its certification each year. During the renewal process, the certified organic operation provides an annual update to the certifier, the inspector conducts an annual on-site inspection, and the certifier reviews the application and the inspector's report to determine if the applicant still complies

with the USDA organic regulations. This process continues as long as the operation is certified.

With over 30,000 on-site inspections per year by certifying agents to monitor compliance with USDA organic standards, consumers purchasing products with the USDA organic label can rest assured that the product has maintained its organic integrity – from farm to table.

§ 205.406 Continuation of certification.

(a) To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent:

(1) An updated organic production or handling system plan which includes:

(i) A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's organic system plan during the previous year; and

(ii) Any additions or deletions to the previous year's organic system plan, intended to be undertaken in the coming year, detailed pursuant to § 205.200;

(2) Any additions to or deletions from the information required pursuant to § 205.401(b);

(3) An update on the correction of minor noncompliances previously identified by the certifying agent as requiring correction for continued certification; and

(4) Other information as deemed necessary by the certifying agent to determine compliance with the Act and the regulations in this part.

(b) Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant to § 205.403: *Except,* That, when it is impossible for the certifying agent to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, the certifying agent may allow continuation of certification and issue an updated certificate of organic operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months: *Provided,* That, the annual on-site inspection, required pursuant to § 205.403, is conducted within the first 6 months following the certified operation's scheduled date of annual update.

(c) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in § 205.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation in accordance with § 205.662.

(d) If the certifying agent determines that the certified operation is complying with the Act and the regulations in this part and that any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to § 205.404(b).

American Humane Certified™

Becoming American Humane Certified™

To apply to become an American Humane Certified™ producer takes just a few minutes of your time through our easy-to-use online application system. Before you fill out your basic information, we encourage you to review the standards for your particular species which are available free for download.

Filling out an application obligates you in no way to the program, it merely starts the review process.

Application & Audit Process

1. Review Animal Welfare Standards

We encourage producers to download the American Humane Certified™ Animal Welfare Standards that apply to your species and evaluate any gaps between your operation and the standards. You can download the standards documents here. Please feel free to submit an inquiry or Contact Us if you have any questions about the Animal Welfare Standards.

2. Apply Online

To submit an online application click here or visit the "New Producer Inquiry" tab at the top of the Home page. The application will ask for your name, contact information, farm name, and type of production. Upon submission, a Field Operations Manager will contact you to discuss your interest and answer any questions. If after speaking with Humane Heartland you decide that would like to enroll in the program, a Producer Account Manager will be assigned to your operation and will assist you through the certification process. Filling out an application does not obligate you to participate in the program if you decide otherwise.

3. The Audits

Once you have been enrolled in the program, your Producer Account Manager will work with you to schedule audits. An independent third party auditor will conduct a thorough on-site inspection of your operation to assess its compliance with the Animal Welfare Standards. Auditors are professionally trained in their respective species.

4. Audit Review

After the audit, the results will be posted to a secure online database. Your Humane Heartland Producer Account Manager will review the audits and, if necessary, discuss with you any areas in which the operation is not in compliance with the Animal Welfare Standards. A corrective action plan must be submitted that explains how the operation will meet the standard and the implementation must be documented. At a producer's request, and only with their permission, Humane Heartland can provide audit results to specific retailers, processors or foodservice operators who require the information.

5. Annual Review Process

Annual audits are conducted at each operation to help assure compliance with the program. Humane Heartland reserves the right to perform unannounced audits in order to confirm that the operation is upholding high standards of animal welfare and humane care.

6. We can Help You with the Process

Humane Heartland staff is always available to discuss questions or concerns you might have about your operations or the program. Our program requires continuous improvement to meet the standards and your Producer Account Manager can work with you to understand and implement the process.

Offering products with the American Humane Certified™ label is good for animals, good for people, and good for business! We encourage you to become an American Humane Certified™ producer and join the nation's oldest and largest 3rd party animal welfare auditing program.

Materials Relied Upon
Document Added - 5

Program Policy Manual

Humane Farm Animal Care

Edition 20

TABLE OF CONTENTS

PART 1: DESCRIPTION OF THE ORGANIZATION

A. Mission Statement

The mission of Humane Farm Animal Care (HFAC) is to improve the welfare of farm animals by providing viable, credible, duly monitored standards for humane food production and ensuring consumers that certified products meet these standards.

HFAC may not provide any products or services that could compromise the confidentiality, objectivity, or impartiality of its certification process and decisions.

B. Statement of Scope

HFAC certifies single operations, Pooled Product Operations, Producer Groups and Beef Marketing Groups that raise, handle, and/or process (slaughter) the following types of livestock:

- Beef cattle
- Bison
- Dairy cows
- Pigs
- Sheep
- Broiler chickens
- Laying chickens
- Turkeys
- Goats
- Young Dairy Beef
- Red Deer

In addition, HFAC certifies manufacturing operations that produce products that include animal-based raw materials from HFAC-certified operations (PMO's). Restaurants wanting to be certified can apply for certification as a PMO.

HFAC conducts its certification activities in a manner that is nondiscriminatory. HFAC makes its services accessible to all applicants whose activities fall within its scope of operations. Access to HFAC's certification program is not conditional upon the size of the operation nor is it contingent upon membership in any association or group.
Certification of operations is not contingent on the number of certificates already issued.

C. Legal Status and Ownership

Humane Farm Animal Care is a 501(c)(3) non-profit corporation incorporated pursuant to the applicable provisions of the District of Columbia Nonprofit Corporation Act.
Humane Farm Animal Care provides independent verification and certification that the care and handling of livestock and poultry meets the welfare standards set by Humane Farm Animal Care. Operations certified by HFAC may identify products that meet these standards with the Certified Humane® label. Humane Farm Animal Care's certification program is a voluntary, user-fee based service available to producers, processors, and haulers of animals raised for food.

The Certified Humane Raised and Handled® Certification Program was created by Humane Farm Animal Care. HFAC owns the Certified Humane Raised and Handled® certification trademark.

D. Funding Sources for the Certification Agent

HFAC is partially funded by fees generated by the certification process. HFAC's certification program is generously supported by contributions received from the public and foundations and other non-profit organizations that are supportive of HFAC's mission. Current information of humane organizations providing financial support may be obtained from HFAC's Form 990, upon request.

PART 2: THE CERTIFICATION PROCESS

A. Certification Categories

HFAC certifies single operations, Pooled Product Organizations, Producer Groups and Beef Marketing Groups, that raise, handle, and/or process (slaughter) the following types of livestock:

- Beef cattle
- Bison
- Dairy cows
- Pigs
- Sheep
- Broiler chickens
- Laying chickens
- Turkeys
- Goats
- Young Dairy Beef
- Red Deer

B. Billing Rates for Certification Services

For rates for certification services outside of the United States and Canada, please contact our regional office at: info@certifiedhumanebrasil.org.

1. Application Fee

HFAC charges an Application Fee for operations submitting an application for Initial Certification. Operators must also pay the Application Fee each time they submit their Application for Renewal of Certification in order to cover administrative costs associated with processing the application. The application fees are as follows:

Date application submitted	Fee
Best Rate! For new applications or for renewals postmarked 60 days or more before the expiration date on certificate	$75
Postmarked 59 - 30 days before expiration date on certificate	$125
Postmarked less than 30 days or longer after the expiration date certificate	$300

2. Inspection Fee

An operation's Inspection Fee covers the cost of one full inspection per year. Follow-up inspections in the same year will only be conducted if a problem is identified which requires further on-site investigation. Operations requiring follow-up inspections will be charged the regular inspection fee to cover the cost of the inspector's time as well as the actual costs (travel, food, lodging) incurred by HFAC to conduct the inspection.

Farm Inspections: For operations in the United States and Canada, the HFAC fee for conducting inspections of a farm is $700/day/Inspector.

Processor, Product Manufacturing Operations (PMO), Pooled Product Operators (PPO), Slaughter and Handling Facility: For United States operations and Canadian operations, the HFAC fee for conducting inspections of a Product Manufacturing Operation (PMO), Pooled Product Operator (PPO), Processor, Sales Office or Slaughter is $800/day/facility/inspector.

Inspection fees for operations outside the U.S. and Canada will vary.

Subsidized inspection fees for small farm operations: Because HFAC receives contributions from the public and humane organizations, some funding may be available for the subsidization of inspection fees for small operations, as defined in the chart below.

Size of Farm Operations Eligible for Subsidized Inspection Fees	
Species covered by the application for certification by HFAC	**Number of animals being certified is not greater than:**
Beef Cattle	50 head
Broilers	100 head
Dairy	30 head
Goats	50 head

Layers	100 head
Pigs	50 head
Sheep	70 head
Turkeys	70 head
Young Dairy Beef	30 head

After successfully passing its Initial Review of the application for certification, an eligible operation may request funds to fully or partially cover its inspection fee. The request is made by submission to the HFAC office of a written statement of the reasons that the operation is unable to afford to pay the normal inspection fee.

HFAC will review the information, determine whether the operation fits the eligibility requirements, and make the decision on whether the subsidy will be granted. Inspection subsidy funds are allocated on a first-come, first-served basis. If a farm is eligible for this program, the inspection will be scheduled only when an HFAC inspector is in the area of the vicinity of the farm.

3. Certification Fees

HFAC certification fees are payable on ALL products that are licensed for sale as Certified Humane® by a certified producer or farm. Therefore, monthly fees (based on the following chart) should be calculated and on all licensed products, regardless of the type of labeling used.

CERTIFICATION FEES	
Cattle	0-25,000 animals = $1.10/head 25,001-50.000 animals = $0.82/head 50,001-75,000 animals = $0.62/head 75,001-100,000 animals = $0.47/head 100,001-200,000 animals = $0.37/head 200,001-300,000 animals = $0.22/head 300,001-400,000 animals = $0.17/head
Pigs	0-35,000 animals = $0.55/pig 35,001-65,000 animals = $0.45/pig >65,000 animals = $0.35/pig >100,000 animals = $0.25/pig >200,00 animals = $0.15/pig
Dairy Cows	$.015/hundredweight for milk = 1/8th cent /gallon
Goats	$0.00125/gallon (or 1/8th cent per gallon) of milk $0.23/head for meat Rate to be determined for fiber
Laying Hens	$.07/case of 30 dozen eggs
Broiler Chickens	0-6,000,000 birds = $0.003/bird > 6,000,001 birds = $0.0025/bird >15,000,000 birds = $0.002/bird >30,000,000 birds = $0.0015/bird >40,000,000 birds = $0.0010/bird
Sheep/Lamb	$0.00125/gallon (or 1/8th cent per gallon) of milk $0.23/head for meat $0.015/lb or $0.03307/kg for fiber
Turkeys	$0.003/lb
Young Dairy Beef	$0.55/head
Bison	0-500 animals = $1.00/head 500-2500 animals = $0.75/head >2500 animals = $0.50/head
Red Deer	0-25,000 animals = $0.75/head 25,001-50,000 animals = $0.55/head 50,001-75,000 animals = $0.42/head > 75,000 animals = $0.30/head

Certified operations must pay certification fees to HFAC on a monthly basis. At the discretion of the Executive Director, operations may pre-arrange quarterly payments.

Because PMOs must purchase products that are already certified, the certification fees are already paid by the producers and the benefit is increased sales of their products. The only cost to a PMO is the application and inspection fees.

If a certified operator fails to pay its certification fees in a timely manner, HFAC staff contacts the certified organization to arrange a written payment schedule. If the operator does not cooperate in development of the payment schedule and/or paying fees in a timely manner, certification will be suspended.

C. HFAC PROCEDURES FOR TAKING AND HANDLING SAMPLES:

HFAC does not rely on analytical testing to verify any of its standards.

D. Initial Certification

Application Submitted

Application

Withdrawal of

Report received from Inspector

Certification

Monitoring Minor

fixed

not fixed

Certificate of Certification

Denied

1. Submitting an Application for Initial Certification

New applicants contact HFAC via phone, website, e-mail, or regular mail to obtain the information and forms necessary to apply for certification. HFAC sends the applicant:

- Application for Certification form, which includes a questionnaire section designed to solicit detailed information about the operation's management;
- Current version of the Policy Manual containing a description of the HFAC certification program; (The Policy Manual contains the standards used for auditing Product Manufacturing Operations.)
- Current version of the species standards relevant to the applicant's operation.

The applicant completes the *appropriate application* for their operation in full. Information regarding certified and non-certified operations must be included. The applicant, or a duly authorized representative of the applicant, must sign the application. The applicant returns the following to the HFAC office:

- Completed application form
- Application Fee

2. Initial Review of the Application

Once HFAC receives the completed application, the staff conducts an Initial Review of the application in order to ensure that:

- HFAC has the capability to perform the certification service with respect to the scope of the certification sought, the location of the applicant's operation, and any special requirements (such as the language used by the applicant).
- The information submitted by the applicant indicates that the operation(s) in question appear to conform or are able to conform to the relevant standard(s).

If the operation fails Initial Review, the operator may correct the non-conformances noted on the Initial Review Checklist and resubmit the application within 6 months from the date on the Notification of Initial Review. HFAC does not refund the Application Fee to operations who have let their applications expire.

3. Withdrawal of the Application

The applicant may withdraw its application at any time and end the certification process at that point by sending a letter to the HFAC office containing notification of the withdrawal of the application. An applicant that withdraws its application shall be liable for the costs of services provided up to the time of withdrawal of its application according to the chart presented below.

Nonrefundable Fees	
Stage of the Certification Process	**Status of Fee**
Prior to Initial Review	Full refund of Application Fee
After Initial Review	Application Fee is not refunded
After Inspection	Inspection Fee is not refunded

4. Expiration of an Application for Initial Certification

If an operation fails to respond to notifications during the Initial Certification process prior to the issuance of a notification of certification decision, the application will expire 6 months after the date of application or latest notification letter, whichever is later.

HFAC considers submission of an application after the expiration date as a new application and requires payment of another Application Fee.

5. Planning and Arranging the Inspection

After the applicant's operation has satisfied the requirements of the Initial Review, HFAC prepares a plan for its inspection of the operator's operation. Staff reviews the list of HFAC inspectors to identify an inspector who:

- Is appropriately qualified to perform the tasks for the specific evaluation; and
- Has not been involved in, or been employed by a business or person involved in the design, supply, installation or maintenance of products related to the operation to be inspected within 24 months of the inspection assignment.

As soon as possible, the inspector contacts the applicant to set up a time for the site visit. It is HFAC's goal to complete the inspection within 30 days from receipt of a completed application. If an operator has an objection to the use of a particular inspector, the operator may contact HFAC to explain the situation. At HFAC's discretion, another inspector may be assigned to inspect that location.

The applicant is responsible for paying the Inspection Fee of $700/day/inspector for farm/livestock/poultry operations or $800/day/inspector for Product Manufacturing Operations (PMO), Pooled Product Operations (PPO), or Slaughter Plants. For operators with more than one site, inspectors may be able to complete more than one inspection per day depending on travel distance and inspection time required at each location. The Inspection Fee is due and payable to HFAC once inspection has been completed.

Inspectors then provide HFAC with a report on each inspected operation's conformity with all of the HFAC standards and policies relevant to the operation. Access to all information and areas is necessary to complete a full inspection.

6. Making the Decision on Certification Status

a) Overview

HFAC evaluates each operation against all the standards related to the operation's scope. Information outside the scope of the standards shall not be considered when making the certification decision. HFAC does not delegate its authority for determining the certification status to any outside person or anybody. This prohibition applies to all decisions on certification status including granting, maintaining, extending, denying, suspending, or revoking certification.

b) Decision Making Terminology

Minor Non-conformance: A single failure in following a procedure that, on its own, does not jeopardize the integrity of the Certified Humane Raised and Handled® name, seal, or market claim.

Major Non-conformance: A failure that jeopardizes integrity of the Certified Humane Raised and Handled® name, seal, or market claim. This can include the absence of a required procedure, the total breakdown of a policy or procedure, denial of access to the inspector of any records or areas, or multiple occurrences of minor non-conformances in the same procedural area.

Corrective Action: A procedure for resolving deviations from published policies and procedures.

c) Authority to Make the Certification Decision

In general, the certification staff makes decisions regarding certification status unless there is a conflict of interest, in which case, the responsibility passes to the Executive Director.

d) Deciding the Certification Status of the Applicant's Operation

1) Certification

The operation is granted Certification if it complies with HFAC policies and the HFAC standards relevant to the operation. The applicant will receive a *Certificate of Certification* that is valid for one year from the date of its issue.

2) Conditional Certification

The operation is granted Conditional Certification if it has one or more Minor Non-conformances with respect to HFAC policies and/or the HFAC standards relevant to the operation.

A Certificate of Conditional Certification is issued during Initial Certification Process to allow an operation that has minor non-conformances to use the HFAC seal while making the corrective actions. In such cases, the *Certificate of Conditional Certification* is valid for 30 days from the certificate's date of issuance.

3) Denial of Certification

The operation is denied certification if it has one or more Major Non-conformances with respect to HFAC policies and/or the HFAC standards relevant to the operation. Multiple or repeated minor non-conformances may be collectively found to be considered as a Major non-conformance if, together, they jeopardize the effectiveness of the producer's Quality System.

If the operation is denied certification, it will not receive any type of certificate. If the operation corrects the non-conformances and can show evidence of management of the operation in conformance with HFAC standards, the operation will be eligible to submit a new application for certification to HFAC. In the case of denying access to an inspector, the operation will be required to allow unrestricted access in all future inspections and pay the full costs of any re-inspection required to verify traceability.

7. Notifying the Applicant of Certification Decision

At the conclusion of the decision making process, HFAC sends the applicant written notification of the certification decision. The notification includes the Inspection Report as an attachment.

A *Certification Mark License Agreement* is attached to the notification letter if the applicant has been granted Certification or Conditional Certification. The applicant must sign a copy of this document, which demonstrates the applicant's acceptance of the terms associated with certification and the responsibilities of a certified party, and return it to HFAC along with payment for their inspections, prior to receiving the certificate. HFAC provides an additional copy of the Licensing Agreement for the applicant's records.

8. Monitoring Conditions Imposed for Correction of Minor Non-conformances

If there are Minor Non-conformances identified during the certification process, the applicant must address them within 30 days from the date of the notification letter. If all Minor Non-conformances have been corrected in a timely manner, the applicant will be certified. If the Minor Non-conformances have not been corrected, HFAC issues a *Notification of Denial of Certification*.

9. Issuing the Certificate of Certification

Once all certification requirements have been met, HFAC issues a *Certificate of Certification* to the applicant. The effective date of a *Certificate of Certification* shall be one year from the date of the certificate's issuance. The effective date of a *Certificate of Conditional Certification* shall be 30 days from the date of the certificate's issuance. The final step of the certification process is for HFAC to add information about the newly certified operation to the *Directory of Certified Operations*.

E. Renewal of Certification

Application for Certification
Renewal Submitted

Renewal Application

Withdrawal of

Report Received from Inspector

Expires

Expires

Certification

Certificate of Certification

Suspended

in timely way

Certification
Revoked

1. Submitting an Application for Renewal of Certification

Operators in the HFAC Certification Program who wish to renew their certification must reapply annually and pay an annual Application Fee to cover the administrative costs of processing the application.

Approximately 120 days prior to the expiration of an operator's certification, the operator must contact HFAC to begin the renewal process. Upon initiation of the renewal process, HFAC will send the operation:

- An application for certification renewal that is appropriate to the operation's scope--it includes a questionnaire designed to solicit information about changes made to the operation since submission of the previous certification application;
- The most recent version of the Policy Manual, if the previously sent version has been superseded; and
- The most recent version of the species standards relevant to the operator's operation, if the previously sent version has been superseded.

The operator completes the application for certification renewal. The applicant, or a duly authorized representative of the applicant, must sign the application. The operator returns the following to the HFAC office:

- Completed application form, including the questionnaire; and
- Application Fee.

If an operator fails to submit documents and the Application Fee for Certification Renewal, the operator's certification expires as indicated on the operation's current certificate.

2. Initial Review of the Application

Once HFAC receives the completed application, the staff conducts an Initial Review of the application.

