STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
AND DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING ADOPTION OF SECTIONS 1320 THROUGH 1327.2 OF CHAPTER 10 OF DIVISION 2 OF TITLE 3 OF THE CALIFORNIA CODE OF REGULATIONS

ONLINE/TELECONFERENCE MEETING HOSTED BY CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE SACRAMENTO, CALIFORNIA

FRIDAY
AUGUST 27, 2021
10:00 A.M.

Reported by: John Cota
APPARENCES

CDFA/CDPH Panel
Dr. Steve Beam, CDFA
Dr. Elizabeth Cox, CDFA
Dr. Annette Jones, CDFA
Mr. Jeff Seid, CDPH

Public Speakers
Ryan Allain,
California Retailers Association
Katie Little
California Farm Bureau Federation
Oscar Garrison
United Egg Producers
Dominic Marquez
Sunnyvalley Smoked Meats
Jacob Malsom
Sunnyvalley Smoked Meats
Milan Turk, Jr.
Provenance Chain Network
Emily Lyons
Triumph Foods, LLC
Mandi Kruse
Prachi Kohli
National Diversity Coalition and
National Asian American Coalition
Mark Dopp
North American Meat Institute
Michael Leslie
King & Spalding
Public Speakers
Marie Camino
Mercy for Animals

Allison Soloman
Dan Timmerman
Independent Food Brokers & Pork Traders

Hyatt Frobose
Jyga Tech

Michael Formica
National Pork Producers Council

John Fukushima
ABCO Laboratories

Leticia Garcia
California Grocers Association

Matt Sutton
California Restaurant Association

Rick Wineman
Stone Fire Grill

Adam Knapp
Country Butcher and
California Association of Meat Processors

Jill Damskey
California Pork Producers Association

Steve Needham
Porky Products

Bill Andreetta
Sunnyvalley Smoked Meats

Carmen Rottenberg
Affordable Food for All

Roy Lee Lindsey
North Carolina Pork Producers Council

Leslie Shanley
Public Speakers

Chance Reeder
Yosemite Foods

Katherine Fenrich

Alicia Soledad

Renae Donus
Global Animal Partnership

Andy Hoffer

Patrick Florence
Salmon Creek Farms

Travis Dixon
Meat and Potato Company

Matt Patton
California Agricultural Teachers Association and
California FFA

David Hoffer

Michael Schneider

Robert McLain

David Will
Chino Valley Ranchers
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Adjournment

Certificates of Reporter/Transcriber

ALL AMERICAN REPORTING
(916) 362-2345
DR. COX: Good morning, this public hearing will now come to order.

The California Department of Food and Agriculture, referred to as CDFA, and California Department of Public Health, referred to as CDPH, have called this public hearing in response to requests received from the public for a regulatory hearing.

The hearing is being held on this day, August 27th, 2021, from 10:00 a.m. to 2:00 p.m. local time in the city of Sacramento at the California Department of Food and Agriculture Office located at 2800 Gateway Oaks Drive. My name is Dr. Elizabeth Cox; I am the Program Manager of the Animal Care Program in the Department of Agriculture’s Animal Health and Food Safety Services Division. Also present today are Dr. Annette Jones and Dr. Steve Beam with CDFA and Mr. Jeff Seid with CDPH. Vast Conference Calling will preside over today’s proceedings by facilitating the queue of call-in participants to share their oral testimonies. Vast Conference Calling’s role is to ensure all interested persons have the opportunity to testify and enter relevant documents into the hearing record.

The public hearing is conducted in accordance with Government Code section 11346.8 which allows the
public to provide oral and written statements, arguments, or contentions. CDFA and CDPH are imposing a two minute limit on oral presentations.

The hearing today can be heard in two different ways; first, by visiting the website link provided on the Notice of Public Hearing to listen to an audio livestream. If a member of the public does not plan on submitting an oral testimony they are encouraged to listen to the hearing through the livestream link. Second, the hearing can be heard by calling in to the toll-free number. This toll-free number is also how oral comments will be submitted.

This hearing is being recorded by the firm All American Reporting and Transcription Services located in Rancho Cordova, California. A transcript of this hearing will be posted on CDFA’s website as soon as it becomes available. This hearing is also being recorded by Vast Conference Calling and an audio recording will be posted on CDFA’s website as soon as it becomes available. Any questions regarding the transcript or audio recording or their availability should be directed to the Animal Care Program at (916) 900-5000 or emailing animalcare@CDFA.ca.gov.

This regulatory hearing pertains to proposed regulations affecting any person confining egg-laying hens, veal calves and breeding pigs, and/or the sale of specified
shell eggs, liquid eggs, whole veal meat and whole pork meat in California. The regulations implement Section 1320 through 1327.2 of Title 3 of the California Code of Regulations. The proposed regulations have been jointly promulgated by CDFA and CDPH to implement Health and Safety Code Sections 25990 through 25994 which codified Proposition 12. Proposition 12 was a voter initiative intended to establish farm animal confinement standards, definitions and compliance timeframes affecting the housing of egg-laying hens, veal calves and breeding pigs and the sale of shell eggs, liquid eggs, whole veal meat and whole pork meat to prevent covered products from covered animals raised in a cruel manner from being sold in California commerce. These proposed regulations would establish a program of registration, certification, inspection, accreditation and marking requirements for the sale of shell eggs, liquid eggs, whole veal meat and whole pork meat in California.

- The sole purpose of today’s hearing is to receive public testimony. All oral comments will be included in CDFA’s official rulemaking file.
- Any interested person, or their duly authorized representative, may provide written and/or oral testimony.
- Written comments may also be submitted by 5:00 p.m. today, August 27, 2021, via email, to the Animal Care
Program email address: AnimalCare@CDFA.ca.gov or written paper comments may be mailed to the Animal Care Program addressed to Dr. Elizabeth Cox, Animal Care Program, 1220 N Street, Sacramento, California, 95814. Any paper written comments need to be postmarked by August 27, 2021.

- Any written comments submitted during the original 45-day public comment period which began on May 28, 2021 and ended July 12, 2021 shall remain in CDFA’s official rulemaking file.
- CDFA and CDPH will consider all oral and written testimony provided and prepare a response in the Final Statement of Reasons. Any person may request and receive a copy of the Final Statement of Reasons after it has been reviewed and approved by the Office of Administrative Law as part of the compilation of CDFA’s official rulemaking file.
- If, following today’s public hearing, CDFA and CDPH modify the regulatory text, except for minor grammatical changes, the text will be noticed for an additional 15-day public comment period in which persons will have another opportunity to provide a written comment.
- The information for submitting written comments today is also posted on CDFA’s website in the Notice for Public Hearing and on the landing page for the livestreaming website of the hearing.
In order to adequately respond to today’s commenters and adequately prepare our Administrative Record, we ask that you please begin by giving your name and affiliation, if any, for the record. However, identifying yourself is not a requisite to providing comment.

