

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

A P P E A R A N C E SCDFA/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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P R O C E E D I N G S

10:04 a.m.

1  
2  
3 DR. COX: Good morning, this public hearing will  
4 now come to order.

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

10 The hearing is being held on this day, August  
11 27th, 2021, from 10:00 a.m. to 2:00 p.m. local time in the  
12 city of Sacramento at the California Department of Food and  
13 Agriculture Office located at 2800 Gateway Oaks Drive. My  
14 name is Dr. Elizabeth Cox; I am the Program Manager of the  
15 Animal Care Program in the Department of Agriculture's  
16 Animal Health and Food Safety Services Division. Also  
17 present today are Dr. Annette Jones and Dr. Steve Beam with  
18 CDFA and Mr. Jeff Seid with CDPH. Vast Conference Calling  
19 will preside over today's proceedings by facilitating the  
20 queue of call-in participants to share their oral  
21 testimonies. Vast Conference Calling's role is to ensure  
22 all interested persons have the opportunity to testify and  
23 enter relevant documents into the hearing record.

24 The public hearing is conducted in accordance  
25 with Government Code section 11346.8 which allows the

1 public to provide oral and written statements, arguments,  
2 or contentions. CDFA and CDPH are imposing a two minute  
3 limit on oral presentations.

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

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

23           This regulatory hearing pertains to proposed  
24 regulations affecting any person confining egg-laying hens,  
25 veal calves and breeding pigs, and/or the sale of specified

1 shell eggs, liquid eggs, whole veal meat and whole pork  
2 meat in California. The regulations implement Section  
3 1320 through 1327.2 of Title 3 of the California Code of  
4 Regulations. The proposed regulations have been jointly  
5 promulgated by CDFA and CDPH to implement Health and Safety  
6 Code Sections 25990 through 25994 which codified  
7 Proposition 12. Proposition 12 was a voter initiative  
8 intended to establish farm animal confinement standards,  
9 definitions and compliance timeframes affecting the housing  
10 of egg-laying hens, veal calves and breeding pigs and the  
11 sale of shell eggs, liquid eggs, whole veal meat and whole  
12 pork meat to prevent covered products from covered animals  
13 raised in a cruel manner from being sold in California  
14 commerce. These proposed regulations would establish a  
15 program of registration, certification, inspection,  
16 accreditation and marking requirements for the sale of  
17 shell eggs, liquid eggs, whole veal meat and whole pork  
18 meat in California.

19 • The sole purpose of today's hearing is to receive  
20 public testimony. All oral comments will be included in  
21 CDFA's official rulemaking file.

22 • Any interested person, or their duly authorized  
23 representative, may provide written and/or oral testimony.

24 • Written comments may also be submitted by 5:00  
25 p.m. today, August 27, 2021, via email, to the Animal Care

1 Program email address: AnimalCare@CDFA.ca.gov or written  
2 paper comments may be mailed to the Animal Care Program  
3 addressed to Dr. Elizabeth Cox, Animal Care Program, 1220 N  
4 Street, Sacramento, California, 95814. Any paper written  
5 comments need to be postmarked by August 27, 2021.

6 • Any written comments submitted during the  
7 original 45-day public comment period which began on May  
8 28, 2021 and ended July 12, 2021 shall remain in CDFA's  
9 official rulemaking file.

10 • CDFA and CDPH will consider all oral and written  
11 testimony provided and prepare a response in the Final  
12 Statement of Reasons. Any person may request and receive a  
13 copy of the Final Statement of Reasons after it has been  
14 reviewed and approved by the Office of Administrative Law  
15 as part of the compilation of CDFA's official rulemaking  
16 file.

17 • If, following today's public hearing, CDFA and  
18 CDPH modify the regulatory text, except for minor  
19 grammatical changes, the text will be noticed for an  
20 additional 15-day public comment period in which persons  
21 will have another opportunity to provide a written comment.

22 • The information for submitting written comments  
23 today is also posted on CDFA's website in the Notice for  
24 Public Hearing and on the landing page for the  
25 livestreaming website of the hearing.

1           •     In order to adequately respond to today's  
2 commenters and adequately prepare our Administrative Record  
3 we ask that you please begin by giving your name and  
4 affiliation, if any, for the record. However, identifying  
5 yourself is not a requisite to providing comment.

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

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

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

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

25                MR. ALLAIN: Hi, my name is Ryan Allain and today

1 I am speaking on behalf of the California Retailers  
2 Association to express our opposition to the California  
3 Department of Food and Agriculture's decision to implement  
4 Prop. 12 on January 1st, 2022. The retail industry is a  
5 driving force in California's economy. Our association  
6 represents a quarter of the state's employment and 330  
7 billion worth of gross domestic product each year.