If the operation fails Initial Review, the operator may submit the additional information required, or correct the non-conformances noted on the notification of the initial review and resubmit the application. However, delays caused by failure to pass the Initial Review are the responsibility of the Producer and may result in expiration of the Producer's certificate before completion of the process to renew certification. HFAC does not refund the Application Fee to operations who have let their certifications expire due to failure in the Initial Review process.

3. Withdrawal of the Application

The operator may withdraw its application at any time, resulting in expiration of the current certification on the date indicated on the certificate, by sending a letter to the HFAC office containing notification of the withdrawal of the operator's application. An operator that withdraws its application shall be liable for the costs of services provided up to the time of withdrawal of its application according to the chart presented in the section on Initial Application.

4. Planning and Arranging the Inspection

After the operation has satisfied the requirements of the Initial Review, HFAC prepares a plan for its inspection of the operation as explained in the section on Initial Application. The inspector must have access to all records and areas of the operation. Denial of access to any record or area is a Major Nonconformance.

5. Making the Decision on Certification Status

a) Overview

HFAC evaluates each operation against all the standards related to the operation's scope. Information outside of the scope of the standards shall not be considered when making the certification decision. However, all records and areas must be available to the inspector for review to verify compliance with all related standards. Decision making terms and authority are detailed in the section on Initial Application. HFAC does not delegate its authority for determining the certification status to any outside person or organization. This prohibition applies to all decisions on certification status including granting, maintaining, extending, denying, suspending, or revoking certification.

b) Deciding the Certification Status of the Operation

1) Certification

The operation's certification is renewed if it complies with HFAC policies and the HFAC standards relevant to the operation; the operation will receive a *Certificate of Certification* that is valid for one year from the date of its issue.

2) Conditional Certification

The operation is granted Conditional Certification if it has one or more Minor Non-conformances with respect to HFAC policies and/or the HFAC standards relevant to the operation.

A *Certificate of Conditional Certification* is issued during the process for Renewal of Certification if it is necessary to extend the period of existing certification in order to cover the time between an unfinished certification process and an expiring certificate, a situation that may arise due to submission of a rebuttal or appeal. In such cases, the *Certificate of Conditional Certification* is valid for 30 days from the certificate's date of issuance.

3) Suspension of Certification

Essentially, the operation's certification is suspended if there are minor non-conformances that remain uncorrected.

4) Revocation of Certification

The operator's certification is revoked if its operation has one or more Major Non-conformances with respect to HFAC policies and/or the HFAC standards relevant to the operation. Multiple Minor Non-conformances may be collectively found to be considered as a Major Non-conformance if, together, they jeopardize the effectiveness of the producer's Quality System.

6. Notifying the Operator of Certification Decision

At the conclusion of the decision making process, HFAC sends the operator written notification of the certification decision. The notification includes the Inspection Report as an attachment.

A *Certification Mark License Agreement* is attached to the notification letter if the operation has been granted Certification or Conditional Certification. The operator must sign and return a copy of this document, which demonstrates the operator's acceptance of the terms associated with certification and the responsibilities of a certified party, and return it to HFAC along with payment for their inspections, prior to being sent the certificate. HFAC provides an additional copy of the Licensing Agreement for the applicant's records.

7. Monitoring Conditions Imposed for Correction of Minor Non-conformances

If there are Minor Non-conformances associated with a certification the operator must address them within 30 days from the date of the notification letter. If all Minor Non-conformances have been corrected in a timely manner, the applicant will be certified. If the Minor Non-conformances have not been corrected, HFAC issues a *Notification of Suspension of Certification*.

8. Issuing the Certificate of Certification

HFAC issues a *Certificate of Certification* to the operator. The effective date of a *Certificate of Certification* shall be one year from the date of the certificate's issuance. The effective date of a *Certificate of Conditional Certification* shall be 30 days from the date of the certificate's issuance. The final step of the certification process is for HFAC to add information about the newly certified operation to the *Directory of Certified Operations*.

F. Certification Procedures for Pooled Product Operation:

1. Definition of Terms

A Pooled Product Operation (PPO) is an HFAC-certified operation that:

- Buys products from individual production operations, which have been inspected by HFAC and found to be in conformance with HFAC standards but which are not certified individually.
- Packs and sells the pooled product under the name of the PPO.
- Pays HFAC for the inspections of the operators from which it buys product for the pool and pays the certification fees for the pooled product that is being sold as Certified Humane®.
- Is required to maintain a complaints log.

Pooled Product Operations are an incentive for farmers to raise their animals in conformance with HFAC standards by creating a market where these humane production methods will be required in order to sell the product to a Pooled Product Operator. In this case the Pooled Product Operation is responsible for maintaining HFAC certification, which HFAC inspects and oversees.

2. Submitting the Application

For PPO applications, HFAC uses the same procedures for submitting an application as for an individual operator.

The PPO submits its application along with the individual application for certification for each of the producers participating in the pool.

The PPO pays a single application fee and pays the inspection fees for the individual operations being inspected for participation in the pool.

3. Inspection

The PPO, as well as each individual operation participating in the pool, is inspected annually using the HFAC procedures for inspection of processors and producers respectively. All records must be available to the inspector for review. Denial of access to any record is a Major Nonconformance.

4. Certification Decision Process

The procedure is the same as for individual processing and production operations.

5. Notification of Operation's Certification Status

HFAC uses its usual procedures for notification of operation's certification except:

Notification of the production operation's level of conformance with the HFAC standards is sent to the PPO (not to the individual producer) including any notices of non-conformance. Along with the notification letter, the PPO also receives copies of the inspection reports for the individual farms, corrective actions forms for suppliers with non-conformances, and supplier approval certificates for suppliers that are in compliance.

The PPO provides corrective action forms to the producer, thereby creating a communication that links the producer's market with its conformance with certification standards. In turn, the PPO reports the participating producers' corrective actions to HFAC in order to link the producer's conformance to the PPO's certification.

6. Tracking Corrective Actions

HFAC uses its usual procedures for tracking corrective actions, except:

HFAC tracks the conformance of the individual operations selling to a PPO. The records for the production operations are filed under the name of the PPO and are further segregated and filed by farm name. Once the production operation has resolved all non-conformances, HFAC will issue a supplier approval certificate for that operation and send a copy to the PPO.

If a production operation does not make adequate corrective action, the Conditional Certification of this operation within the PPO expires and HFAC notifies the PPO that product from this individual operation can no longer be included in the pool carrying the HFAC seal.

If the PPO continues to purchase from the operation in violation, HFAC takes measures to revoke the PPO's certification.

7. Documentation of Handling Done by PPO

All PPO's act as handlers and, as such, are responsible for maintaining the audit trail of certified products contributing to the pool as well as the certified pooled products sold. HFAC inspects the records of handlers, annually.

There are many types of handlers; some take physical possession of product and some do not.
When acting as a handler that does take physical possession of product, a PPO may not repackage or manufacture product in any way while it is in their physical possession. (If these activities do occur, the PPO is considered to be a Product Manufacturing Operation).

8. Documentation of Processing Done by PPO

PPO's processing/(slaughter) facility(ies) will be inspected annually by HFAC.

Processors' documents and records must be detailed enough to allow an inspector to confirm that there has been no co-mingling of certified and non-certified product during processing. All records must be made available to the inspector for review. Auditing the product produced through an input/output audit is an important part of checking for conformance with HFAC's standards.

G. Certification of Product Manufacturing Operations (PMO)

1. Definition of Terms

Animal-based Raw Materials: Products that come directly from a live or slaughtered animal, up to and including the use of only harvest and post-harvest handling processes.

Some examples of animal-based raw materials include: raw milk, fresh eggs in the shell, whole meat carcasses, raw wool fleeces, raw animal hides, etc.

Some examples of post-harvest handling:

- Straining, cooling, and containerizing raw milk
- Cleaning and packing whole eggs

Input/Output Reconciliation: An audit that assesses the output of product against the supply of ingredients or, in the case of trading operations, the volume of sales against the volume of purchases.

Manufactured Product: A product that is produced with the use of one or more manufacturing processes. If the product is comprised of one ingredient, it is a single-ingredient product; if the product contains more than one ingredient it is a multi-ingredient product *(Please refer to the chart at the end of these definitions for examples.)*

Manufacturing: To process or package agricultural products, including: cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing and includes the packaging, canning, jarring, or otherwise enclosing products in a container (excluding). Manufacturing does not include enclosing raw materials in containers during their post-harvest handling.

Product Manufacturing Operation (PMO): A business that produces products containing animal-based raw materials, possibly in combination with other types of ingredients.

Restaurants may apply for certification as a PMO if they are purchasing at least one major ingredient from Certified Humane® sources and complete the application and inspection process outlined in this section.

EXAMPLES OF PRODUCT MANUFACTURING OPERATIONS		
Animal Based Raw Materials	**Product Manufacturing Operation**	**Manufactured Products**
Raw Milk	Dairy Processor	• Pasteurized whole milk • Skim milk • Cream • Dry milk powder • Ice cream (multi-ingredient)
Eggs in the Shell	Egg Processor	• Shell eggs sorted, cleaned, and packed for the final consumer • Bulk liquid eggs • Egg whites • Powdered eggs • Baked goods containing eggs (multi-ingredient)
Whole meat carcass	Food Processor	• Cut and packaged fresh meat • Jerky sticks • Pre-cooked chicken chunks • Canned meat in meat broth • Vegetable beef stew (multi-ingredient)
Raw Animal Hide	Tannery	• Leather • Leather Shoes (multi-ingredient) • Leather furniture covers
Wool Fleece	Wool Mill	• Cleaned fleece • Wool yarn • Wool sweater (multi-ingredient)

2. Standards for Product Manufacturing Operations

Manufacturers of all products carrying the Certified Humane® seal or certification claim must be duly authorized by HFAC to use the seal on the product, as verified by a listing of the product on their application for certification. For a product to be listed, the PMO must:

a) Formulate products so that all animal-based ingredients are produced by HFAC-certified operations.

b) Ensure sufficient product identity and segregation of HFAC-certified ingredients and products carrying the HFAC label during storage, handling, and/or manufacturing.

c) Keep records sufficient to show conformance with HFAC standards for:

- Sourcing ingredients, assuring complete traceability from the production site through shipping,
- Product segregation, including the separation of HFAC-certified products from non-certified products, as well as products certified under different systems (e.g. cage-free and free range eggs), and
- Complaints to operators. (Must maintain a complaints log).

d) Conform with all HFAC standards for label and seal use. All packaging with the certification mark must have its art submitted to HFAC for approval prior to printing.

3. Submitting the Application

For PMO applications, HFAC uses the same procedures for submitting an application as for an individual operator. To maintain/renew its certification to use the Certified Humane® seal, a PMO must submit an updated application annually.

4. Processing the Application

HFAC processes the application by performing an Initial Review to ensure that all required information has been submitted, and that it seems to conform to the standards.

If the application is sufficient, HFAC assigns the file to an inspector, who is specifically qualified to assess manufacturing operations.

5. Inspection

The PMO is inspected annually, using the HFAC procedures for inspection of individual operators.

When verifying the application for certification of a PMO, an HFAC inspector reviews each product to determine whether the manufacturer:

- Has developed a sourcing plan for obtaining HFAC-certified product for each of the animal based-ingredients in the PMO's product(s),
- Ensures sufficient product segregation of HFAC-certified products during storage, handling, and/or manufacturing,
- Keeps records sufficient to show conformance with HFAC standards for:
  - Sourcing ingredients;
  - Product segregation; and
  - Complaints to operators (must maintain a complaints log).
- Has designed product label(s) that conform to HFAC's regulations on use of the Certified Humane® seal use and certification claims, and has submitted them to HFAC for approval prior to final printing to be distributed in the market.

This procedure is also used when a new product is added to the line of a PMO that has already been granted authorization to use the Certified Humane® seal.

When a PMO applies for renewal of certification, HFAC reviews the above-mentioned points and also verifies the composition of a PMO's products through an annual Input/Output Reconciliation, using records for product produced since their last certification date.

6. Certification Decision Process -- Same as for individual operations

7. Notification of Operation's Certification Status

HFAC uses its usual procedures for notification of operation's certification.

8. Tracking Corrective Actions

HFAC uses its usual procedures for tracking corrective actions.

9. Certification Process and Issuance of Certificates.

The certification staff reviews information and makes a decision on each PMO's operation and individual product(s), unless there is a conflict of interest, in which case, the responsibility passes to the Executive Director.

H. Certification Procedures for Producer Groups

1. Definition of Terms

Producer Group (PG): A close-knit group of producers that uses similar production practices, markets their products in common, and is managed by an Internal Control System. A Producer Group certification may also cover processing (slaughter) and manufacturing operations managed by the group.

Internal Control System (ICS): The system used by a Producer Group to provide oversight of the group's activities and conformance with certification standards and policies. An ICS performs many functions for the members of the PG including inspecting production operations, monitoring Minor Non-conformances, and keeping records.

2. Requirements of Producers to be Certified as a Producer Group

HFAC has specific requirements for producers who desire certification as a Producer Group.[1] The producers must:

a) Use farming practices that are uniform and reflect a consistent process or methodology;

b) Produce similar products;

c) Be managed under one central administration that is uniform and consistent;

d) Establish and implement their own system of internal control, supervision, and documentation of production practices, as well as other important aspects of each member's operation, to ensure conformance with HFAC certification standards;

e) Maintain a program of education to ensure that all members understand the applicable certification standards and policies and how they apply to their specific operations;

f) Utilize centralized processing, manufacturing, distribution, and marketing facilities and systems; and

g) Maintain a complaints to operators log.

3. The Internal Control System

When a Producer Group applies to HFAC for certification, HFAC determines whether to require 100% of the producers to be inspected by HFAC or whether the Group's Internal Control System (ICS) may provide the information HFAC needs to evaluate the producers' conformance with standards and procedures. HFAC may rely on the ICS for inspections if HFAC has determined that the ICS's records mirror HFAC's own findings and the ICS:

a) Inspects all operators at least annually;

b) Inspects all new operators before including them in the Producer Group;

c) Performs inspection in a manner that is rigorous enough for HFAC to use the resulting information to determine operators' level of conformance with HFAC's standards;

d) Appropriately addresses instances of non-conformance;

e) Maintains adequate records of inspections; and

f) Assists the operators in understanding and conforming with HFAC's standards.

In cases that HFAC determines that its own inspection of 100% of the operations is unnecessary, impractical or not feasible due to time constraints, accessibility, or other extenuating circumstances, HFAC requires the Internal Control System to ensure conformance with all relevant HFAC standards and policies. The ICS may also be used to monitor and document on-farm handling, processing, and manufacturing operations associated with the Producer Group. The ICS is responsible for all documentation and record keeping for the Group's management.

HFAC requires every ICS to submit a plan for implementation that documents that the ICS is managed in a manner that conforms with HFAC procedures. The plan must include the name of the person who will act as the ICS Administrator and the names of the group's internal inspectors. (See Section 5.a).

The ICS must be established and functional before HFAC will accept the Producer Group as a potential client. HFAC may adapt its forms to meet the specific needs of a Producer Group if necessary, and/or may allow the Producer Group to use its own formats on a case-by-case basis if it can be shown to HFAC's satisfaction that all requirements are being met and are verifiable in a way that is practical for HFAC to use.

The ICS must maintain the following records with copies of a representative sample of the records sent to HFAC as requested by HFAC:

a) All producer records, farm management plans, and Collective Agreements;

b) Signed agreement between HFAC and the Producer Group regarding implementation of the ICS and the name of the ICS Administrator;

[1] HFAC requirements for certification of Producer Groups are based on *IFOAM Accreditation Criteria for Programmes Certifying Organic Agriculture and Processing (Grower Groups),* May 1998, page 23.

c) ICS administrative procedures including:

- Copies of the forms used for internal control;
- Records of violations and sanctions;
- Records of removal of members of the Producer Group; and
- Procedures for appeal.

d) Ensuring competence for all ICS inspectors;

e) Documentation demonstrating that the PG members have received instruction about the HFAC Standards;

f) Current list of producer members and date of entry into program;

g) Copies of all ICS inspections;

h) Records of violations of HFAC standards and/or policies noted during the ICS's inspections of producers including the details of the ICS's management of the investigation of the violation, and where appropriate, the actions taken in response to a confirmed violation; and

i) Records showing that the ICS Administrator has reviewed the inspections of the group's members including comments about the inspection and management of violations noted by the inspector.

HFAC may inspect a Producer Group twice during the first year of the Group's participation in the HFAC certification process. In that case, the first inspection gathers information to provide an overview of the operation; the second inspection provides further evaluation of the Group including an assessment of the implementation and accuracy of the ICS.

Every year thereafter, the ICS must complete its inspections of the producers and send the documentation of the inspections according to its stated schedule. Failure of the ICS to complete its inspections thusly could jeopardize the certification of the entire Producer Group.

In addition to its inspection of the ICS during its annual inspection of a Producer Group, HFAC inspects a minimum of 10% of the Group's producers. HFAC determines the number of producers that must be examined by an HFAC inspector. HFAC bases this decision on the following factors:

a) The number and size of operations associated with the Producer Group;

b) The degree of uniformity of the associated operations;

c) The complexity of the current production systems;

d) The Group's familiarity with HFAC practices and standards;

e) The types of production practices used during the last 5 years;

f) The effectiveness of the Group's ICS; and

g) Previous inspection findings and certification conditions.

If a Producer Group uses one or more feedlots, processors, or PMO's as part of its system, HFAC will inspect each of these facilities used for HFAC-certified animals and products.

Unannounced inspections of Producer Groups by an HFAC inspector may be made in accordance with the terms outlined in the Producer Agreement.

4. Inspections of Producers by the Internal Control System

In addition to reviewing the farm management plans, the ICS must include at least the following information in its inspection reports:

a) Name of the producer, name(s) of anyone else assisting the producer with the operations, producer identification number (where applicable), date of last inspection by the ICS, date of last HFAC inspection;

b) Who was present at the time of the inspection by the ICS;

c) Amount of stock being raised;

d) Feed and health care inputs;

e) Condition of the producers' stock. If there is a problem, it should be indicated whether this problem is anticipated only during the current year or whether the problem is likely to reoccur;

f) Age of stock at the time of the ICS's inspection;

g) Estimated date of production of product;

h) Estimated amount of production;

i) Comments from the producer regarding the certification, management of the Producer Group, etc.

5. Documentation

In order to maintain the integrity of HFAC products produced by Producer Groups, all records must be current, accurate, and complete. The Administrator of the ICS, must compile, maintain, and provide the required documentation to HFAC as requested by HFAC.

Documentation includes but is not limited to:

a) Application

HFAC requires information to be filed at the ICS office for each member of the Producer Group. Yearly updates must be submitted that cover all changes to information reported on the initial form. This information can be the internal inspection report.

Because Producer Groups are much more complex than single production units, the ICS must also complete a Producer Group Plan describing its own activities and send it to the HFAC office. The Producer Group Plan identifies the ICS's Administrator who deals directly with HFAC on all topics concerning certification and who is responsible for the administration of the Group's ICS. The Producer Group Plan must also identify the people responsible for ICS inspections, monitoring production, and education of the Group's members about HFAC requirements. Any change to the staff member holding the position of ICS Administrator must be reported promptly to the HFAC.

b) Letter of Intent and Producer Agreement

A Producer Contract for each producer must be filed. For producer groups where individual Letters and Agreements are impractical, HFAC's CEO may allow the use of a collective agreement. In this case, the collective agreement must be signed by each of the producers associated with the Producer Group.

c) Production Records

The information contained in production records must present detailed information about the management practices used during the past year.

d) Producer Records

Producer records must include, but are not limited to the following:

1) Name of producer;

2) Identification number (where applicable);

3) Date of entry into the Producer Group;

4) Delivery records showing date, quantity, lot number, and delivery location; and

5) Sales records that include date of sale, quantity sold, and method of transportation.

e) Handling Records

Producer Groups that act as handlers are responsible for maintaining the audit trail of certified products. There are many types of handlers; some take physical possession of product and some do not.