CDFA and CDPH will maintain order during the hearing as is customary in public meetings and individuals who are disruptive may be removed from the remote meeting service or have their connection muted.

I will now turn the hearing over to Vast Conference Calling to facilitate the collection of oral testimony.

THE OPERATOR: To make a comment please press the * then 1 on your telephone keypad. You will be announced when it is your turn to speak. Phone lines are reserved for public comment. To allow everyone the opportunity to speak please disconnect from the phone line after making your comment. You may resume listening to the public hearing through the webcast option. Again, it is * then 1 to register to make a comment. Public comments will be limited to two minutes. You will be notified when 30 seconds remain with a tone (tone heard).

And we will go ahead to our first comment today from Ryan Allain; your line is open.

MR. ALLAIN: Hi, my name is Ryan Allain and today
I am speaking on behalf of the California Retailers Association to express our opposition to the California Department of Food and Agriculture’s decision to implement Prop. 12 on January 1st, 2022. The retail industry is a driving force in California's economy. Our association represents a quarter of the state's employment and 330 billion worth of gross domestic product each year.

As the most significant voice representing the retail industry in California's public policy arena we are taking a strong stance against Prop. 12. There would be lasting implications on the economy if Prop. 12 were to be implemented on businesses and the CDFA’s only proposing regulations two years late will not be enough time to implement the final guidance. CDFA’s delay has created substantial confusion for the food supply chain about how to move forward to meet compliance requirements. Although CDFA released regulations the necessary modifications cannot be made quickly enough to meet the deadline. This will unfortunately affect smaller businesses and will potentially cause consumer prices to increase drastically.

California's Legislative Analyst's Office, the nonpartisan fiscal and policy advisor, has provided advice to the California legislature for 75 years and estimates that consumer prices will increase as a result of Prop. 12 because producers will have implemented costly measures to
comply and operate in the long time. Furthermore, the price, people are starting to make decisions to not sell their products in California. Retailers are looking to expand outside the state and make their business more competitive. California will lose its edge competitive eventually if we don't take a step back and be realistic about the impacts that these will have on our consumers. We strongly recommend that CDFA delay implementation of Prop. 12. Small businesses have suffered enough after a devastating economic downturn during the global pandemic. Thank you and have a good day.

THE OPERATOR: We will go now to Katie Little.

Your line is open.

MS. LITTLE: Katie Little with the California Farm Bureau Federation. Thank you for this opportunity to go on record expressing our concerns around the implementation of Proposition 12 and its possible ramifications on farmers, small business owners and consumers throughout the state and ultimately the country.

Food equity and availability is very important to Farm Bureau and the thousands of farmers and ranchers we represent. This measure will negatively affect consumers, specifically, minority and disadvantaged communities. These customers already faced hurdles in accessing fresh and affordable food and rely on less expensive sources of
protein such as eggs and pork. The department estimates the implementation of Prop. 12 will increase the cost of a dozen eggs by at least $2 per carton. This estimated cost does not include increased pork costs, which will be directly affected by, one, the inevitable pork shortage within the state due to a lack of compliance from out-of-state producers and two, the increase in cost of raising swine in accordance with these new regulations.

At this time we can only estimate price increases but it is also a possibility that prices may surge upon the implementation of the regulations in January. These price increases will force families to make hard decisions about how they are going to feed their families, especially in light of the pandemic and current economic crisis.

In addition to increasing California's grocery bills this initiative goes against the effort to try and diversify local food sources. Small farmers and operators will not be able to compete with larger conglomerates who will be able to meet the increased cost of this proposition’s required infrastructure changes (tone). These small producers will soon be priced out of the market, unable to compete with these increased infrastructure and labor costs.

Additionally, decreased yields due to the new infrastructure requirement will delay these small
producers’ ability to recoup these losses at an adequate rate. Ultimately, only a few large producers will be left limiting choices for consumers and eliminating jobs in smaller communities. This proposition hurts Californians, agricultural producers, small business owners and rural communities. Farm Bureau hopes the Department will work with these stakeholders to mitigate the negative effects of this proposition. Thank you.

THE OPERATOR: Our next comment comes from Oscar Garrison. Your line is open.

MR. GARRISON: I am Oscar Garrison, Senior Vice President of United Egg Producers. United Egg Producers is a farmer cooperative whose members independently market more than 90% of all eggs sold in the United States. UEP serves as the voice of the US egg industry. UEP fully understands that CDFA must implement Proposition 12 as passed by the voters of California in a good faith manner. Our members are committed to complying with the regulations when they become final.

Our comment today focuses on the labeling of shell eggs destined for California. The proposed regulation currently states that commencing July 1 of 2022 the principal display panel of each container of shell eggs for commercial sale or destined for commercial sale in California shall contain the statement, CA Cage Free or
Cage Free CA, conspicuously placed on the display panel. The California shell egg food safety compliance statement must also remain on the label. UEP seeks a more generic, cage free declaration on packages of shell eggs destined for California. UEP certified cage free eggs meet the minimum space requirements of Proposition 12 like other cage free certified programs in the country. Currently nine states have similar cage free laws pending on the books and the burden of having state specific cage free declarations is unnecessary to carry out the spirit of Proposition 12. It is our hope that a more generic, uniform labeling requirement, eggs in the same packages that are compliant with CDFA Proposition 12 could also flow in other states with similar laws and regulations.

In addition, the Further Processors Division of UEA, United Egg Association (tone), representing farmers and companies that process shell eggs and liquid, dried and egg, frozen egg products. UEA has submitted comprehensive written comments seeking additional clarity on the elements and certainly ambiguities in the Proposition 12 and we look forward to those comments being considered and addressed by the Agency during the rulemaking process.

Thank you for your time and consideration of the comments from the US egg industry and United Egg Producers.

THE OPERATOR: Our next comment comes from
Dominic Marquez. Your line is open.

MR. MARQUEZ: Hello, my name is Dominic and I am the controller of Sunnyvalley Smoked Meats. I am proud of the role Sunnyvalley Meats has played in California’s struggling Central Valley creating jobs and opportunities in communities that need it most. We have done a lot to invest here and we are simply asking that CDFA hold up its end of the bargain.

CDFA was two years late in doing what voters asked with Prop. 12 and now businesses like ours, Sunnyvalley, are left cold. Sunnyvalley like sunny -- companies like Sunnyvalley that sell pork products rely on out-of-state pork suppliers and will have to pay higher prices, which will especially be detrimental to smaller businesses and ultimately consumers. Knowing how California businesses like Sunnyvalley Meats are going to be harmed because of because of CDFA’s delay why won't CDFA, the Governor or the state leaders to do more to address the problem. We have been through more than enough with the pandemic and we need our government to fix problems instead of making them worse.

THE OPERATOR: Our next comment comes from Jacob Malsom. Your line is open.