When acting as a handler that does take physical possession of product, a Producer Group may not repackage or manufacture product in any way while it is in their physical possession unless the operation/system also includes a Product Manufacturing Operation (PMO). PMO's are required to submit relevant HFAC application forms and undergo inspection as detailed in other parts of this Policy Manual.

f) Processing Records

Though the processing/slaughter facility(ies) will be inspected annually by HFAC, the ICS provides the necessary assurance of daily quality control. In order to conform with this requirement, the Manager of the processing operation must review the inspection documents generated by the ICS inspection so that corrective actions may occur promptly. Corrective actions taken in response to inspections must be recorded.

Processors' documents and records must be detailed enough to allow an inspector to confirm that there has been no co-mingling of certified and non-certified product during processing. HFAC audits processing activities by application and inspection procedures, as detailed in this Policy Manual.

6. Evaluation of Producer Groups and their Members

Evaluation of Producer Groups and their producers is similar to the procedures used for other producers except that, as previously stated, HFAC requires different types of information for the evaluation of a Producer group and must assess both the production units and the ICS's effectiveness during the inspection. Other than that, HFAC uses the same procedures for:

- Initial review,
- Withdrawal of the application;
- Arranging the inspection; HFAC's overall inspection of the Producer Group and its members can occur over the course of more than one distinct inspection event;
- Receiving the inspector's report;
- Making decisions on certification status;
- Notifying the operator of the certification decision;
- Monitoring Minor Non-conformances;
- Receiving the licensing agreement;
- Issuing the certificate of certification; and
- Certification renewal.

I. Certification Procedures for a Beef Marketing Group (BMG)

1) Introduction

Because beef production is the least vertically integrated of the commercial systems for raising animals, Humane Farm Animal Care has developed distinct procedures for certification of Beef Marketing Groups. The procedures are designed to address the specific needs of beef producers with the intent of encouraging more beef operations to raise their animals in compliance with the HFAC standards.

Currently, it is common for BMGs to purchase very small numbers of cattle from small beef producers, without an agreement requiring either regular supply by the producer or regular purchases by the marketer—in practice, not all of the producers provide animals to a BMG even on an annual basis. These irregular and small sales make it impractical for producers to justify or afford the cost of inspections for individual operations.

HFAC's certification procedures for Beef Marketing groups provide incentive for beef producers to raise their animals in compliance with HFAC standards by creating a wholesale market for humane production methods. In this case, the Beef Marketing Group is responsible for maintaining HFAC certification, as well as for verifying the producers' compliance with the HFAC standards through a control system, which HFAC oversees.

2) Definition of Terms

Beef Marketing Group (BMG): A company that purchases beef animals raised in compliance with HFAC standards from large and small beef producers. Internal Control System (ICS) to establish and implement a system of internal control, supervision, and documentation of production practices, as well as other important aspects of the supplier's operation, to insure compliance with HFAC certification standards. All handling and processing operations (e.g., sale barns, feedlots, plants) included in a BMG must be inspected by HFAC.

Internal Control System (ICS): The system used by a BMG to provide oversight of the group's activities and compliance with HFAC standards and policies. An ICS performs many functions including inspecting production operations, monitoring Minor Non-conformances, and keeping records. The ICS must also maintain a program of education to insure that all suppliers understand the applicable certification standards and policies and how they apply to their specific operations.

3) Requirements of Producers Supplying a BMG

HFAC has specific requirements for producers whose products are labeled using a certification held by a Beef Marketing Group. The producers must:

1. Use farming practices that are uniform and reflect a consistent process or methodology;
2. Produce similar products;
3. Utilize centralized processing, distribution, and marketing facilities and systems.

4) The Internal Control System

When a BMG applies to HFAC for certification, the Executive Director (ED) identifies the ranches to be re-inspected by HFAC. In addition, HFAC will re-inspect all feedlots (collection points) for the animals and slaughter plants.

HFAC requires the BMG's Internal Control System to ensure compliance with all relevant HFAC standards and policies. The ICS is responsible for maintaining documentation and keeping records sufficient to allow verification of the producer's compliance with the HFAC standards.

HFAC requires all ICS's to submit a plan for implementation that documents that the ICS is managed in a manner that is compliant with HFAC procedures. The plan must include the name of the person who will act as the ICS Administrator and the names of the group's internal inspectors. Any change of the ICS Administrator of the ICS must be reported promptly to the HFAC office.

The ICS must be established and functional before HFAC will accept the BMG as a potential client. HFAC may adapt its forms to meet the specific needs of a BMG if necessary.

The ICS must maintain the following records (with copies of a representative sample of the records sent to HFAC):

1. The operations and procedural manual that the ICS uses.
2. All producer records and signed agreements between the BMG and the producers that are authorized to supply product to be labeled using the BMG's certification (e.g. an "Application to Supply to a BMG" which has a statement that the producer signs where they agree to comply with HFAC standards).
3. ICS administrative procedures including:
   - Copies of the forms used for internal control; and
   - Procedures regarding violations and sanctions.
4. Training records for all ICS inspectors;
5. Documentation demonstrating that the BMG members have received instruction about the HFAC Standards;
6. Current list of producer members and date of entry in program;
7. Copies of all ICS inspections;
8. Records showing that the ICS Administrator has reviewed the inspections of the suppliers, including comments about the inspection and management of violations noted by the inspector.

HFAC may inspect a BMG twice during the first year of the BMG's participation in the HFAC certification process. The first inspection gathers information to approve the operation's own program and will also include training ICS personnel on conducting HFAC compliant inspections. The second inspection provides a further evaluation of the BMG's management capabilities in enforcing compliance throughout their network, the thoroughness of the onsite inspections the ICS has performed, their non-conformance management, and Chain of Custody integrity throughout the supply chain. Every year thereafter, the ICS must complete its inspections of at least 10% of their current supplier network but must not be less than 10 supplier sites (if they are recurring suppliers, inspections must be rotated annually) following which HFAC will review the results to ensure thorough nonconformance management.

In addition to its inspection of the ICS and the ICS's annual inspection documentation of their BMG network, HFAC inspects a minimum of 10% of the number of inspections conducted by the ICS but no less than 10 farms. The Program Services Department of HFAC determines the final number of producers that must be examined by an HFAC inspector based on several factors, including:

1. Current number of operations,
2. Size of operations, and
3. Compliance history

All handling and processing operations (e.g., sale barns, feedyards, slaughter plants) included in the BMG's supply chain will be inspected *annually* by HFAC.

Unannounced inspections of any part of a BMG by an HFAC inspector may be made in accordance with the terms outlined in the Licensing Agreement.

5) Inspections of Producers by the Internal Control System

In addition to reviewing the farm management plans, the ICS must include at least the following information in its inspection reports:

1. Name of the producer, name(s) of anyone else assisting the producer with the operations, producer identification number, date of last inspection by the ICS, date of last HFAC inspection;
2. Who was present at the time of the inspection by the ICS;
3. Amount of stock being raised;
4. Feed and health care inputs;
5. Condition of the producers' stock with reason for the condition. If there is a problem, it should be indicated whether this problem is anticipated only during the current year or whether the problem is likely to reoccur;
6. Age of stock at the time of the ICS's inspection. Estimated date of production of product. Estimated amount of production;
7. Comments from the producer regarding the certification, management of the Producer Group, etc.

6) Documentation

In order to maintain the integrity of HFAC products produced by BMG, all records must be current, accurate, and complete. The Administrator of the ICS, must compile, maintain, and provide the required documentation to HFAC prior to the BMG's annual inspection.

Documentation includes but is not limited to:

1. **Application**
   HFAC requires a completed Application for Certification for a Beef Marketing Group. Because BMG's are much more complex than single production units, the ICS must also have an operations and compliance Plan describing its own activities and send it to the HFAC office. The Plan identifies the ICS's Administrator who deals directly with HFAC on all topics concerning certification and who is responsible for the administration of the ICS. The Group Plan must also identify the people responsible for ICS inspections, monitoring production, and education of the Group's members about HFAC requirements. Any change to the staff member holding the position of ICS Administrator must be reported promptly to the HFAC.

2. **Letter of Intent and Producer Agreement**
   A list must be kept of all suppliers authorized by the BMG to supply product to be labeled using the BMG's certification, and records must include the numbers of animals supplied by each operation, copies of any affidavits, applications and agreements used with their suppliers. Each producer authorized by the BMG to supply product to be labeled using the BMG's certification must have signed an agreement that they will comply with HFAC standards. Yearly updates must be submitted which cover all changes to information reported on the initial form.

3. **Production Records**
   The information contained in production records must present detailed information about the management practices used during the past year.

4. **Producer Records**
   Producer records must include, but are not limited to the following:
   a. Name of producer;
   b. Identification number;
   c. Date of entry into the Group;
   d. Delivery records showing date, quantity, lot number, and delivery location; and
   e. Sales records that include date of sale, quantity sold, and method of transportation.

7) Documentation of Handling Done by Beef Marketing Groups
Beef Marketing Groups are responsible for maintaining the audit trail of certified products. There are many types of handlers; some take physical possession of product and some do not.

When acting as a handler that does take physical possession of product, a BMG may not repackage or process product in any way while it is in their physical possession. (If these activities do occur, the BMG is considered to be a Processor, see next section).

8) Documentation of Processing Done by Beef Marketing Groups
Though the processing facility(ies) will be inspected annually by HFAC, the ICS provides the necessary assurance of daily quality control. In order to comply with this requirement, inspection documents generated by the ICS inspection must be reviewed by the Manager of the processing operation so that corrective actions may occur promptly. Corrective actions taken in response to inspections must be recorded.

Processing documents must be detailed enough to allow an inspector to confirm that there has been no co-mingling of certified and non-certified product. Auditing the product produced through analysis of "Product In vs. Product Out", is an important part of checking for compliance with HFAC's standards.

The following documents must be maintained by the processing operation and presented to the HFAC Inspector for review/evaluation at the time of inspection:

- Incoming log: Records product entering the facility for processing;
- Sales: Records product exiting the facility;
- Corrective action log: Describes actions taken to correct non-compliance with the policies and/or standards.

9) Evaluation of Beef Marketing Groups and Their Members
Evaluation of BMG's and their producers is similar to the procedures used for other producers (see Part 2 Section C on Initial Certification and Section D. on Renewal of Certification) except that, as stated in the previous section of this procedure, HFAC requires different types of information for the evaluation of a BMG and must assess both the production units and the ICS's effectiveness during the inspection. Other than that, HFAC uses the same procedures for:

- Initial review;
- Withdrawal of the application;
- Arranging the inspection;
- Receiving the Inspector's report;
- Making decisions on certification status;
- Notifying the Operator of the certification decision;
- Monitoring Minor Non-conformances;
- Receiving the licensing agreement; and
- Issuing the certificate of certification.

J. Amending the Scope of a Certification Already Granted

Sometimes an operation makes changes to its scope after the HFAC has granted a Certificate of Certification. Such changes may occur if an operation changes the types or amounts of products certified or it makes significant changes to its management or organizational structure. In the case of an operation making such changes, HFAC requires the operation to notify HFAC of the changes to the operation and to withhold products produced under the changed procedures pending review by the certification body.

Changes to HFAC's program content may also affect an operation's conformance with HFAC standards and policies.

In cases of significant changes to either the operation or the certification requirements, HFAC performs additional review and issues an amended *Certificate of Certification* if necessary. When HFAC issues an amended certificate, the operator receives written notification saying that the existing *Certificate of Certification* must be sent to the HFAC office within 10 days from the date of notification. If an operator does not return the obsolete *Certificate of Certification* within the time frame specified, HFAC initiates procedures for Suspension of Certification.

K. CONTROLLING THE CERTIFICATION MARK

1. Certification Mark License Agreement

HFAC controls ownership, use, and display of its certification mark (shown below) through the Certification Mark License Agreement.

The Certification Mark License Agreement defines and documents HFAC's legal rights to deal with incorrect references to the certification system or misleading use of licenses, certificates or marks found in advertisements including a requirement for operators to supply HFAC with samples of participant's packaging, advertising, or promotional materials bearing the HFAC mark upon HFAC's request. Please see the Certification Mark License Agreement for complete details.

PART 3: THE INSPECTION PROCESS

A. What to Expect During Inspection of a Livestock Operation

The inspection of a livestock operation generally includes the following:

- Opening Meeting between the inspector and the operator to discuss the schedule and procedures to be used for the inspection.
- Interviews with the farm manager(s) and employees to verify their knowledge of HFAC requirements and to ascertain their roles and responsibilities.
- Inspection of documents and farm records, including information provided by veterinarians, feed suppliers, and other parties who provide goods and services to the farm. The inspector also investigates the records used to document the types of products used in the management of the operation as well as the records used to trace animals.
- Observation of the procedures for managing and caring for stock in order to verify the level of the operation's conformance with HFAC standards and policies. This includes investigation of items such as: animal nutrition, housing, sources of stock, systems for animal identification, husbandry practices, handling systems, stock condition, implementation of animal health plans, availability of emergency action plans, management of casualty animals, and the general environment of the operation.

During the inspection, the inspector uses a detailed checklist to document observations and information about the farm's conformance with each of the HFAC standards. Non-conformances are recorded and designated as either "minor" or "major" (for more information, see the definitions of these terms in the "Certification" section.)

The on-site inspection concludes with an Exit Interview between the inspector and the farm manager(s). This meeting allows the inspector to summarize the findings of the inspection and to provide the operator with an overview of the non-conformances noted. It also provides an opportunity for the operator to supply corrections, clarifications, or additional information.

Once back in her/his office, the inspector writes a detailed Inspection Report and sends it, along with the Inspection Checklist, to the HFAC office.

B. What to Expect During Inspection of a Livestock Hauling Operation

The inspection of a Hauling Operation follows the same general procedures used on a farm, with the on-site inspection focusing on: appropriate vehicle maintenance, truck condition, appropriateness of the truck for the species being hauled, animal loading procedures, hauling, unloading procedures, and management of casualty animals.

C. What to Expect During a Processing Facility Inspection

When inspecting a processing facility, the inspector uses the HFAC inspection procedures to focus on: maintenance of equipment and facilities, traceability of animals and product ingredients, appropriate handling systems for live animals, animal unloading at the processing plant, stock sources, animal identification, stock appearance, slaughter protocols, management of casualty animals, and emergency action plans. These areas are addressed in the Animal Care Standards and Section 2G of the Policy Manual.

D. What to Expect During an Inspection of a Producer Group

During the inspection of a Producer Group, an HFAC inspector assesses both the production units and the effectiveness of the Internal Control System (ICS). The inspection of a Producer Group has three main components: Assessments done in the ICS office, assessments done in the field, and activities to conclude the inspection.

Assessments in the ICS Office focus on evaluating the Producer Group's Internal Control System to verify that all management systems are fully implemented and to review producer files for accuracy and completeness. Inspectors evaluate such aspects as the ICS's ability to:

- Provide copies of the standards to producers in a language or format that producers understand;
- Use individual inspection reports to assess operator conformance;
- Inspect each producer at least annually;
- Fully document inspection visits;
- Inspect new operations prior to adding them to the roles of the Producer Group;
- Take appropriate actions when a nonconformance is suspected or detected; and
- Maintain an educational program for the producers.

Assessments in the field focus on inspecting some of the producer's farms and comparing the results to the results of the Producer Groups' inspection of the same operation. The HFAC inspector will also perform a Witness Audit, to evaluate the processes used during an inspection conducted by the ICS.

The inspection of a Producer Group concludes with the inspector's analysis of the non-conformances and presentation of a summary of the audit activities and findings to the managers of the Producer Group during an Exit Interview. The inspector submits findings to HFAC in a written Inspection Report.

E. What to Expect During an Unannounced Inspection

HFAC may perform unannounced inspections in order to assess an operation's continued conformance with HFAC standards and procedures. The operator's signature on the "Producer Agreement" on the *Application* form confers consent that during the term of the operator's certification, unannounced inspections by HFAC inspectors are acceptable to the operator.

In general, unannounced inspections are performed using the same procedures as routine inspections except that the inspector contacts the operator to arrange for the inspection no more than 24 hours prior to arrival at the certified operation. Inspectors may perform unannounced inspections without any notice to the operator, but in practice a lack of arrangements for the inspection can lead to the inspector's arrival at an operation at a time when the personnel required to participate in the inspection are absent.

PART 4: RIGHTS AND RESPONSIBILITIES

A. Rights and Responsibilities of Certified Operations

1. Conforming With the Program

HFAC grants a certification certificate to each operation that successfully completes the certification process. Certified parties must continuously manage their operations in conformance with HFAC standards and policies. Operators are required to report to HFAC changes to the management practices documented on their most recent Farm Application that may potentially affect its conformance with HFAC certification requirements (see details in 5.A. of this Policy Manual).

2. Cooperating With Certification Processes

Cooperation between HFAC and its clients is essential to the success of the certification process. Lack of cooperation can delay the certification process and can be the source of increased certification costs, and in some cases may lead to denial or revocation of certification. When parties apply to HFAC for certification, they must:

- Allow HFAC access to their records, including personnel information, financial documents and tax returns;
- Allow on-site inspection of their operation;
- Respond to communications regarding their certification in a timely and appropriate manner;
- Pay certification fees in a timely manner; and
- Provide other types of information reasonably necessary for HFAC to evaluate the operation's level of conformance with HFAC's certification requirement.

3. Making Appropriate Certification Claims

Certified parties may make a certification claim only for products produced in conformance with HFAC standards and policies, by parties duly certified by HFAC.

4. Protecting the Certifier From Disrepute

Certified parties must protect HFAC from disrepute by making only accurate claims about the HFAC certification program, its standards, and policies.

5. Discontinuing Use of Certification Claims

If an operation's certification is revoked, the operation must discontinue use of certification claims and return its certification certificate to the HFAC office.

6. Limiting the Certification Claim

Parties using the HFAC seal, certification mark, and certification claims shall limit the claims made regarding their certification to statements related to their operation's conformance with HFAC standards.

7. Protecting the Use of the Certification Claim

HFAC's certification documents may only be utilized to substantiate the grower's claim that a product is indeed certified by HFAC. The rights associated with HFAC certification are not transferable. The HFAC name and the Certified Humane® logo are registered trademarks; unauthorized use is strictly prohibited.

8. Using the Certification Claim Correctly in Advertising and Marketing

The certification mark may be used by certified livestock production and processing operations. Businesses that manufacture products containing HFAC-certified raw materials may also use the certification mark after receiving formal certification from HFAC. Terms for use of the seal, certification mark, and certification claims are fully described in the HFAC Licensing Agreement applicable to the operation.

B. Rights and Responsibilities of the Certification Agent

1. Public Access and Confidential Business Information

a) Confidentiality is Critically Important at HFAC

Improper dissemination, disclosure, or unauthorized use of confidential information could result in irreparable harm to both HFAC and its certification clients. As a condition of their employment, HFAC Employees and all other personnel agree to safeguard confidential information, to use it only for HFAC business, and to refrain from disclosing it to others.

Disclosure, breach, or misuse of confidential information may be subject to disciplinary action up to and including immediate termination. Such actions may be subject to legal action. Upon termination of employment, contractual relationships, internships, or volunteer relationships with HFAC, personnel agree to return all confidential information, together with all copies in their possession, custody, or control.

b) Conforming with Information Requests

When HFAC receives a phone or written request for specific information, the person receiving the request uses the lists below to determine whether any of the information requested is considered to be confidential.

If the request does involve confidential information about a certified party, HFAC requires written permission from the certified party before releasing the information. Where the law requires information to be disclosed to a third party, HFAC will inform the affected party of the release of confidential information. Non-confidential information may be released without notification.

HFAC files are fully accessible to HFAC's accreditors who are bound by confidentiality agreements with HFAC. HFAC is not obligated to inform a client of an accreditor's review of confidential information related to the client's application, inspection, evaluation, or certification.

All confidential information as defined by this policy is stamped "CONFIDENTIAL" upon receipt by HFAC.

c) List of Information Available to the Public (On the Website)

The following information is considered to be non-confidential and is provided to the public:

- Information about the authority under which the certification body operates (Policy Manual);
- Documentation of the rules and procedures of the certification system (Policy Manual);
- Information about the evaluation process for each type of product certified (Policy Manual);
- A description of the means of HFAC's financial support (Policy Manual);
- Fee structure for certification (Policy Manual);
- Rights and duties of applicants, including those related to use of the Certified Humane® label (Policy Manual);
- Information on complaints, appeals, and disputes process (Policy Manual);
- List of all parties certified by HFAC (Website);
- Names of staff, members of the Board of Directors and HFAC Committees (Website)
- The Standards and Policy Manuals;
- The certification status of any current or former HFAC-certified client (Website); and
- Accreditation certificates.

d) List of Confidential Information

The following information is considered to be confidential and not available to the public:

- Any recipe, formula, process, or equipment that is considered essential to the business of the certified party;
- Information, materials, documents, records, memoranda, lists, plans, discussions, actions, and projects marked as "Confidential" by HFAC personnel;
- All information related to the inspection and evaluation of parties applying to HFAC for certification;
- Meeting minutes and correspondence of staff, committees, and the Board;
- All application, inspection, and certification information, including related correspondence; with the exception of those items listed above as public;
- Other than funding sources as mentioned in the previous section, all financial information regarding HFAC, its employees, and its clientele;
- Personnel files, including the staff, Board Members, Committee Members, contractors, and inspectors, including contact information, other than what is listed on the website;
- Details of the accreditation of the HFAC certification program; and
- Other information as declared "confidential" by the client.

2. Release of Documents for Review by Other Certifiers

At times, HFAC documents (typically the Inspection Report) are needed by another certifier to facilitate additional certification activities through document review. This may occur when a party certified by HFAC applies for another certification such as "organic", "Salmon Safe," or other eco-label. In order to save time and money, information verified by one certifier may be used to facilitate another certification process.

HFAC releases certification documents to other certifiers only with written consent of the affected certified party. Upon receipt of a signed document authorizing HFAC to release the operator's documents, HFAC sends the documents to the other certifier.

Certifiers wishing to obtain HFAC documentation must contact the certified party directly to initiate the process of HFAC's release of certification documents.

HFAC's certification documents may only be utilized to substantiate the producer's claim that a product is indeed certified by HFAC. The rights associated with HFAC certification are not transferable. The HFAC name and the Certified Humane Raised and Handled® logo are registered trademarks, as is the name Certified Humane ®; unauthorized use is strictly prohibited.

PART 5: CONTINUED CONFORMANCE

A. Continued Conformance with Certification Requirements

Operators are required to manage their operations in conformance with HFAC standards and policies, and as they described in their HFAC questionnaire and other plans.

Any changes to the operator's system that may potentially affect its conformance with the certification program must be submitted in writing to HFAC and approved prior to its implementation. This includes, but is not limited to, changes to:

- Legal, commercial, or organizational status;
- Premises, equipment, facilities, or other resources;
- Organization and management (e.g. key management staff); and
- Management procedures significant to the operation's conformance with HFAC certification requirements.

Depending upon the nature and extent of the changes, HFAC may require a complete or partial on-site inspection of the system prior to approval. If HFAC finds that the changes to the operation conform with certification standards and policies, an updated Certification Certificate will be issued if the information on the existing certificate no longer accurately represents the operation.

If HFAC becomes aware of a non-conformance through an operator's submission of an amended plan for the operation, surveillance activities, receipt of a complaint about the operation, or other means, HFAC will send the operation a *Notification of Non-conformance* to provide the operator with information about the areas of its non-conformance with HFAC standards and policies. HFAC also supplies a *Corrective Actions by Operators* form to be used by the operators to submit information about the corrective actions as they are completed.

The operation has 30 days from the receipt of notification to correct the non-conformance and submit verification of their actions to HFAC. Should the operator fail to correct the non-conformance within that timeframe, HFAC will begin procedures for suspension or revocation of the operation's certification.

B. Suspension of Certification

HFAC may suspend an operation's certification for any of the following reasons:

- Failure to maintain continued conformance with HFAC standards and policies in a manner that results in an uncorrected Minor Non-conformance;
- Failure to correct Minor Non-conformances as specified in the procedure for "Renewal of Certification";
- Failure to return the *Certificate of Certification* within the time frame specified in the procedure for "Amending the Scope of a Certification Already Granted";
- Implementing significant changes to approved systems without prior written notification to HFAC;
- Failure to pay inspection/certification fees.

The timeframe allowed for correction of non-conformances associated with a suspended certification is 30 days from the date of the *Notification of Suspension of Certification*. If the operation supplies evidence to HFAC of

successful corrective action by that date, HFAC will confirm that the suspension has been lifted by sending a *Notification of Resolution of Nonconformance to the Operation*.

If the operator does not rebut within 30 days from the date of *Notification of Suspension* or does not supply evidence of successful corrective action, HFAC suspends the operation's certification and begins the process of revocation by sending a *Notice of Revocation of Certification*.

If an operator's certification has been suspended, HFAC may repeat only the parts of the certification procedure necessary to ensure that the operation is in conformance with HFAC standards and policies.

C. Revocation of Certification

HFAC may revoke an operation's certification for any of the following reasons:

- Failure to maintain continued conformance with HFAC standards and policies in a manner that results in a Major Non-conformance;
- Failure to resolve the issues associated with suspension of the operation's certification in a timely manner;
- Deliberate misrepresentation of facts to HFAC, other regulatory agencies, or the public, in which case, HFAC may proceed with revocation without first suspending the certification.

In the *Notice of Revocation of Certification*, HFAC notifies the operator of the opportunity to rebut the facts on which the revocation is based. The timeframe for rebuttal of the non-conformance is 30 days from the date of the letter of notification sent to the operation. If the operator does not rebut within 30 days, HFAC revokes the operation's certification and removes the operation from the HFAC *Directory of Certified Operations*. The operation must return its *Certificate of Certification* to HFAC within 10 days of the date of revocation.

If the operation corrects the non-conformance associated with the revocation and presents evidence to HFAC, documented in writing, of consistent management of the operation in conformance with HFAC standards for at least 6 months after making the corrective action, the operation will be eligible to submit a new *Application for Certification* to HFAC.

If an operation's certification has been revoked, HFAC must repeat the entire certification procedure if the operation applies for certification in the future.

PART 6: RESOLVING CONFLICTS

A. Rebuttal of Certification Decisions

If an operator feels HFAC's decision on its certification status is in error, the operator may present information to rebut a condition on certification or denial, suspension, or revocation of certification. To make a rebuttal, the operator must send HFAC, in writing, the reasons for disagreement with HFAC's decision along with evidence to support the operator's ideas. HFAC must receive the rebuttal letter within 30 days from the date of the letter of notification sent to the operation.

Upon receipt of a rebuttal, the original decision-maker reviews the information and decides whether the decision on the operation's certification status should be changed. The decision-maker must communicate the decision on the rebuttal to the operator within 30 days from the date of receipt of the letter of rebuttal.

B. Appeals of Certification Decisions

An Appeal may be made by an applicant or participant who objects to a certification decision made by HFAC in regard to his/her operation. All other types of problems may be addressed under policies on "Complaints" or "Disputes."

1. Submitting the Appeal

All appeals must be submitted, in writing to the HFAC office, within 30 days of the date of the notification of the decision under consideration. The appeal must state the reason for the appeal and be accompanied by documented evidence establishing the grounds for the appeal.

2. The Appeals Committee Considers the Appeal

The CEO notifies the Appeals Committee of the receipt of an appeal as soon as possible. The Chair reviews the appeal and the accompanying documented evidence and determines whether new evidence warrants reconsideration of the original decision.

If reconsideration of the decision is justified, the Chair notifies all other committee members and conducts an Appeals hearing. If necessary, the Appeals Committee will order an additional inspection of the operation.

3. The Appeal Committee Considers the Appeal

If the Appeals Committee does not think a new ruling is warranted, or the appellant is dissatisfied with the Appeals Committee's ruling on the appeal, the appellant may request that the appeal be taken to the HFAC Board. If needed, Appeals must be handled through the appropriate court nearest the HFAC office.

4. Notification of the Appeal Decision

At the conclusion of the Appeal Hearing, HFAC will notify the appellant of the results of the Appeals process in writing through a certified letter directed to the operator's last known place of business.

5. Certification Status During the Appeals Process

All decisions related to the certification status of the operation remain in force until the appeal is settled.

6. Cost of the Appeal Process

The cost of the appeal is the responsibility of the party initiating the appeal.

7. Records of the Appeals Process

HFAC retains files containing complete documentation of all Appeals for a minimum of five years after the case has been closed. The records document the specifics of the case, the actions taken by HFAC and other parties in the case, and the effectiveness of HFAC's actions.

C. Disputes

A Dispute is a disagreement between HFAC and another party that is not lodged as a Complaint or an Appeal of a certification decision. An example of a dispute would be a disagreement between HFAC and an applicant or participant over payment of fees.

Disputes are handled using the same procedures as complaints.

D. Complaints

1. Overview of Procedures for Handling Complaints

HFAC strives to operate its certification program with due diligence. However, HFAC recognizes that an important part of due diligence is careful and complete management of complaints such as:

- Complaints regarding the conduct of personnel, including staff, Certification Committee, contractors, inspectors, and members of the Board of Directors;
- General complaints regarding the decisions and/or functions of HFAC; and
- Complaints regarding the operations certified by HFAC.

Complaints lodged by operations certified by HFAC regarding decisions pertaining to their own certification are handled under the policy on "Appeal of Certification Decisions".

In order for HFAC to act on a complaint, its subject must be under the organization's authority such as: disregard of standards and/or operating procedures, arbitrary judgments, non-professional behavior, financial mismanagement, unethical behavior, discrimination, un-timeliness, violation of conflict of interest, or breach of confidentiality.

Because of the wide variation in the types of complaints that may be received by a certifier, HFAC manages complaints on a case-by-case basis by designating an Investigator and a Resolution Body to address each valid complaint. The Investigator examines and analyzes the veracity of the complaint. The Resolution Body decides the outcome of the investigation of a complaint.

2. General Procedures for Handling Complaints

In order for this policy to apply fully, the complaint must be submitted in writing and must be accompanied by documenting evidence. A complaint must contain a full explanation of the perceived problem including:

- Dates of events associated with the complaint;
- The names of the involved parties;
- Evidence documenting the claims made in the complaint; and
- The signature of the complainant.

Upon receipt of a complaint, the CEO performs a preliminary assessment of the complaint's validity and determines whether or not to proceed with a full investigation. HFAC acknowledges a complaint within five business days of its receipt by:

- Notifying the complainant of the results of its preliminary assessment of the complaint;
- Reporting to the complainant on the possibility for further action; and
- Sending the complainant a copy of HFAC's policy on "Responding to Complaints about the Certification Agent."

If, after its preliminary assessment, HFAC deems the complaint to be completely invalid or irrelevant, HFAC explains this conclusion to the complainant in its letter of acknowledgement and gives the complainant 30 days to substantiate the validity of the complaint.

If the preliminary assessment shows that the complaint is valid, the President of the HFAC Board of Directors appoints an Investigator and a three-person Resolution Body. All of HFAC's personnel involved in investigating or resolving complaints must be free of commercial, financial, and other pressures which might influence the complaint process or decisions.

Once an investigation has been completed, the Resolution Body communicates its decision, in writing, to the complainant as well as to the subject of the complaint.
HFAC retains files containing complete documentation of the complaint, its investigation, and its resolution for a minimum of five years after the case has been closed. The records document the specifics of the case, the actions taken by HFAC and other parties in the case, and the effectiveness of HFAC's actions.

3. Procedures for Handling Specific Types of Complaints

a) Complaints About How HFAC Operates

Filing a Complaint and Appointing an Investigator for a Complaint about HFAC Operations
Complaints regarding the conduct of all HFAC personnel, excluding the CEO, but including other members of the Board of Directors, staff, members of committees, inspectors, and contractors, and all other personnel associated with HFAC are directed to the CEO who acts as the Investigator.

Complaints regarding the CEO shall be directed to the President of the Board who acts as the Investigator in this case.

Complaints regarding the decisions and/or procedures of HFAC shall generally be directed to the CEO. The CEO acts as the Investigator for all such cases unless there is a conflict of interest. In that case, the President of the Board handles the complaint.

In all cases, HFAC reserves the right to appoint a different Investigator who is knowledgeable about the subject of the complaint and who has no conflicts of interest, either positive or negative, with the complainant, with HFAC or with any other parties involved in the case. If necessary, the Resolution Body for the case appoints an alternate Investigator.

Investigating Complaints about how HFAC operates The Investigator may take up to 30 days to review the complaint and, if necessary, gather additional information from the complainant, third parties named as sources of information in the complaint, and other parties likely to have information relevant to the investigation.

As soon as the Investigator has compiled sufficient information to determine that the complaint is justified, the

investigator contacts the subject of the complaint and presents all substantiated information related to it. The Investigator requests a full explanation or clarification of actions taken by the subject relevant to the complaint, giving the subject 30 days from date of notification to respond.

At the conclusion of this 30-day response period, the Investigator reviews all information related to the complaint, formulates a written recommendation, and submits the recommendation to the Resolution Body. The document may contain suggestions for corrective actions and/or disciplinary measures.

Resolving Complaints about how HFAC operates The HFAC Board of Directors serves as the Resolution Body for all complaints related to HFAC personnel and the procedures of HFAC except for those naming one or more members of the Board as subjects. In this case, HFAC constitutes a three person Resolution Body comprised of people who are familiar with the subject of certification, but not directly involved with HFAC. All members of the Resolution Body must be acceptable to both the complainant and the subject of the complaint.

The Resolution Body shall decide on corrective actions and/or disciplinary measures within 30 days of receipt of the report from the Investigator.

b) Complaints About Operations Certified by HFAC

Filing a Complaint and Appointing an Investigator
HFAC may receive complaints regarding 1) operators certified under the HFAC program, 2) applicants for certification, or 3) parties using the HFAC certification seal and/or claim on their private-label products, from any concerned party. Complaints submitted in writing are directed to the HFAC CEO who determines the course of the ensuing investigation. Complaints that are only submitted verbally may be investigated at the discretion of the CEO.

Investigating Complaints about Operations Certified by HFAC The investigation may take up to 30 days to review the complaint and, if necessary, gather additional information from the complainant, third parties named as sources of information in the complaint, and other parties likely to have information relevant to the investigation.

As soon as the Investigator has compiled sufficient information to determine that the complaint is justified, HFAC contacts the subject of the complaint and presents all substantiated information related to the complaint. HFAC requests a full explanation or clarification of actions taken by the subject relevant to the complaint, giving the subject 30 days from date of notification to respond. If necessary, an on-site visit to the operator's business will be conducted.

At the conclusion of this 30-day response period, HFAC reviews all information related to the complaint, and takes appropriate action which may include conditions for corrective actions and/or disciplinary measures.

Any party against whom HFAC has taken action for a violation has the right to appeal under the policy, "Appeal of Certification Decisions."

PART 7: SETTING OR MODIFYING STANDARDS, POLICIES, AND PROCEDURES

A. Standards

The Humane Farm Animal Care certification program was formed to certify farms that conform with the Humane Farm Animal Care (HFAC) standards for production of various species of livestock. These standards incorporate scientific research, veterinary advice, and the practical experience of the farming industry.

Some of the reasons that HFAC may recommend a standards change are:

- New information from scientific research, veterinary practice or practical experience;
- Input about the existing standards from certified producers or other stakeholders in the HFAC certification program;
- The need to create new standards to expand the types of operations that may be certified by HFAC;
- Accreditation requirements demand a change in the standards; and
- Federal, state, or international regulations require a change in the standards.

The standards sometimes require non-substantive changes such as corrections of grammar, spelling, formatting, and other minor adjustments. Because these revisions do not result in changes that affect operators or consumers, they may be drafted, reviewed, and approved by the CEO, or others under her/his direction.

1. Drafting Animal Welfare Standards

Proposals for new or modified standards usually originate in the Scientific Committee. Staff may also generate new or modified standards for review by the Committee or may assist the Committee with the drafting process. Operators and other interested parties may submit suggestions for changes to the standards via the staff.

The following information must accompany a proposal for new or modified standards:

- Submission date;
- Party requesting the change (including contact information);
- References submitted in support of the change:
- Title and Version of the document to be changed:
- Recommended placement of the revised language (submission on the text in revision mode highly recommended); and
- Other documents affected by the proposed change.

The CEO ensures that the proposed standard meets or exceeds industry norms and regulatory statutes. This may involve consultation with experts in the fields of certification, accreditation, production practices, or other specialties.

2. Review by Producers

After the Scientific Committee has agreed upon the text of the new or revised standard, HFAC staff distributes the draft to the affected producers to solicit their comments. The CEO establishes an appropriate timeframe for submission of comments, not less than 14 days from date of distribution to the producers.

An authorized staff member compiles the comments received during the public comment period and incorporates additional comments from the Scientific Committee into the draft. ED incorporates any additional comments received and compiles one draft to send to the Standards Committee.

3. Review by the Standards Committee

Next, the Standards Committee considers the proposed standard. The Standards Committee is comprised of representatives of a range of constituencies interested in and affected by the HFAC Standards. Review of proposed changes to the HFAC Standards by the Standards Committee enables the participation of representatives of all parties significantly concerned. Committee members are encouraged to solicit opinions on the changes to the

standards from the parties they represent.

The CEO and an authorized staff member set the timeframe for the Standard Committee's review, but must allow at least 14 days from the date the materials are sent to the committee members. Extensive changes to the documents may require longer review periods. Committee decisions are made using the procedures in Section 2.C. of the Administrative Procedures Manual titled, "Committees." Decisions on standards and their associated implementation dates made by the Standards Committee are presented as recommendations to the Humane Farm Animal Care Board of Directors, which makes the final decision on the standards.

Standards relevant to handling of HFAC animal products by PMO's and other handlers of non-living animal products are modified and created under the direction of and approved by the CEO, who coordinates these efforts in conjunction with appropriate experts. Comments on such standards may be solicited by HFAC and received from stakeholders at any time. As the salient points of this aspect of the HFAC program and standards are relatively simple, these standards generally do not need to undergo frequent or substantive revision.

4. Making the Decision to Change the Standards

The HFAC Board of Directors may:

- Adopt the recommendation of the HFAC Standards Committee;
- Decide to make no change;

If the HFAC board does not adopt the recommendations of the HFAC Standards Committee, the HFAC Board must document its reasons for doing so. The Board conveys its decision on rejecting the recommendation of the HFAC standards committee, and any documentation explaining the basis of their decision, to the HFAC office within 5 working days of making the decision.

5. Updating Documents

HFAC updates and distributes the affected manual, form, or other document(s) according to its Document Control procedures.

6. Implementing Changes

HFAC takes into account the views expressed by members of Scientific Committee, the Standards Committee, the HFAC Board, and any other party who may have submitted an opinion, before deciding on the precise form and the effective date of the changes. HFAC gives due notice of all changes it makes in its requirements for certification, notifying operators through letters and/or newsletter.

After making changes in the standards, HFAC verifies that each certified operator or operator applying for certification implements the revised standard. This usually occurs at an operator's next annual inspection, but HFAC may choose to verify standards changes earlier through unannounced inspections, additional inspections, or requirements for submission of documentation of changes from the operators.

7. Interpreting Standards

When there is any need for an interpretation of an HFAC Animal Care Standard, the Scientific Committee develops the interpretation and publishes it in a letter, newsletter or other form and sends it to all affected parties.

B. Policies

HFAC makes changes to the contents of its Policy Manual using a procedure that enables the participation of all significantly affected parties. Any significantly affected party may submit proposals for changes to policies. The CEO submits substantive changes to policies to the HFAC Board of Directors, which makes final decisions on policies.

The policies sometimes require non-substantive changes such as corrections of grammar, spelling, formatting, and other minor adjustments. Because these revisions do not result in changes that affect operators or consumers, they may be drafted, reviewed, and approved by the CEO or others under her/his direction.

HFAC gives due notice of all changes it makes in its requirements for certification, notifying operators through faxes, e-mail, letters and/or newsletter.

When there is any need for an interpretation of the HFAC Policy Manual, the CEO develops the interpretation and publishes it in a letter, newsletter or other form and be sends it to all affected parties.

C. Procedures

Because procedures are used to implement policies that are established by the Board in a process that has included wide participation, the CEO is charged with the responsibility to set and update procedures.

PART 8: PROGRAMS FOR Restaurants

A. Purpose of the Programs

HFAC's primary focus is on certification of operations that use humane practices to raise and process live animals. In order to broaden the market for products from humanely-raised animals, thus increasing the opportunities for farmers who use humane animal production practices, HFAC has developed programs that allow other types of businesses to indicate to the public that they support the HFAC program and use HFAC-certified products when they are available.