MR. MALSM: Yes, my name is Jacob Malsom, I am the sales manager at Sunnyvalley Smoked Meats.
We believe with the rash implementation of Prop. 12 it will have a negative effect on the supply chain, especially for small businesses. The food industry has gone through enough during this pandemic, why should we have to go through even more? Unfortunately, Prop. 12 will have detrimental impacts not only on our company but many other businesses. (Sound faded.)

THE OPERATOR: And we do appear to have lost that line. We will go now to Milan Turk. Your line is open.

MR. TURK: Good morning. My name is Milan Turk, Jr. I am here representing the Provenance Chain Network, a digital enabler that provides a secure, inexpensive network for the sharing of facts about products between primary producers, transporters, processors, brand owners and retailers and all the way to the consumer.

Our purpose in speaking today is to support a beneficial solution that will make adoption of whatever the final rules are, faster, simpler and cheaper, while ensuring a network effect of additional value from the data analytics, insights and ultimately the trust that access to a digital system of records will provide.

We believe that if these rules are intended to represent a leadership position in the industry, the country, perhaps the world, applying a 21st century verification and reporting solution should also be part of
the plan. This is our opportunity to leapfrog forward and operate one of the most transparent, respected and trusted supply chains in the industry. The solution utilizes simple technologies such as smartphones, scan-able codes, other user-friendly applications that do not rely on paper, are electronically shareable and easily used in agricultural environments.

The common vision for digital transformation means more effectiveness with less effort (tone). Applied to this challenge before us the industry should expect higher standards with less physical inspection and fewer physical inspectors, more access to the records of certification and verification with less paper and time required, one version of the facts less vulnerable to misinformation and distortion, more trust of the industry through shared access to information but at a lower operating cost.

Thank you for recognizing that the adoption and implementation of these rules will represent significant cost and burden to the industry if not accompanied by a leadership perspective on the capabilities at our disposal.

THE OPERATOR: And we will go now to Emily Lyons.

Your line is open.

MS. LYONS: Good morning. My name is Emily Lyons and I am testifying on behalf of Triumph Foods, LLC.
Triumph Foods is one of the nation's largest processors and exporters of premium fresh pork products. Triumph Foods is not only a pork processor but is uniquely positioned to testify regarding the devastating impact of Proposition 12 on pork producers, as it is owned by five leading pork producers in the United States.

First and foremost, Triumph Foods opposes the underlying Act because the Act is unconstitutional and violates other federal law. In addition to the Act itself, Triumph Foods has substantial concerns over the proposed regulations. However, today I will use my brief time to focus on two issues.

First, the proposed regulations are fatally flawed because they fail to provide any regulatory guidance addressing the turnaround requirements. The language of the Act requires the promulgation of rules for the entire Act, not portions of the Act. As CDFA and CDPH are aware, the Act requires that breeding sow housing meet both the turnaround requirements and be provided at least 24 square feet of usable floor space. Because the proposed regulations are devoid of any mention of the turnaround requirements the regulations are insufficient and the Act may not be implemented or enforced for this reason alone.

Second, the proposed regulations as written unconstitutionally expand CDFA’s authority over out-of-
state pork producers. The proposed regulations show CDFA’s unlawful plans to regulate pork producers in other states by requiring inspection and certification by CDFA or third party certifiers in those other states (tone) related to compliance with the confinement requirements. These provisions contradict sworn statements made by the state of California officials in federal court. These officials clearly and unquestionably stated that the Act does not apply to out-of-state pork producers as they are not engaged in activities covered by the Act and that the state of California will not enforce proposed confinement requirements through criminal or civil means on out-of-state pork producers. However, as drafted, the proposed regulations directly contradict these statements and violate federal law. To cure these obvious, obvious unconstitutional overreach of power, CDFA must clearly declare in the final regulations that --

THE OPERATOR: Our next comment comes from Mandi Kruse. Your line is open.

MS. KRUSE: My name is Mandi Kruse and my family owns a pork processing facility in Southern California. I would like to address two troubling issues.

My first issue of concern is, if Proposition 12 is to address farm animal cruelty, referring to breeding pigs, why isn't all pork required to be compliant? Ready-
to-eat pork, pork used for sausage material and pork used in combination with other proteins are exempt from compliance, when other cuts of pork such as bacon, whole muscle pork, ribs, chops, et cetera, must be compliant. Why is that? Segregating specific cuts of pork for compliance was not what the voters voted for.

My second issue is the implementation date of Proposition 12 is set for January 1st, 2022. As of today the final regulations have still not been published. Initially, these were due to be released in 2019, which would have allowed farmers and packers two years to prepare their facilities for compliance. Many farmers have already stated they will not comply and just refuse to sell to California. Many in our industry feel the implementation date should be delayed two years, which would give farmers and packers the time needed to become compliant. It is necessary to give the time needed to those wishing to comply. If not, (tone) the result will be catastrophic shortages of pork meat in California, which would put restaurants, small businesses and thousands of jobs and families at risk statewide. Was that the intended outcome of the proposition? Thank you.

THE OPERATOR: Our next comment comes from Prachi Kohli. Your line is open.

MS. KOHLI: Good morning. My name is Prachi
Kohli and I am here today on behalf of the National Diversity Coalition and the National Asian American Coalition to express our views on why Proposition 12 should not be implemented this January 1st, 2022.

Our goal as the National Diversity Coalition and the National Asian American coalition is to strengthen America by engaging in advocacy, collaboration and economic empowerment for diverse communities. We strive to be a unifying voice for America’s minority communities and we oppose Prop. 12’s hasty implementation.

Californians are still hurting from the pandemic. Families are struggling to put food on the table and we are facing a struggling poverty rate. Prop. 12 would only exacerbate food insecurity in California. Moreover, this Prop. would disproportionately affect Asian and Latino families who rely on pork as their primary protein staple. Families should not suffer by the California Department of Food and Agriculture in releasing regulations on the timeline specified by voters. Our organization is seeking a brighter economic future for all and our goal is to do our part to reduce income -- economic disparities in society. We request to delay implementation of the proposed regulations until the food supply chain has adequate time to comply. Thank you for your time and consideration.
THE OPERATOR: We will take our next comment from Mark Dopp. Your line is open.

MR. DOPP: Thank you. My name is Mark Dopp, I am the Chief Operating Officer and General Counsel for the North American Meat Institute. The Meat Institute is the largest trade association representing packers and processors of meat products, including the pork and veal products subject to Proposition 12. First I would like to emphasize a couple points.

We would like to reiterate the suggestion in our comments that military sales be exempted and I also suggested CDFA confirm that offal products are not subject to Prop. 12.

The rest of my message, however, is broader and simpler. There must be a moratorium on Prop. 12 enforcement until the entities subject to the law have had a reasonable opportunity to adjust their business operations in order to comply with yet to be published regulations. The law directed CDFA to promulgate regulations implementing Prop. 12 by September 1, 2019. Five days from now CDFA will be two years late and counting in meeting that deadline. Undoubtedly, the pandemic contributed significantly to the delay, but the reason for the delay does not change the fact that there was a delay. Had CDFA met its statutory deadline there would have been
regulatory certainty and the meat industry would have had 28 months to prepare. But as I read this statement the comment period regarding the proposed regulations with their many flaws is still open and the publication of the final regulations likely remains months away.