B. Restaurants

1. Overview

HFAC recognizes that, through their purchases of HFAC-certified product, restaurants further HFAC's goals of expanding the use of livestock production systems that provide for humane treatment of farm animals.

Any restaurant that purchases at least one Certified Humane® product and uses that product exclusively qualifies for this and can apply for this category. If they pass the inspection they are considered a PMO (Product Manufacturing Operation) and **can use the Certified Humane® logo in their advertising in conjunction with the certified product, as they are considered Certified Humane® for that product.** The cost is just an annual application fee of $75 and an annual inspection fee of $800.

For Standards and procedures see: Section G. Certification of Product Manufacturing Operations (PMO).

Humane Farm Animal Care

PO Box 82, Middleburg, VA 20118
703-435-3883
www.certifiedhumane.org

A GREENER WORLD COMPLIANCE POLICY MANUAL – NORTH AMERICA

Contents

Chapter One: Who We Are

P1 Legal Status

A Greener World (AGW) is a 501c3 organization (EIN 81-2116665). All contractual arrangements will be the responsibility of A Greener World's Executive Director. No contract or obligation will have been enacted without the written confirmation of the Executive Director or their delegated nominee.

All correspondence should be addressed to:

A Greener World
PO Box 115
Terrebonne, OR 97760

Note: P1 where approved should be edited to reflect regional nuance, i.e., legal status and correspondence address.

P1.1 Approving authorities

The programs are approved by the USDA and the Canadian authorities.

Note: Where approved should reflect regional regulatory oversight.

P1.2 Language

The language used in this document is consistent with the organization's published definitions at agreenerworld.org.

Note: Where approved should reflect the regional website address.

Chapter Two: General Compliance Policies

P2 Structure

P2.1 Confidentiality

P2.1.1 AGW will hold any and all information supplied by applicants and approved facilities, slaughter plants, or other businesses and groups in confidence. Information will only be shared with the consent of the party or as required by law or by contractual arrangement. In these cases the client or person concerned shall, unless prohibited by law, be notified of the information provided. Information about the client obtained from sources other than the client (e.g. from the complainant or from regulators) shall be treated as confidential.

p2.1.2 Farm, facility, slaughter plant, and other business information: Information will not be shared with any facility outside the review process except to confirm pass, re-audit or fail. Information will only be shared with the consent of the owner.

P2.1.3 All AGW staff, contractors, or other parties involved with the program are required to sign a non-disclosure agreement.

P2.2 Impartiality

P2.2.1 AGW is committed to impartiality in all activities including certification and has the overall responsibility to ensure that certification is done in accordance with AGW standards, policy and guidelines, and ISO/IEC 17065 requirements. *(See Policy on Impartiality)*

P2.2.2 All AGW staff, contractors, or other parties involved with the program, are required to disclose any conflicts of interest. When conflicts of interest are identified, other staff members can be used to carry out the task. *(See A Greener World Conflict of Interest Policy)*

P2.3 The Team

P2.3.1 In accordance with AGW's recruitment procedures, all of AGW's team members, whether in the Office, Technical, Marketing, or Auditing and Compliance departments, are highly qualified, competent and capable of performing all duties assigned to them. All employees have detailed job specifications providing information on their functions and assigned responsibilities. In addition to our entry requirements, there are ongoing training programs.

P2.3.2 Certification Staff

Certification staff must hold a bachelor's degree at minimum, or have equivalent experience. Certification staff must demonstrate an understanding of agricultural practices, preferably alternative systems. All certification positions are appointed by the Executive Director. Certification staff members undergo a period of internal training overseen by a direct supervisor.

P2.3.3 The Auditors

AGW's team of auditors is selected based on experience, skills and abilities to deal with certification requirements. In order to ensure that auditing skills remain up to the required standard, yearly training programs are compulsory for all auditors to attend. *(See Auditor Selection and Training Policy)*

P2.3.4 Performance Reviews

All team members receive annual performance reviews in accordance with the Performance Reviews Procedure. *(See Performance Reviews Procedure)*

P2.4 Roles

The following roles make up the structure of AGW. Direct supervisors are responsible for personnel competence requirements. *Note: This section should reflect the structure of the region*.

P2.4.1 Executive Director: Responsible for all aspects of the program, including delegation of authority to committees or personnel to undertake defined activities on behalf of AGW; and provision of adequate resources for certification activities.

P2.4.2 Director of Communications and Outreach: Reports to the Executive Director. Responsible for oversight of all communications and outreach within AGW.

P2.4.3 Director of Compliance: Reports to Executive Director. Responsible for oversight of all auditing and compliance work.

P2.4.4 Director of Quality: Reports to Executive Director. Responsible for oversight of all repeatability auditing, consistency, equivalence and global compliance.

P2.4.5 Director of Agricultural Development: Reports to the Executive Director. Responsible for business and scheme development.

P2.4.6 Director of Operations: Reports to Executive Director. Responsible for oversight of program operations.

P2.4.7 Lead Farmer and Market Outreach Coordinator (FMOC): Reports to the Director of Communications and Outreach. Responsible for guiding FMOCs.

P2.4.8 Lead Auditor: Reports to the Director of Compliance. Responsible for managing auditors.

P2.4.9: Lead Slaughter Specialist: Reports to the Director of Compliance. Responsible for managing slaughter plant specialists.

P2.4.10 Program Coordinator: Reports to the Director of Operations with responsibilities to the Director of Compliance. Responsible for program management and administration.

P2.4.11 Marketing, Communications, and Outreach staff members: Report to the Lead FMOC. Responsible for promoting the program and working with facilities in specific regions.

P2.4.12 Auditors: Report to the Lead Auditor with responsibilities to the Director of Compliance and the Director of Quality. Responsible for performing audits.

P2.4.13 Technical Advisor: Reports to the Executive Director. Responsible for providing advice and support as required.

P2.4.14 Slaughter Facility Specialists: Report to the Lead Slaughter Facility Specialists. Responsible for slaughter plant reviews.

P2.4.15 Corrective Action Plan Coordinator: Report to the Director of Compliance. Responsible for reviewing audits and ensuring consistency and accuracy of compliance reports.

P2.4.16 Eligibility Coordinator: Reports to the Director of Compliance with responsibilities to the Director of Quality. Responsible for assessing eligibility of program applicants.

P2.4.17 Administrative Assistant: Reports to the Executive Director and the Director of Operations. Responsible for administrative tasks in support of the program.

Note: a person may have two roles provided they do not conflict.

P2.5 Auditor and Agent status

P2.5.1 All auditors and agents are directly employed or contracted by AGW. Auditors and agents do not make the final decision on whether an applicant is accepted into the program.

P2.6 Advisory Board

AGW's advisory board exists to add transparency and oversight to the certification programs' goals and objectives as laid out in the mission statement. The board will meet at least annually to discuss the operation and delivery of AGW's certification programs and will be asked to review the programs' compliance with policies and procedures. The board will provide feedback to AGW Executive Director and make recommendations on any changes to standards and/or identify operational practices that could be detrimental or beneficial to the programs. The board may receive confidential data or

information to review and sensitivity is required. Board members will be required to sign AGW's Confidentiality and Nondisclosure Agreement.

(See: AGW Advisory Board Terms of Reference)

P2.7 Standards board

P2.7.1 The Standards

The standards have been developed over a period of time by a group of experts. These include scientists, farmers and animal welfare experts from around the globe. The standards will be reviewed annually by the Standards Board. A review of an individual standard by the board may occur outside the annual review if new information on its implementation makes this a necessity.

The "published standards" are the most up-to-date standards and are those that are available at www.agreenerworld.org**.** Standards are published and publicly available and will be reviewed annually by a Standards Board with the qualifications below. Facilities or groups who have been accepted into the program will be notified of changes in standards via email or mail. Reasonable consultation time will be given. Final versions will be posted to the website.

Note: Where approved the website should be changed to reflect the regional website, provided Global approval has been given for the standards.

P2.7.2 Standards Board Terms of Reference

Standards Board:

P2.7.2.1 Sets the standards.

P2.7.2.2 Annually reviews standards.

P2.7.2.3 Evaluates standard review requests as these are submitted.

P2.7.3 Membership of the Standards Board

P2.7.3.1 Executive Director.

P2.7.3.2 Technical representative: responsible for matters relating to achievability of the standards.

P2.7.3.3 Producer Representative: responsible for representing the producer's perspective. (As required.)

P2.7.3.4 Production Expert: responsible for providing impartial opinion on subject discussions. (As required.)

P2.7.3.5 Secretary: responsible for minutes, agendas and correlations of required documentation.

P2.7.3.6 Invited representative from species or sector under discussion. (As required.)

P2.7.3.7 Authority to appoint and terminate members of the Standards Board lies with the Executive Director.

P2.7.4 Meetings of the Standards Board

P2.7.4.1 The board meets as required and at least annually.

P2.7.4.2 The board can if necessary, convene by phone and email.

P2.7.4.3 The board can seek and obtain any information that enables it to affect a more informed decision. These representations can be made in person or by document.

P2.7.4.4 Decisions of the board are only binding when the meeting is in quorum.

P2.7.4.5 Quorums

At minimum a quorum for standards change must include the technical representative, the Executive Director and the secretary. In addition, either the producer representative or production expert may be present. Wording may be modified without a representative for clarity or consistency.

A period of consultation and compliance must be granted when any changes to standards are made. Facilities are checked that standards have been implemented at the next scheduled audit.

P2.7.5 Standards amendment

P2.7.5.1 Anyone can submit a suggestion or request for a standards amendment.

P2.7.5.2 The standards amendment form must be completed and submitted to AGW. The amendment will be assessed against current records and if it has not been previously discussed and has merit it will be forwarded to the Standards Board for consideration. Reasonable consultation time will be given. *(See Standards Amendment Form)*

P2.8 Approval board

P2.8.1 Terms of Reference

The Approval Board:

P2.8.1.1 Reviews and decides on certification approvals.

P2.8.1.2 Reviews critical and cumulative non-compliances.

P2.8.1.3 Reviews complaint reports.

P2.8.1.4 Reviews and decides outcome of termination of facilities from the program.

P2.8.1.5 Delegates some or all of its duties to a competent team member. The scope and power of the delegation must be laid out in writing and the work subject to a review for quality.

P2.8.1.6 The Approval board may delegate authority to approve facilities to anyone employed by or under contract with AGW within the parameters set in 2.8.2.

P2.8.2 Membership of the Approval Board

P2.8.2.1 Executive Director or their nominee.

P2.8.2.2 Program representative: responsible for presenting non-compliance reports.

P2.8.2.3 A third member will be nominated to cover in case of a reclusion or a split decision.

P2.8.2.4 A member of the approvals board cannot vote on an audit they have carried out.

P2.8.2.5 Authority to appoint and terminate members of the Approval Board lies with the Executive Director.

P2.8.3 Meetings of the Approval Board

P2.8.3.1 The board meets as required and at least monthly.

P2.8.3.2 The board can convene by phone or email.

P2.8.3.3 The Approval Board can seek and obtain any information that enables it to affect a more informed decision. These representations can be made in person or by document.

P2.8.3.4 Decisions of the Approval Board are only binding when the meeting is in quorum. A quorum is defined as two board members.

P3 Certification Process

P3.1 Applicants

P3.1.1 At the point of submitting an application to AGW, and until that application is withdrawn or denied, whether this is in the initial or in subsequent years, the applicant agrees to comply or achieve compliance with all published standards, published program manuals, and to keep AGW immediately informed of any action or material change that could affect the applicant's ability to comply with that agreement. If a facility chooses to withdraw from a program, they must provide notification in writing.

A completed application form and a signed affidavit must be on file prior to approval being granted and certificate being issued. In certain circumstances audit may take place prior to official submission of an application; however, approval cannot be granted without this submission.

An application will not be considered complete until any and all fees are paid.

Applicants further agree that the standards, as written, are acceptable and either their method of production complies with them or they are willing to make changes in order to comply. Applicants agree to allow auditors reasonable access for the purpose of establishing and ensuring compliance with published standards. Applicants whose businesses are approved must continue to meet these commitments.

P3.1.2 Compliance with the program is voluntary, although some producer groups and cooperatives have decided to only work with facilities who are approved by the program.

P3.1.3 A one-time, non-refundable application fee as set out in the published fee summary is required for all applicants. Once an application is submitted, an applicant may not be screened until the fee has been received by AGW.

P3.1.4 AGW reserves the right not to accept an application, not enter into a relationship, or to end any relationship with any other party that has or may bring the program into disrepute, or for any reason whatsoever.

P3.1.5 At any time the applicant can withdraw from the process for whatever reason by giving notice to AGW. Should an applicant withdraw, all fees will be forfeited.

P3.1.6 An applicant must be an adult.

P3.1.6.1 A minor, as defined by the legal authority in which the facility operates, may apply for certification as long as a parent or legal guardian co-signs the application form.

p.3.1.6.2 If the facility owner is a minor, an appropriate management mentor must be appointed. The mentor may be a parent or other advisor.

p3.1.7 AGW will respond to an application to join the program within 7 days.

P3.1.8 Once the application fee has been received, the Eligibility Coordinator will review the submitted application for completeness and compliance with published standards, and if necessary, seek further information from the applicant. (Please see appendices for specific program requirements.)

P3.2 Audit Process

Whether an applicant becomes certified will be determined by the process of an open and transparent audit of the facility, its subsidiaries or its service providers as required. If certification is refused for any reason, the applicant or nominated contact will be informed of the reason for this decision in writing. AGW services are available to all applicants whose activities fall within the scope of operations. (See Audit and Review Categories within each certification subsection.)

P3.2.1 The audit is conducted by an auditor working for or appointed by AGW. Any compliance issues are raised in a Compliance Report to which the facility, plant or other business must provide a compliant response before being assessed by the Approval Board. All applicants to the program are treated equally. There are no financial gains from promoting particular facilities or products.

P3.2.2 Audit Arrangements

P3.2.2.1 AGW will notify the nominated contact of the date the next audit is due. Submission of an annual application is not required unless there is a scope addition (additional species, product, or location or logo/seal), in which case an amended application is required. The application fee may be waived for amended applications.

P3.2.2.2 AGW charges an audit fee for all first-time and annual audits. This fee must be paid prior to scheduling the audit. Failure to pay the audit fee will result in termination from the program. See AGW's website for details. *(AGW Fee Schedule)*

P3.2.2.3 The Eligibility Coordinator will allocate the audit and the auditor will liaise with the facility contact to organize the review audit visit. The auditor will be assigned based on availability and/or geographical location. The auditor will report any changes prior to scheduling the audit.

P3.2.2.4 AGW is unable to consider requests seeking to include or exclude auditors based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability and genetic information (including family medical history).

In exceptional circumstances only, genuine requests to vary this policy may be entertained solely at the discretion of the Approval Board and only if accompanied by an independent and credible supporting recommendation from an appropriately qualified medical expert.

The Approval Board reserves the right to refuse requests in this matter without further obligation to consider appeal or enter any further dialogue on individual cases.

p.3.2.2.5 Reported changes will be reviewed by the Director of Compliance or a nominee prior to scheduling the audit.

P3.2.2.6 AGW must be informed when an applicant or approved facility, plant, or other business moves their base of operation to a new site. If a facility carries out multiple moves within the space of 26 months or less their approved status will be reviewed.

P3.2.2.7 Any applicant or facility wishing to add species to their application must submit an amended application. The amended application can be obtained from the main office. Any facility wishing to remove a species from their application must submit a request in writing to the Program Coordinator. The application fee may be waived for amended applications.

p3.2.2.8 An announced audit will be arranged by liaison between the facility contact and the auditor.

P3.2.2.9 An auditor may not carry out four consecutive audits on the same facility.

P3.2.2.10 Interested Parties Shadowing: AGW will review all requests for interested parties to shadow auditors on a case by case basis. AGW does not encourage shadowing unless a direct benefit can be demonstrated. (See *Protocol for Interested Parties Shadowing Auditors*)

p3.2.3 Audit Cycle

p3.2.3.1 The audit will be carried out by an AGW auditor with a maximum of 18 months between audits. (This allows facilities to be seen in different seasons.)

p3.2.3.2 With agreement from AGW, the audit cycle can be amended in cases of force majeure (unforeseeable circumstances beyond anyone's control) such as weather, epidemiological concerns, natural disaster or serious injury or illness.

p3.2.3.3 The audit cycle may also be amended by agreement in cases of major infrastructure change such as new facilities or introduction of a new species to be audited when audit in the normal cycle would necessitate re-audit within a few months to review the new situation.

p3.2.3.4 The audit cycle may also be amended where a facility has seasonal production of one species and also has other species that must at some point be audited outside of the production cycle of the seasonal species. If there are no major non-compliance issues with the seasonal species; and no non-compliances that relate to welfare; the seasonal species may not be seen at one audit and retain certification. The seasonal species must be audited at the next audit.

p3.2.3.5 Compliance activities may be held in abeyance while a facility is under investigation under the discretion of the ED or a delegated authority.

P3.2.4 Information on day of audit

P3.2.4.1 Applicants must note that the final decision for approval does not sit with the auditor. Use of the applicable seal or logo can only be used after formal notification of an audit pass from the office.

P3.2.4.2 At the end of the audit visit the auditor will provide the facility contact with the details of any areas of the operation that do not comply with the standards.

P3.2.5 Non-Compliances noted at audit

P3.2.5.1 After the Corrective Action Plan Coordinator receives the audit report, the compliance form will be issued. This will detail any non-compliances and critical non-compliances that were identified at audit. The facility contact must complete and return this form within one month of receipt providing information on the action that has or will be taken to address compliance issues and the time scale for this.

P3.2.5.2 A facility or group that has been previously accepted into an AGW program may be allowed to continue to use the seal or logo while action is taken to rectify any non-compliances. The action taken will be assessed at the next audit or sooner if necessary.

P3.2.5.3 Any non-compliance that has not been addressed and is noted at two audits in a row (repeat non-compliance) will be upgraded to a critical non-compliance.

P3.2.6 Critical non-compliances

P3.2.6.1 Critical non-compliances may result from failure to meet specific key standards or following a repeat of previously noted non-compliances.

P3.2.6.2 If a critical non-compliance is noted at an application audit, the use of the seal or logo cannot be approved until corrective actions have been completed.

P3.2.6.3 If a critical non-compliance is noted at a review audit, the use of the seal or logo may be suspended from the date of issue of the compliance form. During the suspension period the facility can continue to use the applicable logo and seal on existing leaflets and labels and on their website, unless otherwise notified by the Approval Board. However, they cannot actively market their approval under the certification by entering into new advertising agreements, using new labels, producing new literature or issuing new press releases.

P3.2.6.4 In some cases the critical non-compliance issues may be so great that AGW decides not to offer the option of compliance forms and may decline to allow the facility to enter or remain in the program.

P3.2.6.5 If at re-audit a facility is found not to have corrected a critical non-compliance, and therefore to have broken their agreed compliance action plan, they may be suspended from the program. If a facility is found to have changed their management between audits in such a way as to bring themselves into critical non-compliance, and therefore to have broken their agreement with the program under section 3.1 of this document and also section 15 of the standards, they may also be liable for suspension.

P3.2.7 Response times

The response times required of the facility for the compliance form and other information as shown in this document are based on the facility contact being able to use electronic communication. If a facility needs to receive communication via mail, the program may choose to extend the deadlines for response to take into account mailing time.

P3.2.8 Dormant facilities

P3.2.8.1 If an applicant submits an application but does not respond to the Eligibility Coordinator or other program communications it will be marked dormant. The applicant will be sent a letter via mail to inform them that the program will no longer attempt to contact them. If the applicant subsequently contacts the program, they may be put back into the eligibility review and audit allocation cycle or be required to submit a new application depending on how much time has passed since the submission of the original application. Application fees may apply.

P3.2.8.2 If a facility that has been audited for the first time does not respond to program communications regarding compliance issues, derogations, or any other issues it will be marked dormant. The facility will be sent a letter via mail to inform them that the program will no longer attempt to contact them. If the facility subsequently contacts the program they may be placed back into the compliance and approval cycle or they may be required to undergo a new audit depending on how much time has passed since the original audit. Audit fees may apply.

P3.2.9 Changes in circumstance

Substantial change(s) in location may require a new application to be submitted. The new application will be reviewed with the history of the previous operation in mind.

P3.2.9.1 In the case of change of ownership or control of an approved facility a new application must be submitted.

P3.2.9.2 Change of ownership or control of a new facility could occur due to sale of a facility, death or serious illness or injury of the approved facility owner, or inheritance (with or without death of the previous approved facility).

P3.2.9.3 If there is an intent to remain certified, the new facility owner has 10 weeks to submit a new application. AGW would then move forward with normal audit protocol and issue a new certificate in the name of the new owner once the application is submitted. The facility/ may continue to trade under the old certificate until the new certificate is issued. If there are any outstanding compliance or other issues from the previously approved facility, AGW will discuss them with the new owner. Applicable standards must continue to be maintained during the handover period in order for certification to be maintained. Application and audit fees may apply.

P3.2.10 Refusal of entry to the program

AGW reserves the right to refuse entry to, or to remove a facility from the program, at any time and for any reason. At such a time AGW retains the right to inform any producer member or processor about any suspension or removal from the program. If a facility is refused entry or removed from the program,

they will be told the reason for this decision. Facilities may be refused entry for any reason including, but not limited to:

P3.2.10.1 a history of animal abuse;

P3.2.10.2 a history of dishonesty with regard to the program or similar programs;

P3.2.10.3 if the facility demonstrates or has demonstrated a lack of compatibility with the program;

P3.2.10.4 if the facility is found during the eligibility screening to be non-compliant with the standards and/or is unwilling to come into compliance with the standards;

P3.2.10.5 if the facility's missions or operations are not compatible with program;

P3.2.10.6 if a facility member contact threatens an AGW staff member in any way;

P3.2.10.7 Conviction of violating environmental policy or law;

P3.2.10.8 AGW maintains a policy of non-discrimination and does not refuse entry based on other factors.

P3.2.11 Following audit and acceptance of the actions detailed on the compliance form, the facility or group may supply its product with the applicable seal or logo. However, before any output or product can be supplied or marketed with the seal or logo the slaughter facilities must be reviewed and approved where applicable.

P3.2.12 For the safety of everyone, AGW will discontinue audits or visits in cases where the auditor feels uncomfortable by the presence of a weapon.

P3.2.13 Spot Audits

All areas of the supply chain from production to retail may be subject to spot audit visits. *(See Spot Audit Policy)*

P3.3 Approval

AGW will grant the use of the applicable seal and logo to the applicant following a review of submitted documentation; a review of the proposed design of the seal or logo for use in trade; and a satisfactory audit and slaughter facility review (where applicable).

P3.3.1 The approval to use the seal and logo is granted from the date given in the formal notification from AGW, until such time as the license is revoked in writing or 18 months has passed, whichever is the shorter period of time. The approval must be renewed to continue use of the seal or logo.

P3.3.2 The seal and logo can only be displayed on a product that is approved by the program and is compliant with all state and federal regulations.

P3.3.3 The approved facility or group can only use the seal and logo on products derived from the animals or crops that originate from an audited facility that has been audited for the species, crop, ingredient or product subject to the claim and after a subsequent review of the slaughter plant (where applicable).

P3.3.4 The approval can be revoked at any time. The approved facility or group is responsible for ensuring continued compliance with the published standards. The published standards will be those on the AGW website and it is the facility's responsibility to ensure that they keep up to date with these.

P3.3.5 AGW's seals/logos and certification logos are the property of AGW or its agents. A fee may be charged for use of the seals/logos.

P3.4 Derogations

P3.4.1 Derogation is permission for a facility to carry out a practice or use a substance that is not allowed within the standards. Derogation will only be granted in exceptional cases.

P3.4.2 In order for a derogation to be granted, a derogation request form must be submitted stating the deviation from the published standard, the reason for this deviation, the length of time this deviation from standards will occur, and the welfare outcome should the derogation be granted. A derogation request form may be requested from AGW.

P3.4.3 A derogation request that is successful will receive the derogation in writing.

P3.5 Appeals

P3.5.1 If the applicant or facility owner or group disagrees with the result of an audit or Approval Board's decisions, they can submit an appeal to the Appeals Board, which will be formed to hear the appeal.

The appeal will be restricted to an interpretation of the standards or the process and not the material standard. By joining the program, the applicant agreed that the published standards were acceptable – see 3.1 – so an appeal cannot be launched on the basis of disagreement with a particular standard.

P3.5.2 Composition of the Appeals Board

P3.5.2.1 A representative not involved in the initial decision or any of the related certification activities.

P3.5.2.2 A recognized expert in the production system being considered not involved in the initial decision or any of the related certification activities.

P3.5.2.3 A third member not involved in the initial decision or any of the related certification activities will be nominated to cover in case of a reclusion or a split decision.

P3.5.2.4 Members of the Appeals Board must not review an appeal for a facility for which the member has been employed or provided consultancy in the previous two years.

3.5.3 The Appeals Process

3.5.3.1 The facility or group submits an Appeal Form to AGW. The Appeal Form may be requested from AGW. The Program Coordinator formally acknowledges receipt of the appeal.

3.5.3.2 The appeal must be arranged within 30 days of receipt of the Appeals Form unless agreed by all parties.

3.5.3.3 The appeal may be conducted in person, in written form or by telephone.

3.5.3.4 The appellant may provide witnesses or experts or submit reports or other evidence from witnesses or experts to make representations or appear in person—all at their own cost.

3.5.3.5 In all matters, the Board's decision will be final and the facility will have no further right of appeal.

P3.6 Cooperatives/Producer Groups

P3.6.1 Definitions

P3.6.1.1 A cooperative is a group of applicants or certified facilities who work together and market all their produce under one name or brand, mutually benefiting from the profits.

P3.6.1.2 A producer group is a group of applicants or certified facilities who work together but market some of their produce independently of other facilities in the group.

P3.6.2 Responsibilities

P3.6.2.1 In a cooperative, an individual must be appointed to liaise with AGW to ensure compliance with standards and facilitate communications as well as operate a program to ensure the integrity of the applicable logo.

P3.6.2.2 In a producer group, each facility will be responsible for the liaison and communication as well as the integrity of the supply chain. An individual can be appointed at the discretion of the group.

P3.6.3 If the action or inaction of the named individual responsible for communication with AGW from a cooperative or a producer group causes that cooperative or producer group to fall out of compliance AGW may take action as follows:

P3.6.3.1 Suspend or terminate the group or cooperative.

P3.6.3.2 Suspend or terminate the individual facility/s within the group or cooperative.

P3.6.3.3 Appoint a new "named individual".

The action taken will depend on the action or inaction of the named individual and degree of severity of the non-compliance. The recommendation to suspend or terminate will be proposed by the Director of Compliance or their delegated authority. The decision to suspend or terminate will be taken by the Executive Director or their delegated authority or the Approval Board and will depend on the severity of the issue.

P3.6.4 Application process

P3.6.4.1 In a cooperative it is only necessary for one person to fill out the application with details of the entire group.

P3.6.4.2 In a producer group, each facility owner will be responsible for applying to the applicable program.

P3.6.4.3 Application fees will apply.

P3.6.5 Audit arrangements

P3.6.5.1 In a cooperative, the Eligibility Coordinator will allocate the audit and the auditor will liaise with the appointed person to schedule audits and visits. The audit will be carried out by an AGW auditor who will also audit the group record kept by the “Appointed Person” to ensure traceability is maintained.

P3.6.5.2 In a producer group, each individual facility will liaise with the auditor for the audit visit. An individual can be appointed at the discretion of the group. The audit of each individual facility will be carried out by an AGW auditor.

P3.6.5.3 Audit fees will apply.

P3.6.6 Audit outcomes and decisions

P3.6.6.1 In a cooperative, the auditor will give the facility and the appointed person the result of the audit.

P3.6.6.2 In a producer group, the auditor will give the facility the result of the audit. If a producer group’s members agree in writing, their audits can be shared with an appointed person or board designated by the group.

P3.6.7 Non-compliances

P3.6.7.1 In a cooperative, the appointed person and AGW as required, will work with the facilities to complete the corrective actions.

P3.6.7.2 In a producer group, the individual facility/s will work with AGW or an agreed appointed representative to complete corrective actions.

P3.6.8 Critical non-compliances

P3.6.8.1 If a facility within a cooperative or a producer group is issued a critical non-compliance, the cooperative or producer group may continue to use the applicable seal or logo, if this has been previously approved. AGW may require that products from the facility with the critical non-compliance is excluded from the group’s supply chain, marketing or sales.

In a cooperative, the appointed person will be informed.

In a producer group where an agreement to share exists, the group’s appointed representative will be informed.

P3.6.9 Corrective actions process

p3.6.9.1 In a cooperative, any suspended facility must be excluded from the cooperative’s branded supply or the entire cooperative will lose this status. The suspended facility must submit a Corrective Action Plan or leave the program.

P3.6.9.2 In a producer group, the individual facility with critical non-compliances must submit a Corrective Action Plan. An appointed representative may also support the individual facility owner.

P3.6.10 Records and documentation

P3.6.10.1 In a cooperative, the appointed person will keep records adequate to allow an AGW auditor to trace the source of all meat and other products being sold under the applicable label/seal/logo. This is in addition to the facility's normal records.

P3.6.10.2 In a producer group each individual facility will keep the records required by the standards. The marketing consolidation group must keep records as required in 3.6.10.1.

P4 Suspension/Termination

P4.1 Circumstances

A facility may be suspended or terminated from the program in instances that may include the following:

P4.1.1 the documents, application or any information supplied to or audited are found to be inaccurate, incomplete or otherwise misleading.

P4.1.2 as a result of any act or omission, the facility fails to comply with the applicable standards.

P4.1.3 the facility refuses to allow an audit.

P4.1.4 the facility is absent on the agreed day of audit or cancels an audit without reasonable cause within seven days or once the auditor has already traveled to the area—whichever is longer.

P4.1.5 unauthorized change of slaughter facility to one that has not passed review.

P4.1.6 the facility brings or may bring the program into disrepute.

P4.1.7 the facility fails to demonstrate competence in management.

P4.1.8 failure to respond to communication and/or requests for information.

P.4.1.9 if a facility member threatens an AGW staff member in any way.

P4.1.10 if a facility's test results exceed acceptable established thresholds.

P4.1.10.1 results exceeding AGW's established thresholds may results in suspension of the facility, even if testing is ongoing

P4.1.11 successful prosecution of the facility owner(s) relating to an animal welfare, environmental or fraudulent marketing offense.

P4.2 Removal of species

P4.2.1 If a facility removes a species or scope from certification, either voluntarily or involuntarily, but is still approved or seeks approval for other species or scope, the Approval Board reviews the certification status across the whole facility and all species or scopes.

P4.2.2 The Approval Board reserves the right to terminate the facility from the program entirely. The recommendation to suspend or terminate will be proposed by the Director of Compliance or their delegated authority. The decision to suspend or terminate will be taken by the Executive Director or their delegated authority or the Approval Board and will depend on the severity of the issue.

P4.3 Suspension

P4.3.1 In the event a facility is suspended from the program the facility will be informed and provided the reasons for it by telephone or email, followed up by written notification. The facility will be given one month to respond with a Corrective Action Plan (CAP). The decision to suspend or terminate will be taken by the Executive Director or their delegated authority or the Approval Board and will depend on the severity of the issue.

P4.3.2 During the suspension period the facility can continue to use the applicable logo and seal on existing leaflets and labels and on their website, unless otherwise notified by the Approval Board. However, they cannot actively market their approval under the AWA program by entering into new advertising agreements, using new labels, producing new literature or new press releases.

P4.3.3 If no response is received within one month, the termination process will be instigated.

(See Facility is Suspended Flow Chart)

P4.4 Termination

P4.4.1 In the event a facility is terminated from the program, the facility will be informed of the termination and the reasons for it by telephone or email, followed up by written notification.

P4.4.2 From the date of notification the facility must cease to use the applicable logo and seal on any and all products and marketing information. This includes but is not restricted to product labels, leaflets, banners, press releases and websites. From the date of notification, the facility's AGW certificate is nullified and invalid.

P4.4.3 Product that has already been packed and labeled with the applicable seal/logo may still be sold provided the seal or logo is removed, covered or otherwise obscured.

P4.4.4 On suspension or termination of approval AGW may inform parties who may have an interest in the termination and the reasons for it. These parties may include competent authorities, other certification bodies, statutory bodies and others.

P4.4.5 Following notification of termination a facility must wait for a minimum of six months before reapplying to the program. Application fees may apply.

P4.4.6 The facility may appeal the decision.

P4.4.7 During the period of appeal all terms of termination noted above—including an end to the use of the applicable seal/logo—must be met.

P4.4.8 A termination may be rescinded when information subsequently comes to light that might otherwise have stopped the facility from being terminated.

P4.5 Administrative Termination

P4.5.1 Administrative termination can be applied to facilities and slaughter plants. A facility or slaughter plant may be terminated from the program under administrative termination in instances that may include the following:

> P4.5.1.1 A previously approved business moves site and cannot get the new site ready for audit or review within a reasonable time.

P4.5.1.2 Major changes occur at an approved business such as acquisition of new land, buildings or other facilities which cannot be prepared for audit or review within a reasonable time.

P4.5.2 Administrative termination cannot be requested by a facility or plant which cannot or will not come into compliance with standards. The recommendation for administrative termination will be proposed by the Director of Compliance or their delegated authority. The decision to terminate will be taken by the Executive Director or their delegated authority or the Approval Board.

P4.5.3 A facility or slaughter plant that has been subject to administrative termination is exempt from the requirement of clause that six months must elapse before reapplication to the AWA program. Administrative termination holds no negative connotation for the business concerned. Application fees may be waived following an administrative termination.

P5 Use of Logo/Seal

P5.1 Use of Logo and Seal

P5.1.1 Any seal or logo use must be compliant with local or national regulations.

P5.1.2 Once a facility has been certified it may use the appropriate logo or seal and any other promotional material available, until such time the facility is informed in writing of its removal or termination from the program. The facility must refer to certification consistent with the scope of certification. The certification and/or seal/logo may not be used in reference to species that are not certified by the program.

P5.1.3 Facilities must not use species or product certifications in such a manner as to bring AGW into disrepute and must not make any statement regarding species or product certification that may be misleading or unauthorized. In making reference to species or product certification in communication media, such as documents, brochures, websites or advertising, facilities must comply with the aforementioned requirements.

P5.1.4 Continuing to use a logo or seal after receipt of a written instruction that the facility has been terminated from the program may result in legal action being taken.

P5.1.5 Use of the seal or logo relating to products that cannot be certified by AGW, but may be associated with production (for example hand-held stunners for poultry slaughter), will be considered on a case-by-case basis. In approved cases, where the seal or logo is used to promote such products, the seal or logo must be accompanied by the text “Use of this product is compliant with the [AGW program] when used in accordance with the [program] standards.” *(See Use of AGW Logos on Agricultural Products)*

P5.1.6 Applicants who are certified by AGW are responsible for submitting their label claim to the appropriate authority before marketing or supplying products using the applicable seal or logo.

P5.2 Control of Approval

To ensure the integrity of the program, AGW controls the use, size, color, and design of its brands. In order to protect the product of the approved system (our seals/logos) and the value they have for facilities and other businesses, we monitor the use of seals/logos and certification status.

P5.2.1 The program will allow facilities, producers, cooperatives, and restaurants to use the applicable logo and seal on products that have come from animals or crops raised on an approved single facility or a network of facilities.

P5.2.2 If certified animals or products cross country borders the labeling on the end product must clearly state the following:

P5.2.2.1The country of birth;
P5.2.2.2 The country where the animal spent the majority of its life;
P5.2.2.3 The country where the animal was slaughtered;
P5.2.2.4 The country where the meat and other livestock products were cut/further processed; and
P5.2.2.5 The country where the produce or other goods from the facility were produced.

See also: *(Use of the AGW Seals in Commerce, Use of AGW Seals on Textiles, Use of AGW Seals on Those Not Directly Accredited and Dual Production and Sale of Product)*

P5.3 Appearance of Logo/Seal

P5.3.1 The logo/seal must be reproduced from original artwork. Please contact AGW for a copy of the appropriate logo(s)/seal(s). The logo/seal must be:

- complete and upright
- in proportion to the product description
- clearly visible
- clear and legible over the whole of a background, for example if used over a photograph.

P5.3.2 The logo/seal should be:

- on the main face of the label or packaging.

P5.3.3 The logo/seal must not appear:

- against a background that affects its legibility
- incomplete
- at an angle
- in different colors (without prior written consent)
- with a different font or typeface.

P5.4 Use of the Logo/Seal by Distributors and Further Processors

Distributors and processors are a vital part of the supply chain to ensure that products certified to an AGW program reach their customers, whether this is via retail stores, restaurants, direct to customer or other outlets.

AGW's Standards for Distributors and Processors apply to facilities that process AGW-certified products. To ensure the identity and traceability of AGW products is maintained, distributors and processors must meet the applicable standards. While certification is optional for distributors unless they are the entity affixing label on product, further processors must be certified in order to use AGW seals.

See Chapter Nine below.

P5.5 Reproduction of the Certificate

P5.5.1 The AGW certificate must be reproduced in its entirety without alteration.

P5.5.2 Certificates will be issued for a period of 18 months.

P5.5.3 A valid certificate will be signed by the Executive Director or the Director of Operations.

P5.5.4 If a corrective action process goes beyond the certificate expiration date, the approval board reserves right to confirm validity of the certificate and extend the date as needed.

P5.6 Equivalency

P5.6.1 If a facility is using the certification or services to gain equivalency for another certification, AGW retains the right to charge an administrative fee.

P6 Processes or Production Claims

P6.1 Transport and Storage of finished products

P6.1.1 An AGW auditor may arrange to inspect processing, transport and storage of any products claiming to be certified by AGW for any of the certifications.

P6.1.2 Identification

Records must be kept ensuring that traceability from certified facility to final point of sale can be demonstrated.

All finished items being marketed under one of AGW's logos/seals must be clearly identified:

P6.1.2.1 On finished product by the applicable logo or seal.

P6.1.2.2 On the wrapper or box containing finished product a clear denomination of the products status must be clearly and indelibly marked.

P6.1.3 Records

The facility will be responsible until the point of change of ownership for keeping records that would allow a competent auditor to trace the finished products.

P6.1.4 Audit arrangements

As required, the facility must facilitate access to records and facilities that transport and store finished product.

P6.2 In-store handling and storage

P6.2.1 An AGW auditor may arrange to inspect storage and in-store handling of products.

P6.2.2 Where available, the facility or cooperative must have records to show the auditor the source and status of the products.

P6.2.3 As the program is a production claim, the store must be able to satisfy a USDA inspector as to its source.

P7 Promotion

P7.1 Press Contact

All press inquiries should be referred to the Communications Coordinator, Director of Communications and Outreach or Executive Director at the following address:

A Greener World
PO Box 115
Terrebonne, OR 97760

or by email at mediarelations@agreenerworld.org.

Note: Where approved, regional contact information should be listed.

p7.2 Conferences

From time to time representatives may be asked by AGW to attend a conference to promote the program. AGW will cover reasonable expenses.

P7.3 On Facility/ Tours and Visits

AGW may ask facilities to show or demonstrate the practices they use to other facilities or the press and media.

P7.4 Information

AGW will not use information about a specific identifiable facility or group, or management practices relating to that identifiable facility or group without the prior permission of that facility or group. Examples could be information provided as case studies for other facilities, or media briefings.

P7.5 Policy for Promoting Business or Individuals at Events AGW is Attending or Organizing

P7.5.1 Statement of intent: This policy affects all certified facilities.

P7.5.2 In order to make best use of resources AGW will assess potential businesses or individuals that could be supported/promoted at events and will work with whichever is the best fit for the event.

P7.5.3 In order to make the assessment AGW will use the following criteria.

- Is the business or individual in good standing with AGW?
- Is the business or individual capable of supplying the potential buyers/markets at the event?
- Is the business or individual local to the event/local to the demand that is likely to arise from the event
- Has AGW promoted the same business or individual before—is AGW over-promoting a particular business or individual?
- What is the impact on AGW? (Is this the best use of AGW's resources?)