Those who contend the industry has had enough time to comply with Prop. 12 either do not understand or ignore, perhaps willfully, the complexities of the pork supply chain and the segregation and other costs Prop. 12 will impose. And they ignore the fact that Prop. 12 is a criminal statute (tone). Simply put, until final rule is issued affected companies are on hold with respect to what they must do to comply with Prop. 12 to avoid the risk of criminal prosecution. For that reason alone, there must be an enforcement moratorium lasting at least 28 months after final rules are published. Thank you.

THE OPERATOR: Our next comment comes from Michael Leslie. Your line is open.

MR. LESLIE: Thank you. This is Michael Leslie from King and Spalding and I am here speaking on behalf of the general public and the affected parties that would be impacted by these regulations.

A major problem legally with this regulatory process is that there has been no environmental analysis under the California Environmental Quality Act. This is a
discretionary rulemaking and as such is a project under CEQA and there needs to be a full environmental impact analysis under CEQA including public scoping, an initial study, and we believe, eventually an environmental impact statement that will assess and evaluate the significant environmental impacts that this regulatory program could have on Californians and the producers of poultry, veal and pork. Significant impacts include construction, site-wide modification, impacts on water use and wastewater disposal, land use zoning, cultural resources, traffic, construction vehicles, and many other environmental impacts that need to be determined and evaluated. Yet no analysis of these potential environmental impacts resulting from these regulations has yet taken place. Without a proper regulatory review and environmental review the proposed regulations cannot be finalized. Therefore, we ask that this rulemaking remain open for the full scoping, public comment, initial study and environmental review process required by CEQA. As such there must be a new public comment and public hearing process (tone) under CEQA and that process must be completed before any further action is taken to finalize or promulgate the proposed regulations. We are submitting a letter today that goes into these issues in more detail and I thank you very much for your time.
THE OPERATOR: Our next comment comes from Marie Camino. Your line is open.

MS. CAMINO: Hi, my name is Marie Camino and I am with Mercy for Animals. Mercy for Animals is a California based nonprofit dedicated to creating a more compassionate food system for all. Mercy for Animals and our roughly 24,000 California supporters encourage the CDFA and CDPH to revise the draft regulations in a way that honors the express purpose of Proposition 12.

Our first issue is with the definitions in the statute. To honor the will of California voters and protect consumers the promulgated regulations must adhere to the plain language of the ballot initiative. In the draft regulations the CDFA has exceeded its authority by including definitions that are not included in the statute. Mercy for Animals urges the CDFA and CDPH to remove its definitions for the terms egg laying hens, kept for the purpose of producing, ready to eat, and useful floor space and outdoor enclosures. The statute also clearly defines whole pork meat and industry interests should not dictate modifications that undermine the will of California voters.

There are also significant issues with enforcement. Adequate enforcement of the ballot initiative’s plain language requires that certifying standards and procedures be timely, uniform, legitimate and
crafted with the intent to prevent extreme cruelty. The Department should not delay enforcement until 2023 and if it does it should implement a stopgap measure to ensure compliance.

Additionally, uniform training and standards for all certifiers are essential to ensuring compliance with the statute and certifiers must uphold the ballot initiative’s intent. Thus, their expertise must center on prevention rather than animal production and cover product distribution techniques as outlined in the regulations. Producers should also not have the ability to shop certifiers, allowing an applicant to choose (tone)
whether --

THE OPERATOR: Marie, you have 20 more seconds.

MS. CAMINO: -- to submit. Sorry. Additionally, uniform training and -- okay, I'll just -- Mercy for Animals thanks the CDFA and CDPH for consideration of our comments. New regulations that uphold the purpose of the ballot initiative must be released.

THE OPERATOR: As a reminder, to make a comment please press the * then 1 on your telephone keypad. You will be announced when it is your turn to speak. Phone lines are reserved for public comment. To allow everyone the opportunity to speak please disconnect from the phone line after making your comment. You may resume listening
to the public hearing through the webcast option. Again, it is * then 1 to register to make a comment. Public comments will be limited to two minutes. You will be notified when 30 seconds remain with a tone (tone).

And we will take our next comment from Allison Soloman. Your line is open.

MS. SOLOMAN: My name is Allison Soloman and my family owns a pork production facility in Idaho. We partner with small family farms to grow our hogs under a model with sustainable and humane handling requirements. We are a small business with 20% of our sales originating in California. With labor shortages and COVID impacts, losing a large market will endanger our ability to produce food for all Americans and our contributions to export sales.

Regulations are vague and contradictory. Ham is fully cooked yet noted as a covered product. Rules are silent on many subcategories such as offal, fats and bones. Hogs must be raised with California requirements but only a portion of these products can be sold in California. The entire financial impact will be borne by the small percentage of products sold in California. Lower income Californians will be disproportionately damaged by resulting increased food costs. Cultural identity and family traditions will be eradicated by implementation of
Prop. 12. Thank you for your consideration.

THE OPERATOR: We will take our next comment from Dan Timmerman. Your line is open.

MR. TIMMERMAN: Yes. My name is Dan Timmerman and I am speaking on behalf of independent food brokers and pork traders. I have made my life in the pork industry and this proposition, again, because of multiple factors, again, the COVID pandemic and what's been, you know, implemented throughout the industry, I have been told that I will no longer be able to receive the amount of pork that I rely on for my business because of Prop. 12 and how it is stated. You know, the impact to the supply chain for California’s struggling businesses that are already struggling can't afford price increases. My business can't take it because I won't be able to get it to sell it to the state. I mean, the California grocery stores, the small independents in California, I shouldn't say small, but in Southern California El Super, Superior, Northgate, Cardenas, just to name a few, are very, very Hispanic-oriented consumers. They sell a lot of pork. And you know, basically 14% of all produced pork in the United States is sold in California and 1% qualifies for the new regulations. I would ask that the regulation be moved at least two years, you know, so it'll have effect and not put me out of business. I appreciate your time, thank you.
THE OPERATOR: We will take our next comment from Hyatt Frobose. Your line is open.

DR. FROBOSE: Hi, this is Hyatt Frobose, Promotional Director of Jyga Tech USA in Garnett, Kansas. My comments relate specifically to swine producers attempting to comply with the standards currently written.

As a provider of swine feeding equipment, which is extensively used to feed gestating sows in groups, I have been involved in the planning and design phases of swine farms who are attempting to comply with these new regulations. As a part of this design process I have worked with sows representing over 500,000 animals and a common concern that we face in attempting to comply with the 24 square feet per sow standard is the biological variation that innately exists with regard to animal fertility.