P7.5.4 If the event is intended to promote supply the following criteria will be applied.

- Is the business or individual ready to enter retail? (Are the relevant labeling, licensing and processing systems in place to meet the event audience needs and is the business or individual able to supply sufficient product quantity for the potential customers?)
- Are there systems in place to monitor quality at the potential volume?

- If the potential for market growth is a factor, is there an ability to meet rising demand? (Scalable supply chain)

P8 Complaints

AGW takes complaints seriously. In the unlikely event that an unresolved concern does arise, the program has ensured that a process is in place to resolve it. (See *AGW Complaints Procedure)*

P8.1 First Recourse

In the first instance all complaints should be referred to the Executive Director.

P8.2 Appeal and Adjudication

If the complaint is not resolved by the Executive Director, the matter can be referred to the Approval Board for determination and the subsequent appeals procedure can be implemented. No person must review a complaint for a facility for which the person has been employed or provided consultancy in the previous two years.

P8.3 Complaints and Appeals from the Facility

Complaints related to the result of an audit must be referred to the appeals process. (Refer to section on appeals.)

P8.4 Complaints Against the Facility

Most complaints or concerns about facilities and practices come from misunderstandings. Communication with customers, the local community and others are the key to avoiding such situations. To help AGW to help facilities we strongly recommend that we are contacted about any complaints received.

P8.4.1 AGW must be informed of any complaints against the facility relating to animal welfare traceability and/or the applicable certification.

P8.4.2 A complaints record relating to complaints about AGW products or management must be maintained and be available at annual inspection.

P8.5 Legal Action against the Approved Facility

P8.5.1 AGW must be informed immediately of any legal action that is taken against the approved facility/facility owner relating to animal welfare or environmental damage.

P8.5.2 AGW program must be informed immediately if the facility or any facility employees are or have ever been knowingly convicted of offences relating to animal cruelty.

P8.5.3 The facility's approval may be suspended pending investigation if animal cruelty allegations or charges are bought against anyone working at the approved facility.

P8.5.4 AGW must be informed immediately of any state or federal activities that may affect the integrity of the logo/seal.

P8.6 Informing AGW of Relevant Legal Action

P8.6.1 If AGW discovers or is informed by a third party that the approved facility or facility owner is or has been the subject of legal action relating to animal welfare, environmental damage or potentially fraudulent activities the following actions will be undertaken:

P8.6.1.1 All relevant information will be presented to the Director of Compliance for review and assessment.

P8.6.1.2 Once the case has been assessed, the Director of Compliance will present the facts at Approval Board with a recommendation of further action.

P8.6.1.3 Actions following review may include: a record on the facility's file with no further action; a letter to the facility/ requiring them to report any further legal actions against them; suspension of the facility/ from the program and termination of the facility from the program depending on the severity of the problem.

P8.6.1.4 The Approval Board will decide the final action.

P8.7 Response to complainants

P8.7.1 The complainant will be informed of the results of their complaint whenever possible. The response will be one of the following options:

P8.7.1.1 AGW has reviewed the complaint and found it to have no merit.

P8.7.1.2 AGW has reviewed the complaint and found it unproven but will continue to monitor the situation.

P8.7.1.3 AGW has reviewed the compliant and found that it has merit. The facility in question has been placed into special measures to resolve the issue.

P8.7.1.4 AGW has reviewed the complaint and found that it has merit. The facility in question has been terminated from the program.

P8.7.2 Due to AGW's confidentiality protocols it is not possible to share the specifics of a complaint investigation with the complainant unless the investigated facility agrees that information can be shared.

P9 Internal Policies

P9.1 Internal audits

AGW carries out annual internal audits. An annual plan will be reviewed in order to ensure that during a three-year cycle, audits of every policy and procedure are carried out and delivery of the same is reviewed. The Executive Director will be responsible for preparing the annual plan and ensuring delivery.

(See AGW Internal Audit Policy and AGW Corrective and Preventative Action Procedure)

P9.2 Management Reviews

The purpose of a Management Review is to ensure the continuing stability, adequacy and effectiveness of AGW's quality management system. This means that once per year goals are evaluated against performance, results of Internal Audits are considered, any complaints against AGW's services are investigated and the general state of organizational affairs are evaluated.

(See AGW Management Review Procedure)

P9.3 Document and Record control

P9.3.1 In making sure that all team members know what is expected of them and in order to ensure that everyone always has access to the latest, properly approved version of a document, there is a procedure that defines the processes, requirements and responsibilities for document control.

(See AGW Version Control Policy)

P9.3.2 “Records” relate to information gathered and generated during the course of the approval process relating to a specific facility or other business. Records are retained for a minimum of three years from the last activity on file. Digital copies of audits, confidential files, and correspondence are stored on a secure server accessed by authorized compliance personnel only. The Program Coordinator manages and maintains records and releases information as appropriate.

Chapter Three: Certified Animal Welfare Approved by AGW (AWA) Program Document

Certified Animal Welfare Approved by AGW is a trademarked program of A Greener World. Where approved, this chapter should be edited to reflect the regional program.

AWA1.0 Legal Status

Certified Animal Welfare Approved by AGW (AWA) is a program of A Greener World. As such, the AGW policies referenced herein are also applicable to AWA. This program document should be read in conjunction with the AGW Policy Manual.

AWA2.0 Statement of intent

It is the intent of the AWA program to improve farm animal welfare by confirming by audit compliance with the published AWA standards; by promoting independent farmers who adhere to the highest welfare standards; and to make the seal available to as many qualifying entities (farmers and producers, cooperatives, retailers and restaurateurs as possible). The goal is to reach as many consumers as possible with products from farms that raise their animals according to the highest welfare standard practices in existence for food animals.

This program does not cover food safety, food handling or farm safety.

Requirements of certification.

1. Completed application;
2. Payment of any fees due;
3. Audit of all required facilities;
4. Compliance with any corrective actions identified;
5. Successful review of slaughter facility or use of already approved facility;
6. Current certificate;
7. Completion of subsequent reviews and audits to demonstrate continued compliance with the published standards.

Program participation must be renewed annually.

AWA3.0 Program attributes

- United States Department of Agriculture (USDA) approved.
- The only pasture- and range-based program.
- Food Safety and Inspection Service (FSIS) and USDA labeling support provided by AGW staff.

AGW also offers the points below through their dedicated marketing and outreach team:

- Marketing support.
- Technical support.
- Loan of poultry stunning equipment. (See *Stunner Loan Policy*)

AWA4.0 Terms and definitions

The terms and conditions set out here must be met as well as the broader terms and conditions of AGW's policy.

See Standards and Program Definitions on the website

AWA5.0 Fees

AWA5.1 See the AWA fee schedule on AGW's website

AWA5.2 AGW reserves the right to require a facility to contribute to the cost of staff members' time and travel under the following circumstances:

AWA5.2.1 Where re-audit is required to verify that any compliance issues have been rectified before approval to use or continue to use the seal or logo is granted.

AWA5.2.2 Where a visit or audit has to be rearranged due to the farmer being absent or unavailable when the auditor arrives at the previously agreed time and date; or when the farmer cancels a visit or audit at short notice without good reason.

AWA6.0 Animal Husbandry Categories

AWA6.1 The animal husbandry category is comprised of the following sub-categories:

AWA6.1.1Bison

AWA6.1.2 Cattle – Dairy

AWA6.1.3 Cattle – Beef

AWA6.1.4 Chicken – Egg Laying and Meat

AWA6.1.5 Ducks – Egg Laying and Meat

AWA6.1.6 Goats – Dairy

AWA6.1.7 Goats – Meat

AWA6.1.8 Geese – Egg Laying and Meat

AWA6.1.9 Pigs

AWA6.1.10 Sheep – Meat

AWA6.1.11 Sheep – Dairy

AWA6.1.12 Turkeys – Egg Laying and Meat

AWA6.1.13 Deer (Not available in the U.S.)

AWA7.0 Slaughter plants and on-farm slaughter policies

AWA7.1 Application

In order for a farmer to supply meat with the AWA seal or logo, the accredited animals must be slaughtered in a facility that has passed review, whether this is a slaughter plant or on-farm. It is the

farmer's responsibility to identify the plant they wish to use, discuss the AWA program with the plant, and support the Slaughter Facility Specialist (SFS) to gain access to visit. Slaughter plants are not required to submit a formal application. For non-meat production, a chain of custody must be visible from collection to sale.

AWA7.2 Withdrawal

At any time the slaughter plant can withdraw from the process for whatever reason by giving notice to AGW.

AWA7.3 Review arrangements

The Slaughter Facility Specialist (SFS) will arrange with the slaughter facility a mutually acceptable time to visit. For on-farm slaughter or slaughter facilities where slaughter is not regular through the year, the farmer must give the SFS at least one month's notice of planned slaughter. To ensure the attendance of a SFS and to expedite the review process, it is recommended that farmers provide three months' notice of planned slaughter.

AWA7.4 Slaughter Facility Specialist's concerns

If the SFS has any concerns about the suitability of a plant or on-farm slaughter facility to be part of the AWA program, they will provide a written record of the concerns recorded in the facility report to the facility's management as well as a copy to AGW

AWA7.5 Recommendation

The SFS submits the review to AGW. The program staff reviews it. The Lead Technical Advisor makes a recommendation. The Director of Compliance acting on behalf of Approval Board can either accept the recommendation or deny it.

AWA7.6 Review outcomes and decisions

The Program Coordinator will arrange for the applicant or certified facility to be informed of the outcome of the slaughter facility review for initial applications. However, final confirmation of the review lies with the Approval Board. The Approval Board can delegate review to a competent entity.

AWA7.7 Use of Seal/Logo

AWA7.7.1 For information on use of the AWA seal or logo for slaughter facilities that have passed review, see "Information for Slaughter Plants on Use of AWA Seal." *(See Information for Slaughter Facilities on Use of AWA Seal)*

AWA7.7.2 Subject to prior approval, animals slaughtered under the supervision of a qualified staff member may be eligible to carry the AWA seal/logo even if the facility or on-farm facility has yet to pass a review.

AWA7.8 Risk Assessment

Slaughter facilities will be assigned a Risk Assessment based on the Slaughter Review Risk Assessment procedure. *(See Slaughter Review Risk Assessment)*

AWA7.9 Suspension/termination of slaughter facilities

AWA7.9.1 As part of the farm approval process, the slaughter facility must be reviewed for suitability. If a facility passes a review it is considered suitable for use for slaughter of AWA animals.

AWA7.9.2 A slaughter facility may be considered to be unsuitable for slaughter of AWA animals and may be suspended or terminated from the program in the following instances:

AWA7.9.2.1 the documents, application or any information supplied to or reviewed by AWA are found to be inaccurate, incomplete or otherwise misleading;

AWA7.9.2.2 as a result of any act or omission, the facility fails to comply with the AWA standards;

AWA7.9.2.3 the facility refuses to allow a review by AWA.

AWA7.9.3 The recommendation to suspend or terminate will be proposed by the Director of Compliance or their delegated authority. The decision to suspend or terminate will be taken by the Executive Director or their delegated authority or the Approval Board and will depend on the severity of the issue.

AWA7.9.4 On suspension or termination of approval, AGW may inform parties who may have an interest in the termination and the reasons for it. These parties may include farmers using or seeking to use the facility, competent authorities, other certification bodies, statutory bodies, the press and others.

AWA7.9.5 When a facility is suspended, AGW will contact all approved farmers using the facility to inform them of the situation and to assist with finding another suitable facility.

AWA7.9.6 If a facility is suspended a farmer may still have their animals slaughtered at the facility without their own approval being affected; however after the date of suspension they may not market any meat products from animals slaughtered at that facility under the AWA seal/logo. Marketing of meat products under the AWA seal or logo may only recommence once the facility suspension is revoked or a new facility suitable for AWA livestock is identified and used.

AWA7.9.7 If a facility is terminated, the farmer will be advised by AGW on a case by case basis. In certain circumstances and for a limited period, the Approval Board may permit a farmer to directly oversee slaughter in a terminated facility to enable them to continue to market product while another suitable slaughter facility is found.

AWA7.10 Suspension

AWA7.10.1 In the event a facility is or suspended from the program the owner or manager will be informed of the suspension and the reasons for it by telephone or email, followed up by written notification. The facility owner or manager will be given one month to respond dated from the initial time of contact.

AWA7.10.2 During that period the facility can continue to slaughter AWA animals from existing farm sources. However, they cannot actively market their suitability for the AWA program by entering into new agreements with new AWA farms.

AWA7.10.3 If no response is received within a month, the termination process will be instigated.

AWA7.11 Termination

AWA7.11.1 In the event a facility is terminated from the program the owner or manager will be informed of the suspension and the reasons for it by telephone or email, followed up by written notification.

AWA7.11.2 From the date of being informed, the facility must cease to slaughter AWA animals and must not use the AWA logo and seal on any and all products and marketing information. This includes but is not restricted to product labels, leaflets, banners, press releases and websites.

From the date of being informed, the facility will not be approved to slaughter animals that are intended to carry the AWA seal or logo. The facility will not be approved to affix and AWA logo/seal/claim to any product under USDA inspection or not.

AWA7.11.3 Following notification of termination a facility must wait for a minimum of six months before requesting review for suitability for the program unless significant operational changes have taken place since the termination.

AWA7.11.4 Significant operational changes include but are not restricted to; change of ownership or management, appointment of specially qualified staff, rebuilding or redesign. AGW will assess whether such changes merit an earlier review for suitability on a case by case basis.

AWA7.11.5 The facility may appeal the decision – see section 1.18. During the period of appeal all terms of termination noted above—including an end to the slaughter of AWA animals and use of the AWA logo —must be met.

AWA7.11.6 A termination may be rescinded when information subsequently comes to light that might otherwise have stopped the slaughter plant from being terminated.

AWA7.12 Information for farmer using slaughter facilities

AWA7.12.1 On suspension or termination of approval AGW may communicate with parties who may have an interest in the suspension or termination and the reasons for it. These parties may include farmers using or seeking to use the facility, competent authorities, other certification bodies, statutory bodies and others affected.

AWA7.13 Slaughter facilities that are or have been suspended by the USDA

AWA7.13.1 The USDA publishes a quarterly report that details all facilities that have been suspended and the reasons. The reasons are categorized as follows:

- SPS – sanitation performance standards
- INH – inhumane treatment/slaughter
- INT – interference/assault
- HACCP – Hazard Analysis and Critical Control Points

The reports can be found at: https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/regulatory-enforcement/quarterly-enforcement-reports/QER-index

The relevant information is in Section 5 – Administrative Actions; tables 8, 9 and 10.

AWA7.13.2 Facilities put forward for AWA review

> AWA7.13.2.1When a new facility is put forward for AWA review the USDA Quarterly Enforcement Reports will be examined for any instances of suspension dating back not more than two years.

AWA7.13.2.2 All facilities will be put forward for initial review regardless of past suspensions. At the review the AGW Slaughter Facility Specialist (SFS) will request sight of the log book and full details of any suspension. Suspensions classified under INH—inhumane treatment—are the most critical for full details to be obtained.

AWA7.13.2.3 If the facility allows the SFS full access to the log book and any other information including remedial actions relating to past suspensions, there have been no suspensions for at least two years and the SPS review of the facility to AWA standards does not lead to any uncorrected non-compliances the SFS can make the recommendation as to whether the facility is suitable to slaughter AWA animals.

AWA7.13.2.4 If the facility allows the SFS full access to the log book and any other information including remedial actions relating to past suspensions but suspensions have occurred within the past two years and/or the SFS does not feel that remedial action was appropriate or effective the SFS will carry out the AWA review but the decision as to whether the facility is suitable to slaughter AWA animals must be made by the full Standards Board.

AWA7.13.2.5 If the facility does not or cannot allow the SFS full access to the log book and other relevant information relating to past suspensions the SFS will carry out the AWA review but the decision as to whether the facility is suitable to slaughter AWA animals must be made by the full Approval Board.

AWA7.13.3 Slaughter facilities that are already deemed suitable to slaughter AWA animals

AWA7.13.3.1 The list of slaughter facilities that have been reviewed and are suitable for use for slaughter of AWA animals will be checked against each new USDA Quarterly Enforcement Report.

AWA7.13.3.2 If an AWA facility has received a suspension for INH the plant will be placed under immediate review by an SFS.

AWA7.13.3.3 If an AWA facility has a repeat USDA suspension under INH for the same problem within a two-year period it will be immediately suspended. There will be no prior review.

See section “suspension and termination of slaughter facilities” for further information

AWA7.13.3.4 If an AWA facility has received a suspension for any reason aside from INH the suspension will be noted but no further action will be taken unless suspension occurs for the same reason at least three times in the period covered by three quarterly reports. Under these circumstances the plant will be placed under immediate review by the Lead SPS.

AWA7.13.4 Review

AWA7.13.4.1 A facility that is under review may continue to slaughter animals for AWA farmers. The Lead SFS will carry out an investigation as part of the review which may or may not include a visit to the plant by a designated SFS.

AWA7.13.4.2 If a facility fails to cooperate with the Lead SFS it will be immediately suspended.

AWA7.13.4.3 If the facility cooperates with the review the SFS will report to the full Approval Board.

AWA7.13.4.4 The Approval Board will decide whether to allow the facility to continue slaughter of AWA animals, be suspended or be terminated based on the following criteria:

- Whether the facility informed AGW of the suspension or was found to have been suspended following examination of the USDA Quarterly Enforcement Reports
- Whether the plant cooperated fully with the SFS and allowed access to all relevant documentation relating to the suspension
- Remedial action planned or taken
- Management of other operational changes that have taken place since the suspension
- Whether the review is for a repeat suspension for any reason within the last two years
- Other details covered by the SFS review and report

See section “suspension and termination of slaughter facilities” for further information.

AWA7.14 Showing, FFA and 4H

AWA7.14.1 If a farmer supplies an animal from an approved herd or flock for FFA or 4H activities the animal can only be sold under the applicable label/logo/seal, or returned to an approved herd or flock, if it is managed to the applicable standards throughout its life.

AWA7.14.2 If a farmer supplies an animal from an approved herd or flock for FFA or 4H activities and the animal is not managed to the applicable standards throughout its life—OR the family member of a farmer buys an animal for FFA or 4H activities—the owner of the animal and the farmer must be able to show separation between the management of the approved herd or flock and the FFA or 4H animal.

AWA7.14.3 The applicable seal or logo cannot be on any showing equipment or anything else association with an animal that is not managed to applicable standards.

Chapter Four: Certified Grassfed by AGW Program Document

Certified Grassfed by AGW is a trademarked program of A Greener World. Where approved, this chapter should be edited to reflect the regional program.

CG1.0 Legal Status

Certified Grassfed by AGW is a program of A Greener World. As such, the AGW policies referenced herein are also applicable to Certified Grassfed by AGW. This program document should be read in conjunction with the AGW Policy Manual and the AWA Program Document.

CG2.0 Statement of intent

With independent on-farm audits to ensure compliance with AGW's practical and achievable standards, Certified Grassfed by AGW provides grassfed businesses with the tools they need to clearly differentiate themselves in the marketplace. This is the one grassfed certification that farmers, retailers, and consumers can count on to meet their expectations.

CG3.0 Program attributes

Certified Grassfed by AGW is the only certification and logo in the U.S. and Canada that guarantees food products come from animals fed a 100 percent grass and forage diet, raised outdoors on pasture or range, and managed according to the highest welfare and environmental standards on an independent farm. While other grassfed certifications exist, none can match the breadth, integrity, and transparency that Certified Grassfed by AGW offers.

This program does not cover food safety, food handling or farm safety.

Requirements of certification:

1. Certified AWA by AGW;
2. Completed application;
3. Payment of any fees due;
4. Audit of all required facilities;
5. Compliance with any corrective actions identified;
6. Successful review of slaughter facility or use of already approved facility;
7. Current certificate;
8. Completion of subsequent reviews and audits to demonstrate continued compliance with the published standards.

Program participation must be renewed annually.

CG4.0 Terms and Definitions

The terms and conditions set out here must be met as well as the broader terms and conditions of AGW's policy.