Swine producers routinely breed a target number of females with an expectation that less than 100% will remain pregnant. However, the number of animals that remain pregnant will vary from group to group. For example, one week might be 80% and another week might be 95%. Because of this variation, producers who in good conscience that are attempting to comply with the 24 square feet per sow requirement will find themselves with situations where a high pregnancy rate group at times would
be stocked at slightly less than 24 square feet and other
groups might be understocked. Well, from an animal welfare
standpoint, it would be best to keep these contemporary
groups intact with sows that are familiar with each other.
The current standard as written would require regrouping
those animals in an effort to remain at or above 24 square
feet per sow.

It is our recommendation that the standards be
clarified to allow a minimal amount of biological variation
(tone) from one pen to another, which would not change the
average requirement for the farm. This would ensure the
intent of the 24 square feet standards to be complied with,
while protecting the best welfare of the sows and minimize
unnecessary mixing. Thank you for the opportunity to share
comments.

THE OPERATOR: We will take our next comment from
Michael Formica. Your line is open.

MR. FORMICA: Thank you. Good afternoon. My
name is Michael Formica, I am General Counsel of the
National Pork Producers Council, the global voice for the
67,000 pork producers that make up the US pork industry.
Thank you for holding this public hearing. NPPC has
previously submitted written comments to CDFA regarding
Prop. 12 and I direct your attention to the numerous issues
we raised in them. While the US pork industry is steadfast
in our belief that Prop. 12 is unconstitutional and illegal, my comments today focus on CDFA proposed regulations.

First, final rules were due to be promulgated two years ago. CDFA’s failure to meet that deadline and provide regulations is a fatal flaw and has prevented the industry from even beginning to understand what is required to produce Prop. 12 compliant pork. As a result, due to the failure of CDFA to meet this clear statutory requirement, and it is not clear that the final rules will be completed before the implementation date, CDFA must delay both the January 1, 2022 implementation date and enforcement of Prop. 12. In fact, CDFA should provide the industry the 28 months contemplated by the statute from the final publication of final rules before implementation and enforcement of Prop. 12 begin.

Further, as proposed the rule fails to provide sufficient guidance and directions to pork producers to allow them to comply (tone). Indeed, as another speaker mentioned earlier today, they are completely silent on compliance with the turnaround requirements of the statute and that makes up 50% of the primary provision impacting pork producers.

Beyond that and the need for much more extensive guidance and direction the rules also propose creation of
an unnecessary complex accreditation process for entities
to conduct certification, impose burdensome, unnecessary
and illegal recordkeeping requirements on farmers, meat
packers and others throughout the pork supply chain and
impose unnecessary and problematic labeling and shipping
requirements for pork producers. Thank you again for
holding this hearing and for taking my comments.

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seconds remain with a tone (tone).

We will take our next comment from David Baron.
Your line is open.

MR. FUKUSHIMA: This is John Fukushima. On
behalf of ABCO I'd like to express my opposition to the
Department's proposal to adopt Prop. 12 regulations at this
juncture. At ABCO we work with a number of California
small businesses that rely on out-of-state pork to meet the
needs of Californians. These small businesses will be
disproportionately harmed. If implemented in January 2022 we could potentially see dramatic price increases and even shortages as estimated by market experts.

I am here because I want to be sure you are aware of the negative impact a rushed implementation will have on an entire supply chain. Many of the operators are small businesses, business owners that provide seasoning, but many other parts of the supply chain are required to produce the safe, high-quality products Californians rely on. This ripple effect goes beyond just one business but also impacts many distributors, grocers, restaurants and ultimately consumers. With this, hundreds of good paying jobs, many in the Central Valley, could be lost at a time when California needs them most. As a result, Prop. 12 implementation in January 2022 will have a severe economic impact to small businesses and families both in their paychecks and at the grocery store. Please hold up the will of the voters and delay Proposition 12 regulation implementation until the food supply has the time guaranteed by voters to comply. Thank you.

THE OPERATOR: We will take our next comment from Leticia Garcia. Your line is open.

MS. GARCIA: Hi, Leticia Garcia with the California Grocers Association. The Grocers Association is a nonprofit, statewide trade organization representing the
food industry. CGA represents approximately 500 retail member -- 500 retail members operating over 6,000 food stores in California and Nevada and approximately 300 grocery supplier companies.

Prop. 12 causes issues with availability and eventually a shortage of pork. This is due to the fact that the pork industry is ill-prepared for the high requirements imposed by Prop. 12 and farmers are unmotivated to meet these standards as California is the only state to impose these restrictions. Many of our members cater to local communities where pork is a staple of their cultural identity and a main source of protein and many other delicacies. Prop. 12 directly targets these communities and prevents them from practicing longstanding traditions passed down from generations.

CGA has concerns with the recordkeeping, registration and certification requirements so we have gone into detail in our letter we have submitted. We recommend that you take these into consideration as many of the pork producers are out-of-state and by the time they reach our retail stores they have changed them several times before being placed for sale.

Another issue, another area of concern is the definition of flavoring. To be consistent with the federal regulatory definition CDFA should revise the definition of
flavoring to include the words, (tone) when used for flavoring purposes, at the end of the definition in order to not have conflicting definitions.

Finally, the delay in the final language of the regulations brings much uncertainty to our members. Pork producers will not be able to comply with the final regulations in such a short time period. We ask that CDFA delay these regulations to give producers time to comply. Thank you.

THE OPERATOR: Our next comment comes from Matt Sutton. Your line is open.

MR. SUTTON: Good morning. My name is Matt Sutton; I am with the California Restaurant Association. We too have written you before with our requests and some details with regard to our position on the issue at large. We certainly are not questioning the contents of the initiative but we are questioning the timeline of the regulatory environment and what we are forced to comply with.

Neighborhood restaurants, of course, are still reeling from the state-imposed closures or severe service limitations on our operations for 15 months. Keep in mind we were the first closed and we were among the first -- among the last to get fully reopened. The pandemic supply chain is rocking almost every industry and we continue to
see continued supply chain disruptions as a result of the pandemic and we are seeing rising commodity costs across the board.

So now aside from the pandemic-induced supply chain problems we have this unrelated pressure point which is the regulatory environment surrounding Proposition 12. Many, many, many restaurants have reached out to us over the last few months and, you know, they are very, very concerned. They are concerned about the expected impacts to the food costs from the way this regulatory process has unfolded.

We have asked you before for a delay and we are asking again. The problem for us is this: Now just months before the law going into effect the state has only just proposed regulations for public comment and here we are nearly two years behind schedule. So the very rules (tone) that are about to go into effect, yet the food supply chain doesn't necessarily know how to comply because the rules aren't even final yet, creates a tremendous problem for us.

That's it in a nutshell. We have advocated directly to you for a delay. The regulations sets the stage for compliance and compliance is what will impact the supply and the price that restaurants face. So we are not looking to undermine the spirit of the initiative in any way. We are simply saying in this time of uncertainty with
the pandemic and the supply chain disruptions please delay implementation and work with all parties. This scenario is likely to ripple --

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We will take our next comment from Rick Wineman. Your line is open. Rick, your line is open, please check the mute function on your phone.

MR. WINEMAN: Hello, thank you. I am Rick Wineman, the Director of Supply Chain Initiatives for the Stone Fire Grill. We are almost end-users with only diners standing between us and Prop. 12. Stone Fire Grill operates 13 fast-casual locations.

We oppose Prop. 12 as a proposition which puts our business at risk and will have an extreme impact on our guests and families served with up to 50% increase on the cost and pork and eggs. We serve 16,000 pounds of pork a
week and are unable to secure supply agreements due to the uncertainties with the rollout of the program. Stone Fire Grill recognizes the impact the COVID pandemic has caused, the confusion regarding the transition to Prop. 12 and our producers and vendors are unable to guarantee supply.

We operate with American family concepts, with family restaurants, deliver to families. Our business model is to serve the highest quality foods to affordable families. Because of our value proposition our guests include all ethnicities and culture groups, including without exception low-income families who are inequitably affected. We have over 20 years of successful impact and growth in the chain restaurant business. Increase costs have already been borne due to COVID. Prop. 12 will impact 50% price increases of barbecued pork, ribs and bacon in addition to making supplies impossible. Stone Fire Grill serves all ethnicities in our great state, pork being preference for approximately 25% of our guests.

We purchase and serve 15,000 pounds of pork a week (tone). The high cost of pork will stifle growth. Increased costs will not be absorbed by Stone Fire Grill; diners will see a reduction in affordability. Stone Fire has brought families and friends together for a dining experience that strengthens our California community. We would like to see a repeal, a delay or some changes so that
we may properly analyze and plan. Thank you.

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We will take our next comment from Adam Knapp.

Your line is open.

MR. KNAPP: Hello, my name is Adam Knapp; I am calling in representation of my business Country Butcher as
well as the California Association of Meat Processors. The California Association of Meat Processors represents the majority of small butcher shops throughout the state of California and one thing that we have seen and learned through the pandemic was that in a lot of ways when the major typical supply chains were disrupted these small shops really played a large role in feeding their communities.

Through Prop. 12 we are taking a different approach than the federal government. The federal government is funding in a large way a lot of support of small scale, local food, ability to feed your own community, and basically the funding of grants by the federal government in support of strengthening these local food systems, while California simultaneously is kind of pulling the rug out of a lot of small businesses who rely heavily on the sale of pork. The pandemic was an example of shortages having impacts on communities and with Prop. 12, you know, the reason is different but the impact will be the same. For an example, our business here does a lot of business with the local food bank to feed lower income families and I would say 99% of the product that we provide for the food bank is pork because, again, it is a very affordable protein.

So again, like everyone else, I am asking for at
least a delay (tone) in implementation to give producers the ability to comply if they choose to. Thank you.

THE OPERATOR: And once again, to make a comment, please press the * then 1 on your telephone keypad. You will hear music until we take our next comment.

(Music.)

THE OPERATOR: We'll take our next comment from Jill Damskey. Your line is open.

MS. DAMSKEY: Thank you. This is Jill Damskey with California Pork Producers Association. California Pork Producers Association is the catalyst for the California pork industry stakeholders to collectively and collaboratively build a socially responsible, sustainable and economically viable pork industry through information, promotion and education. We pride ourselves on building consumer trust for California pork producers by promoting and committing socially responsible and sustainable on-farm management practices.

We believe that implementing Prop. 12 too soon would be an irresponsible decision. We are about two years behind in getting real answers that we need in terms of auditing, labeling, biosecurity for these auditors to visit farms, the actual economic impact, the multitude of unknown costs, not to mention the other aspects which would be our producers that grow for a show pig market which is still
affecting the 4-H and FFA side and how those animals would be allowed to sell.

Again, we think that following COVID-19 the government and our regulators should be providing the option of nutritious and affordable food to Californians and unless we delay the implementation of Prop. 12 that is just not feasible. Thank you for your time and consideration.

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Thank you.

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And we can take our next comment from Steve Needham. Your line is open.

MR. NEEDHAM: Good morning. My name is Steve
Needham and I am the Vice President of Porky Products. I have been in the meat business in California since 1973 and I have been involved in selling and distributing extremely large quantities of pork into California since 1983.

My concern with Prop. 12 is the implementation schedule. I have spoken in great detail to every pork packer in the US. The delays in the finalization of the law have left them ill-prepared. I can assure you if the law is implemented by January 1st, 2022 that by the spring of 2022 there will be somewhere in the area of 80% less pork available to California consumers. With that limited supply I would expect prices for consumers to be two to three times what they currently are. It will take between one to two years for supply to return to normal levels. Pork will be limited and expensive for all of ‘22 and most of 2023 with a 1/1/22 start date. A January 1 implementation will create a massive food security issue on top of the current pandemic.

Again, the delays in the finalization of the rule have prevented the industry from having adequate time to prepare. The pork industry must be given adequate time to make the changes necessary to comply with the law. If not the citizens of our state will be less food secure (tone) -- be less food secure at the worst possible time.

Thank you for the opportunity to comment.
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(Music.)

THE OPERATOR: Our next public comment comes from
Bill Andreetta. Your line is open.

MR. ANDREETTA: My name is Bill Andreetta; I am
the owner of Sunnyvalley Smoked Meats in the Central
Valley. I first started this company in 1990 as a bacon
processor in central California. We are the largest bacon
processor in central and northern California serving most
all retailers small and large.

If California Department of Food and Agriculture,
CDFA, proceeds to implement Proposition 12 in January 2022
businesses like ours will suffer financially and the
consequences will ripple through the local economy.

Sunnyvalley is a successful business in the Central Valley
and we have created tens of millions of dollars annually
for local community and provided hundreds of jobs. We have
been steadily expanding this business for 30 years and in
2020 purchased more land to add on another building, which
we cannot have this proposition as-is today to be able to
do that. Not only do we care about providing high quality
pork products to our consumers but we care about the Central Valley and want to continue expanding and creating more jobs in the region. Yet unfortunately state regulators failed to hold up their end of the bargain with voters on Prop. 12 with a two year gap in releasing draft regulations by September 2019. Now so many in the food supply chain are left struggling to determine how to move forward (tone). As a result Sunnyvalley anticipates a 60% reduction in business would result and a similarly sized decrease in our economic activity. It is why we implore CDFA to do what voters asked and allow the food supply chain ample time to make regulatory changes required by Prop. 12. Thank you for your time.

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THE OPERATOR: Our next public comment comes from Carmen Rottenberg. Your line is open.

MS. ROTTENBERG: Thank you. I am the President of Affordable Food for All or AFFA and we are very concerned about significant problems with the proposed regulations that we believe are likely to lead to substantial disruption of the California pork market.

First and most significantly, the proposed regulations do not adequately address the relationship between the statute and relevant federal law and fails to provide clear guidance on how parties within the pork supply chain are to comply with both regimes and they come two years late.