See Standards and Program Definitions on the website

CG5.0 Fees

CG5.1 See the Certified Grassfed by AGW fee schedule on AGW's website

CG5.2 AGW reserves the right to require a facility to contribute to the cost of staff members' time and travel under the following circumstances:

CG5.2.1 Where re-audit is required to verify that any compliance issues have been rectified before approval to use or continue to use the seal or logo is granted.

CG5.2.2 Where a visit or audit has to be rearranged due to the facility owner being absent or unavailable when the auditor arrives at the previously agreed time and date; or when the facility cancels a visit or audit at short notice without good reason (see also suspension and termination section 3.4.1).

CG6.0 Audit and review categories

CG6.1 The Certified Grassfed by A Greener World (AGW) standards are an optional addition to the Certified Animal Welfare Approved by AGW (AWA) beef and dairy cattle, meat and dairy sheep, meat and dairy goat and bison standards. These standards do not stand alone and cannot be applied in isolation. In order for animals to be approved as Certified Grassfed by AGW they must also be approved under the AWA species specific standards.

CG6.1.1 Bison

CG6.1.2 Cattle – Beef

CG6.1.3 Cattle – Dairy*

CG6.1.4 Goats – Dairy

CG6.1.5 Goats – Meat

CG6.1.6 Sheep - Dairy

CG6.1.7 Sheep – Meat

CG1.1.8 Deer (Not available in the U.S.)

* Farms that wish to become Certified Grassfed by AGW for cow dairies must have had their animals certified by AWA for at least one audit cycle before being eligible to become Certified Grassfed by AGW.

Chapter Five: Certified Non-GMO by AGW Program Document

Certified Non-GMO by AGW is a trademarked program of A Greener World. Where approved, this chapter should be edited to reflect the regional program.

CNGMO1.0 Legal Status

Certified Non-GMO by AGW (CNGMO) is a program of A Greener World. As such, the AGW policies referenced herein are also applicable to Certified Non-GMO by AGW This program document should be read in conjunction with the AGW Policy Manual and the AWA Program Document (for livestock facilities).

CNGMO2.0 Statement of intent

Available to farmers, ranchers and food producers, the Certified Non-GMO by AGW logo guarantees food products are produced without genetically engineered/modified feed, supplements or ingredients, and that meat, dairy and eggs come from animals raised according the highest animal welfare standards in the industry, Certified Animal Welfare Approved (AWA) by A Greener World.

CNGMO3.0 Program attributes

Certified Non-GMO by AGW is the only certification in North America that helps consumers avoid genetically modified food ingredients and support high-welfare, environmentally sustainable food animal production.

This program does not cover food safety, food handling or farm safety.

Requirements of certification:

1. Certified AWA by AGW (for livestock producers only);
2. Completed application;
3. Payment of any fees due;
4. Audit of all required facilities;
5. Compliance with any corrective actions identified;
6. Current certificate;
7. Completion of subsequent reviews and audits to demonstrate continued compliance with the published standards.

Program participation must be renewed annually.

CNGMO4.0 Terms and Definitions

The terms and conditions set out here must be met as well as the broader terms and conditions of AGW's policy. CNGMO4.2 See Standards and Program Definitions on the website

CNGMO5.0 Fees

CNGMO5.1 See the CNGMO fee schedule on AGW's website

CNGMO5.2 Lab testing fees will also be charged where applicable. Testing needs will be determined by the risk assessment flow chart.

(See Certified Non-GMO by AGW Risk Assessment Flow Chart)

CNGMO5.3 AGW reserves the right to require a facility to contribute to the cost of staff members' time and travel under the following circumstances:

CNGMO5.3.1 Where re-audit is required to verify that any compliance issues have been rectified before approval to use or continue to use the seal or logo is granted.

CNGMO5.3.2 Where a visit or audit has to be rearranged due to the facility owner being absent or unavailable when the auditor arrives at the previously agreed time and date; or when the facility cancels a visit or audit at short notice without good reason.

CNGMO6.0 Audit and review categories

CNGMO6.1 The CNGMO standards are an optional addition to the individual AWA livestock standards. In order for animal products to be approved as CNGMO, the livestock they originate from must also be approved under the AWA species-specific standards.

CNGMO6.2 The CNGMO program may be applied in isolation as a stand-alone standard to non-livestock facilities, for example food or feed products.

CNGMO6.3 A livestock facility without AWA certification is not permitted to apply to the CNGMO program prior to AWA program application; however, applications may occur simultaneously.

CNGMO7.0 Subcontracts

CNGMO7.1 AGW utilizes external laboratories for Non-GMO testing validation.

CNGMO7.2 External Laboratory Requirements
AGW will subcontract genetic testing to third-party laboratories.

CNGMO7.3 Subcontracting to Non-Independent Bodies
AGW will not subcontract laboratory testing to non-independent bodies. AGW will maintain commitment to ensuring impartiality with third-party laboratories.

CNGMO7.4 Laboratory Contracts
Each third-party laboratory will have a legally binding contract with AGW.

CNGMO7.4.1 The contract will, at minimum, include provisions for conflict of interest and confidentiality.

CNGMO7.4.2 The contract will require a testing method that provides at least 90% confidence in quantifying genetically modified organisms to the threshold level. The threshold levels will be as follows: 1) seeds 0.1% 2) animal feeds 0.9% 3) animal supplements 0.9%.

CNGMO7.5 Subcontracting Responsibilities and Verification
AGW is responsible for all activities subcontracted to third-party laboratories.

CNGMO7.5.1 AGW will maintain records of each sample submitted and a chain of custody document for the associated sample. Chain of custody documents will be signed by the facility contact during the CNGMO audit.

CNGMO7.5.2 AGW requires each third-party to provide a record of their ISO/IEC 17025 accreditation.

CNGMO7.5.3 Laboratories will be reviewed and approved by the Director of Quality and Executive Director of AGW prior to entering contractual agreements. Laboratory qualifications will be reviewed for ISO/IEC 17025 accreditation, per ISO/IEC 17065 requirements. Certificates of accreditation must indicate the scope of testing is applicable to the samples being tested. Certificates of accreditation must be provided to AGW at minimum, annually.

CNGMO7.5.4 AGW will maintain a list of approved third-party laboratories.

CNGMO7.5.5 AGW will implement corrective action procedures for any breach of contract.

CNGMO7.5.6 AGW will notify the facility of the use of subcontracted laboratories prior to sample collection and testing.

CNGMO7.5.6.1 AGW will provide the facility with an opportunity to object to the selected subcontracted laboratory.

CNGMO8.0 Use of Seal/Logo

The Certified Non-GMO by AGW standards apply to the livestock that produce the meat, dairy and eggs that are certified, the crop species that are grown on and off-farm to feed them and the inputs used to produce both the crops and the animals. They also apply to processed food or feed products.

On August 19, 2016, FSIS issued Notice 54-16, which approves the use of “Non-GMO” labeling of meat, poultry and egg products verified to be produced without the use of bioengineered ingredients. Upon completion of the Certified Non-GMO by AGW approval process, successful applicants may choose to use the term “Non-GMO” or “Non-GE” under the Certified Non-GMO by AGW module on product labels (see Standard 17.8.1).

CNGMO9.0 Testing

CNGMO9.1 In the case of a cooperative or producer group where clear lines of traceability can be demonstrated, a spot testing protocol should be implemented.

CNGMO9.1.1 For fewer than 10 farms per producer group or cooperative, a minimum of 1 farm must be tested.
CNGMO9.1.2 For 10 to 20 farms per producer group or cooperative, a minimum of 2 farms must be tested.
CNGMO9.1.3 For 21 or more farms per producer group or cooperative, a minimum of 10% of the farms must be tested. (e.g. Groups of 34 farms will have 3 farms tested, groups of 35 farms will have 4 farms tested.)

CNGMO9.2 For processors who have implemented and have effective controls to prevent cross contamination, valid quarterly or lot testing results may be accepted in lieu of auditor collection of samples.

CNGMO9.3 AGW recognizes that samples collected for testing may be lost or damaged during transport. If samples are lost or damaged, the Executive Director may grant an allowance to bypass testing for the facility during the associated audit year.

CNGMO10.0 Risk

CNGMO10.1 CNGMO facilities will be assessed for risk prior to the time of the audit.

Chapter Six: Certified Organic by AGW Program Document

Coming Soon

Chapter Seven: Certified Regenerative by AGW Program Document

Certified Non-GMO by AGW is a trademarked program of A Greener World. Where approved, this chapter should be edited to reflect the regional program.

CR1.0 Legal Status

Certified Regenerative by AGW (CR) is a program of A Greener World. As such, the AGW policies referenced herein are also applicable to CR. This program document should be read in conjunction with the AGW Policy Manual.

CR2.0 Statement of Intent

It is the intent of the CR program to improve managed ecosystems by confirming by audit compliance with the published CR standards; by promoting independent farmers who adhere to the CR standards; and to make the certification available to as many qualifying entities (farmers and producers, cooperatives, retailers and restaurateurs) as possible. The goal is to certify as many holdings and as much landmass as possible, as well as to reach as many consumers as possible with products from holdings that are actively regenerating their ecosystems or maintaining equilibrium.

CR3.0 Program attributes

The CR seal/logo is a hard-earned badge of difference and demonstrates the steward's commitment to the environment under their stewardship and to their local communities. A key distinction of a CR holding is the use of agricultural practices aimed at increasing soil health to the best extent possible for that system and its location, while also managing the holding in order to mitigate the negative impacts of human and livestock disruption. This includes the positive management of: soil, water, air, cropping systems, livestock, biodiversity, wild harvested resources, and human/societal factors. In its essence, CR agriculture is concerned with the regeneration of soil, water and air quality and biodiversity. In achieving this regeneration, community and worker benefits will be achieved. Stewards of holdings in this program will also be distinguished by the development of a high-welfare and comprehensive approach towards the management of animals in their care as evidenced by physical audit and development of detailed plans and records of holding practices. The premise of the CR standards is that animals must be allowed to behave naturally and can play an important role in the nutrient cycling.

Stewards must agree to a minimum of one visit per year from CR staff or agents, with the possibility of additional visits if deemed necessary in order to confirm compliance with the standard during various seasons and to allow observation of plants and animals in different phases of life.

This program does not cover food safety or food handling.

Requirements of certification:

1. Completed application;
2. Payment of any fees due;
3. Completion and acceptance of a Regenerative Plan unique to that holding prepared in conjunction with a Qualified Expert;
4. Audit of all required facilities;
5. Compliance with any corrective actions identified;
6. Successful review of slaughter facility or use of already approved facility (when holdings involve animals);
7. Current certificate;
8. Completion of subsequent reviews and audits to demonstrate continued compliance with the published standards.

Program participation must be renewed annually.

A Regenerative Plan must be designed by the stewards of the holding and tailored to the specific holding site(s). Regenerative Plans must be approved by a qualified expert (which in some cases may be the steward). Compliance of the CR standard will be measured against the Regenerative Plan. Incremental and measurable improvement is expected and if equilibrium is reached within the soil, the steward is expected to maintain it over time. Compliance to the CR standard will also be measured against the criteria listed in the following standards. In the case of Certified Regenerative by AGW, in a producer group, each facility (holding) owner will be responsible for their own Regenerative Plan.

The CR program is voluntary. The standards do not supersede national government or state legislation.

CR4.0 Terms and definitions

Standards and Program Definitions are available by request.

CR5.0 Fees

CR5.1 The CR fee schedule is available by request.

CR5.2 Lab testing fees will also be charged where applicable. Testing needs will be determined by the risk assessment in the accepted regenerative plan.

CR5.3 AGW reserves the right to require a facility to contribute to the cost of staff members' time and travel under the following circumstances:

> CR5.3.1 Where re-audit is required to verify that any compliance issues have been rectified before approval to use or continue to use the seal or logo is granted.
>
> CR5.3.2 Where a visit or audit has to be rearranged due to the facility owner being absent or unavailable when the auditor arrives at the previously agreed time and date; or when the facility cancels a visit or audit at short notice without good reason (see also suspension and termination section 3.4.1).

CR6.0 Audit and review categories

CR6.1 The CR standards are stand-alone standards but within 1 year of the first certification date, holdings must be in compliance to AWA standards for at least one species, increasing it to all farm species present by 5 years past the date of first certification.

The following foundational standards and best practices, as detailed in the CR standards, must be met for certification:

CR6.1.1 Ownership and Operation

CR6.1.2 The Regenerative Plan

CR6.1.2.1 Review of the Regenerative Plan for Certified Regenerative by AGW

Whether an applicant is accepted for audit in the Certified Regenerative by AGW program, depends on the approval of their Regenerative Plan documentation which is submitted after the application process is complete.

CR6.1.2.2Review and acceptance of the submitted Regenerative Plan will be conducted by the Certified Regenerative Plan Board.

CR6.1.3 Soil

CR6.1.4 Water

CR6.1.5 Air

CR6.1.6 Livestock

CR6.1.7 Land Use and Cropping

CR6.1.8 Wild Harvesting

CR6.1.9 Biodiversity

CR6.1.10 Buildings

CR6.1.11 Human

CR6.1.12 Financial

CR7.0 Use of Seal/Logo

The CR by AGW standards apply to agricultural products produced on a holding. A holding may also be eligible for CR status if it generates no products for sale; for example: historical estates, parks,

educational institutions or conservation land.

CR8.0 Testing/Sampling

CR8.1 In the case of a cooperative or producer group where clear lines of traceability can be demonstrated, a spot testing/sampling protocol should be implemented.

CR8.1.1 For fewer than 10 farms per producer group or cooperative, a minimum of 1 farm must be tested.

CR8.1.2 For 10 to 20 farms per producer group or cooperative, a minimum of 2 farms must be tested.

CR8.1.3 For 21 or more farms per producer group or cooperative, a minimum of 10% of the farms must be tested. (e.g. Groups of 34 farms will have 3 farms tested, groups of 35 farms will have 4 farms tested.)

CR9.0 Risk

CR9.1 CR facilities will be assessed for risk prior to the time of the audit.

CR9.1.1 Facilities that fail the vetting process may be accepted into the program after a period of supervised probation. Such facilities must:

- Sign a probationary affidavit agreeing to the probationary process;
- Not publicly affiliate themselves with AGW or its certifications before passing two successful audits and receiving explicit permission from AGW; and
- Acknowledge that AGW may have to publicly disclose facility circumstances and actions being taken.

CR9.1.2 If a facility has any conviction of abuse or discrimination of any kind, there must be change of control, which may include ownership, before the entity is eligible.

Chapter Eight: RSPCA Assured Salmon, Salmon Welfare Certified by AGW Program Document

Salmon Welfare Certified by AGW is a program of A Greener World, based on the RSPCA's respected salmon welfare standards and audited by AGW or another competent auditor.

Chapter Nine: AGW Standards for Distributors and Further Processors

DFP1.0 Legal Status

Certification for Distributors and Further Processors is a certification of A Greener World. As such, the AGW policies referenced herein are also applicable to this program document should be read in conjunction with the AGW Policy Manual and the AGW Standards for Distributors and Further Processors.

DFP2.0 Statement of intent

Distributors and processors are a vital part of the supply chain to ensure that products certified to an AGW program reach their customers, whether this is via retail stores, restaurants, direct to customer or other outlets.

AGW's Standards for Distributors and Processors apply to facilities that process AGW-certified products. To ensure the identity and traceability of AGW products is maintained, distributors and processors must meet the applicable standards. While certification is optional for distributors unless they are entity affixing seal on product, further processors must be certified in order to use AGW seals.

DFP3.0 Program attributes

AGW recognizes that great value can be added to products by further processing and consolidation. To ensure facilities get the most exposure and value for certified products, AGW facilitates the responsible and transparent use of seals by non-farmers, consolidators and marketing entities, in accordance with AGW policies.

Requirements of certification:

1. A product derived from an animal or crop that has been audited and approved as having been raised to AGW's published standards;
2. Completed application;
3. Payment of any fees due;
4. Audit of all required facilities;
5. Compliance with any corrective actions identified;
6. Current certificate;
7. Completion of subsequent reviews and audits to demonstrate continued compliance with the published standards.

Program participation must be renewed annually.

DFP4.0 Terms and Definitions

The terms and conditions set out here must be met as well as the broader terms and conditions of AGW's policy. See Standards and Program Definitions on the website

DFP5.0 Fees

DFP5.1 See the Fee Schedule on AGW's website

DFP5.2 AGW reserves the right to require a facility to contribute to the cost of staff members' time and travel under the following circumstances:

DFP5.3.1 Where re-audit is required to verify that any compliance issues have been rectified before approval to use or continue to use the seal or logo is granted.

DFP5.3.2 Where a visit or audit has to be rearranged due to the facility owner being absent or unavailable when the auditor arrives at the previously agreed time and date; or when the facility cancels a visit or audit at short notice without good reason.

DFP6.0 Audit and review categories

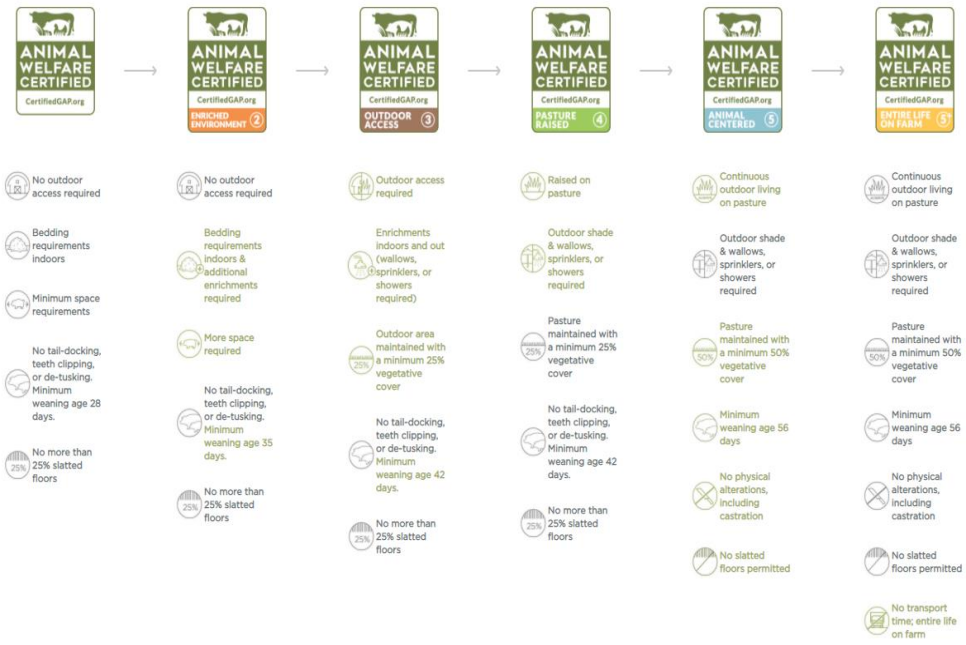
DFP6.1 Distributor: A facility that does not produce products but sells or distributes certified AGW product(s).

DFP6.2 Further Processor: A facility that processes, packages or labels a product that contains ingredient(s) currently certified by AGW or eligible for AGW certification.

DFP6.3 The AGW seal may be used by a Distributor or Further Processor on all products, provided they derive from an animal or crop that has been audited and approved as having been raised to AGW's published standards in at least one of the following categories: Certified Animal Welfare Approved by AGW, Certified Grassfed by AGW, Certified Non-GMO by AGW, Certified Regenerative by AGW, or Salmon Welfare Certified by AGW.

Pig farms vary significantly depending on geography and climate, which is why our tiered program supports continuous improvement, and is not a 'one-size-fits-all' model. As with all of the animals in the G.A.P. program, our **third-party certifiers audit every farm**, every 15 months to ensure our standards are being met.

Access a detailed version of our comprehensive standards in the documents below or reference this quick, at-a-glance overview of the key standards being met at each certification level to understand which level could be achievable for your farm or ranch.



All levels of certification:

Farrowing crates and gestation stalls prohibited | No antibiotics ever | No added hormones* | No animal by-products | Every farm 3rd party audited every 15 months

*Federal regulations prohibit the use of hormones in raising pigs.

Standards in green indicate a new or changed requirement from the previous certification level.