The proposed regulation seeks to regulate national supply chains and propose an audit trail structure in which each party in the whole pork supply chain from farm to California end-user provides evidence and certifications to the next party in the chain of Prop. 12 compliance. The proposed regulations acknowledge the federal interest in this area, exempting federally...
regulated establishments from registration, recordkeeping and certification obligations to which they would otherwise be subject under proposed regulations, and excluding sales that occur on the premises of federally regulated establishments from the requirements of Prop. 12.

By regulating all the other parties in the pork supply chain, however, the proposed regulation imposes requirements on those federally regulated establishments as a practical matter through their counterparties. In effect, federally regulated establishments will be compelled by their counterparties to comply with Prop. 12 labeling, certification and recordkeeping requirements so that those counterparties can satisfy their own legal obligations under the proposed regulation.

Furthermore, the proposed regulations contain no exemptions or exclusions that relate to labeling. They do not address the strong federal interest in food labeling in any way. AFFA is therefore concerned (tone) the proposed regulations will place parties in the pork supply chain in an impossible position of needing to engage in activity that is inconsistent with federal law.

The proposed regulations do not take adequate steps to deal with the problems created by their severely delayed issuance either. Under the plain language of Prop. 12 the CDFA was to promulgate final implementing
regulations by September 2019, thus giving regulated parties more than two full years for implementation before the statute took effect on January 1, 2022. The fact that they haven't done so has created significant problems across the supply chain and the regulations must be delayed to give parties time to comply. Thank you.

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(Music.)
THE OPERATOR: We will take our next public comment from Roy Lee Lindsey. Your line is open.

MR. LINDSEY: Thank you. My name is Roy Lee Lindsey. I live in North Carolina and represent the North Carolina Pork Producers.

Questions as it relates to Proposition 12. One is, with the delay in announcing the rules and regulations for how Prop. 12 would be administered it would only be appropriate for California to extend the deadline for compliance. That the decisions made for raising animals take years, not months, and we are looking at a date that starts inside of four months and there is no way that we can convert facilities to comply with rules that are not final inside a four-month window.

Second questions that we have. One is we'd like to know specifically how California will comply with biosecurity requirements on our farms. We are working every day to keep African swine fever and other foreign animal disease off our farms. We need to know how California’s inspectors will comply with those biosecurity requirements and to stay off our farms if they -- if they don't have the proper downtime.

Would also like to know how California is vetting inspectors. Who will qualify to be an inspector? Will those folks actually have animal industry training and know
what proper care for sows and for other pigs are? How will we determine that?

We would like to know how California is going to measure 24 square feet and how that will be determined over time? As we think about what we saw in the pandemic, we were required under COVID to double-stock barns at times due to inability to get animals to processing and how would that impact what we are doing under Prop. 12 and the 24 square feet? With that, I am sure there are a number of other questions but I'll stop there.

THE OPERATOR: And again that is * and 1 if you would like to make a public comment. We will take our next comment from Leslie Shanley, your line is open.

MS. SHANLEY: Thank you. The people of California have spoken. By enacting Prop. 12 California voters demanded in 2018 that the level of cruelty experienced by farmed animals be reduced. I am concerned that the proposed regulations may have strayed from this clear intent. I think that the regulations should be revised to include suggestions from animal protection groups that have true expertise in animal welfare. As a California resident I demand that. Animal agribusiness should not be able to change the intent of ballot initiatives and subvert the will of voters. Thank you.

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We will take our next comment from Chance Reeder.

Your line is open.

MR. REEDER: Hi, my name is Chance with Yosemite Foods in Stockton, California.

I would just like to say that I think it's interesting. The national goal of USDA is to strengthen the supply chain of small, medium sized processors and with Prop. 12 they will not be able to compete against larger processors, further consolidating and causing supply chain issues. We saw this happen with the pandemic and it's only going to further push into the industry, push the industry in the opposite direction of what it's trying to accomplish. USDA is putting money to expand small processors but I have a feeling that this will do the opposite.

In addition, I know comments have been made in
regards to California FFA and 4-H programs as they pertain to show hogs and it is my belief that this will drastically impact 4-H and FFA programs. All hogs that are in the state of California that are used for state fairs and shows eventually have an end game of being sold to be processed, either for custom processing or resale to be bought by a larger, a larger packer. If this is the case, hogs that are sourced anywhere within the state or outside of the state are, would have to, would have to fall under Prop. 12 guidelines and be able to provide certification that they were raised in compliance. A lot of these (tone) kids receive hogs from out of the state and it would cause suppliers to have an issue processing these hogs, which would then trickle down to affecting these shows and programs for 4-H and FFA. Thanks.

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(Music.)

THE OPERATOR: We will take our next public
comment from Catherine Fenrich. Your line is open.

MS. FENRICH: Hi, my name is Catherine Fenrich.

Can you hear me?

THE OPERATOR: Yes, we hear you.

MS. FENRICH: Can you all hear me? Hello?

THE OPERATOR: We hear you, please go ahead.

MS. FENRICH: Oh, okay, thank you very much for
confirming that. My name is Katherine Fenrich and I just
wanted to (audio breaking up) and the California Department
of Health that in 2018 (audio breaking up) initiative set
forth farm animal confinement standards.

It is now late 2021 and my understanding is that
farm animal confinement standards have actually not been
implemented to affect animals being raised for consumption
by individuals and businesses in the state of California
and I am a bit confused about what the delay is. I myself
have actually sent written comments to CDFA prior and now
you are doing a public hearing but you are three and a half
years in. So I am coming today to encourage the California
Department of Food and Agriculture to move forward with
implementing Proposition 12 by end of year 2021. Thank you
so very much for listening to my comments. I greatly
appreciate your time and your effort listening to
California voters. Thank you.

THE OPERATOR: We will take our next comment from
Alicia Soledad. Your line is open.

MS. SOLEDAD: My name is Alicia Soledad. I am
Latino and we have very, we have a lot of family meals that
center around pork, it is part of our cultural and family
traditions. I do wish that I can keep affording pork and I
am afraid with Prop. 12 that pork will be too expensive to
order anymore. Thank you.
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(Music.)

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(Music.)

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(Music.)

THE OPERATOR: We will take a public comment from
Renae Donus. Your line is open.

MS. DONUS: Hi. Thank you for allowing us the
opportunity to provide input. This is Renae Donus with
Global Animal Partnership. And GAP is a nonprofit farm
animal welfare certification and labeling organization that
uses third-party certifiers to audit our animal welfare
standards among about 3,900 farms globally.

And our question is, we would like to be
recognized as an animal welfare certification that is Prop.
12 compliant. GAP’s farm animal welfare standards require
that every farm seeking certification passes a farm audit
every 15 months. This allows the auditor to audit each
farm and see the animals at every season over a five year
period. We understand that proposition 12 requires audits
on-farm every 12 months. Would CDFA be willing to consider
accepting our 15 month auditing model under the regulation?

Thank you again for the opportunity to
contribute. Our mission is to impact the lives of farm
animals and we care very much about this proposition and
that our certification is recognized and compliant by the
state of California. Thank you.

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We will take our next comment from Andy Hoffer.

Your line is open.

MR. A. HOFFER: Yeah. Our family hog farm is at extreme risk with Prop. 12 coming on with the timeframe that Prop. 12 has put out at this point. It will take a minimum of two years, maybe longer, from starting construction until we can have pigs that comply and products comply with Prop. 12 for California, plus the financial situation that Prop. 12 brings with it. With COVID-19 that has put a tremendous amount of strain and stress in hog operations across the country. It is questionable if we can handle Prop. 12 the way it’s set up.

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We will take our next comment from Patrick Florence. Your line is open.

MR. FLORENCE: My name is Patrick Florence; I represent Salmon Creek Farms Marketing Association. We are marketing through an independent meat company in Twin Falls, Idaho. We are a group of about 20 family farms. We are engaged in the value-added pork business. A large portion of our sales have historically been in California. We are a natural pork program using no antibiotics in feed, no ractopamine, we finish on northwest wheat and barley and we use a closed genetic system, all 20 farmers using the same genetics.

The comment that I would like to address would be the timing of the changeover. As I am sure you are getting from other comments, this is an expensive proposition. About a third of our farmers have already been able to modify their operations basically by cutting production about 20% and adding additional room and processes to their feeding programs. The other two-thirds are working on those programs now. Part of it is an economic squeeze, although helped with large and high hog prices over the
last six months. The construction is taking place and the physical changes (tone). As with everybody else in the US we are running into supply problems, we are running into labor problems and we are running into cost issues with all of these building materials and labor. We would request an extension of the activation date and we would ask that you give us 24 months to accomplish the changeover.

We value the California market. We have a number of long-term customers, mostly food service and restaurant but also retail. We have expanded year over a year for the last 20 years and we will, we will have to terminate business for most of those customers should the activation of the program be as stated. Again --

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(Music.)

THE OPERATOR: We will take our next comment from Travis Dixon. Your line is open.


We have a considerable number of customers that purchase on a regular basis in the California area and Proposition 12 will be a detriment to them, they will no longer be able to receive any of the products that we have. We will no longer be able to offer web-based ordering for holiday gifts. We are a company much like Butcher Box or much like Omaha Steaks with locally sourced products and we continually get comments on a regular basis on our social media since Prop. 12 has passed about how the customers or the people in California are frustrated because now their pork prices are going to double or triple and they won't be able to get any offerings because of the lack of production to meet that qualification.

I would like to see Prop. 12 reversed or at least
amended to make it available, affordable protein available for a number of customers in the California area. Not only will it help California (tone) but our company as well.

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We will now take a comment from Matt Patton.

Your line is open.

MR. PATTON: Good afternoon. This is Matt Patton from the California Agricultural Teachers Association and the California FFA. To protect youth ag education we request clarification in the regulatory language of Article
4, Section 1325. The regulation language should be specific to FFA, 4-H, Grange and independent exhibitors. Additionally, it should exempt supervised agricultural experience projects and junior livestock auctions. Thank you.

THE OPERATOR: We will take a comment from David Hoffer. Your line is open.

MR. D. Hoffer: Yes. David Hoffer; I am out of Montana. We have a 475 sow farrow-to-finish. It just we couldn't afford we'd provide for 24 families and there's no way that we could afford to renovate this barn, especially without any guidelines, to meet the deadlines per se, we already missed that. But there's no way, there's not enough money in this environment to pay for the renovation it would cost to renovate barns for Prop. 12 compliance. And it's not safe for pigs. The reason the pigs are what they are is because of fighting, on and so forth. Thank you.

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(Music.)

THE OPERATOR: We will take a comment from Michael Schneider. Your line is open.

MR. SCHNEIDER: Hi, thank you for allowing me to speak. I just wanted to comment on the current status of Prop. 12. I just feel that given the circumstances and the state of, you know, what the country has been going
through, I think it would be a, you know, a mistake to implement any harsh legislation in the immediate future. It would be wise to give everybody a chance to, you know, settle in, get their programs back in order and really, you know, plan things in a timely manner for the future so that all these pork producers, farmers, independent farms, all these are not hurt even more by any legislation that would require them to make immediate changes to the way that they are raising their pigs and farming practices. So I would just urge everybody to reconsider moving forward with this legislation. Thank you.

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We will take a comment now from Robert McLain.

Your line is open.

MR. MCLAIN: Hi, this is Robert McLain.

THE OPERATOR: Robert, you may go ahead.

MR. MCLAIN: Okay, thanks. Yeah, I am just
calling in. We have six restaurants here in LA and after
this last year of COVID, you know, implementing Prop. 12 is
going to continue to cause restaurants to continue to have
a struggle. Right now meat prices are through the roof
without any, without the Prop. 12. Pork is our signature
dish and if we don't allow more time for Prop. 12 to be initiated then, you know, restaurants are going to continue to barely hang on. That's all I had to say.

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THE OPERATOR: We will take our next comment from David Will. Your line is open.

MR. WILL: Thank you. I wanted to thank you, Dr. Beam, Dr. Cox and Dr. Jones for putting this together and for listening to our comments and just wanted to draw your attention to the public comments that we had submitted on behalf of our company and I hope the California egg industry into the labeling requirements; and hope that as you advance this into rulemaking and the final draft that you do take into account that a majority of the egg cartons already in the state of California that are for sale say the words cage free on it. 100% of the cartons already have the SEFS compliance and to keep that statement we hope you do an and/or with SEFS and then, and, such statements as cage free, free range or pastured, as long as they have an animal welfare logo with them. I know that pastured and free range denote the lifestyle of the bird outside and not to where the bird lives but our biggest fear is having a free range, cage free carton on the shelf that would be so confusing to the public, and trying to figure some way away from having that would be excellent. I think we've had some suggestions in our written comments and would ask that you refer and take a look at those. Again, thank you for
your time today and appreciate you putting this together.

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by.

(Music.)

DR. COX: It is now 2:00 p.m. and the hearing is
closed. Thank you.

(The public hearing concluded at 2:00 p.m.)

CERTIFICATE OF REPORTER

I, JOHN COTA, an Electronic Reporter, do hereby
certify that I am a disinterested person herein; that I
recorded the foregoing California Department of Food and
Agriculture/California Department of Public Health public
hearing and that it was thereafter transcribed.

I further certify that I am not of counsel or
attorney for any of the parties to said public hearing, or
in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 9th day of September, 2021.

[Signature]

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I, RAMONA COTA, a Certified Electronic Reporter and Transcriber, certify that the foregoing is a correct transcript, to the best of my ability, from the electronic recording of the proceedings in the above-entitled matter.

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RAMONA COTA, CERT**478

September 9, 2021