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

21           California's Legislative Analyst's Office, the  
22 nonpartisan fiscal and policy advisor, has provided advice  
23 to the California legislature for 75 years and estimates  
24 that consumer prices will increase as a result of Prop. 12  
25 because producers will have implemented costly measures to

1 comply and operate in the long time. Furthermore, the  
2 price, people are starting to make decisions to not sell  
3 their products in California. Retailers are looking to  
4 expand outside the state and make their business more  
5 competitive. California will lose its edge competitive  
6 eventually if we don't take a step back and be realistic  
7 about the impacts that these will have on our consumers.  
8 We strongly recommend that CDFA delay implementation of  
9 Prop. 12. Small businesses have suffered enough after a  
10 devastating economic downturn during the global pandemic.  
11 Thank you and have a good day.

12 THE OPERATOR: We will go now to Katie Little.  
13 Your line is open.

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

20 Food equity and availability is very important to  
21 Farm Bureau and the thousands of farmers and ranchers we  
22 represent. This measure will negatively affect consumers,  
23 specifically, minority and disadvantaged communities.  
24 These customers already faced hurdles in accessing fresh  
25 and affordable food and rely on less expensive sources of

1 protein such as eggs and pork. The department estimates  
2 the implementation of Prop. 12 will increase the cost of a  
3 dozen eggs by at least \$2 per carton. This estimated cost  
4 does not include increased pork costs, which will be  
5 directly affected by, one, the inevitable pork shortage  
6 within the state due to a lack of compliance from out-of-  
7 state producers and two, the increase in cost of raising  
8 swine in accordance with these new regulations.

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

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

24           Additionally, decreased yields due to the new  
25 infrastructure requirement will delay these small

1 producers' ability to recoup these losses at an adequate  
2 rate. Ultimately, only a few large producers will be left  
3 limiting choices for consumers and eliminating jobs in  
4 smaller communities. This proposition hurts Californians,  
5 agricultural producers, small business owners and rural  
6 communities. Farm Bureau hopes the Department will work  
7 with these stakeholders to mitigate the negative effects of  
8 this proposition. Thank you.

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

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

20 Our comment today focuses on the labeling of  
21 shell eggs destined for California. The proposed  
22 regulation currently states that commencing July 1 of 2022  
23 the principal display panel of each container of shell eggs  
24 for commercial sale or destined for commercial sale in  
25 California shall contain the statement, CA Cage Free or

1 Cage Free CA, conspicuously placed on the display panel.  
2 The California shell egg food safety compliance statement  
3 must also remain on the label. UEP seeks a more generic,  
4 cage free declaration on packages of shell eggs destined  
5 for California. UEP certified cage free eggs meet the  
6 minimum space requirements of Proposition 12 like other  
7 cage free certified programs in the country. Currently  
8 nine states have similar cage free laws pending on the  
9 books and the burden of having state specific cage free  
10 declarations is unnecessary to carry out the spirit of  
11 Proposition 12. It is our hope that a more generic,  
12 uniform labeling requirement, eggs in the same packages  
13 that are compliant with CDFA Proposition 12 could also flow  
14 in other states with similar laws and regulations.

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

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

25           THE OPERATOR: Our next comment comes from

1 Dominic Marquez. Your line is open.

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

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

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

24 MR. MALSOM: Yes, my name is Jacob Malsom, I am  
25 the sales manager at Sunnyvalley Smoked Meats.

1           We believe with the rash implementation of Prop.  
2 12 it will have a negative effect on the supply chain,  
3 especially for small businesses. The food industry has  
4 gone through enough during this pandemic, why should we  
5 have to go through even more? Unfortunately, Prop. 12 will  
6 have detrimental impacts not only on our company but many  
7 other businesses. (Sound faded.)

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

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

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

22           We believe that if these rules are intended to  
23 represent a leadership position in the industry, the  
24 country, perhaps the world, applying a 21st century  
25 verification and reporting solution should also be part of

1 the plan. This is our opportunity to leapfrog forward and  
2 operate one of the most transparent, respected and trusted  
3 supply chains in the industry. The solution utilizes  
4 simple technologies such as smartphones, scan-able codes,  
5 other user-friendly applications that do not rely on paper,  
6 are electronically shareable and easily used in  
7 agricultural environments.

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

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

22           THE OPERATOR: And we will go now to Emily Lyons.  
23 Your line is open.

24           MS. LYONS: Good morning. My name is Emily Lyons  
25 and I am testifying on behalf of Triumph Foods, LLC.

1 Triumph Foods is one of the nation's largest processors and  
2 exporters of premium fresh pork products. Triumph Foods is  
3 not only a pork processor but is uniquely positioned to  
4 testify regarding the devastating impact of Proposition 12  
5 on pork producers, as it is owned by five leading pork  
6 producers in the United States.

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

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

24 Second, the proposed regulations as written  
25 unconstitutionally expand CDFA's authority over out-of-

1 state pork producers. The proposed regulations show CDFA's  
2 unlawful plans to regulate pork producers in other states  
3 by requiring inspection and certification by CDFA or third  
4 party certifiers in those other states (tone) related to  
5 compliance with the confinement requirements. These  
6 provisions contradict sworn statements made by the state of  
7 California officials in federal court. These officials  
8 clearly and unquestionably stated that the Act does not  
9 apply to out-of-state pork producers as they are not  
10 engaged in activities covered by the Act and that the state  
11 of California will not enforce proposed confinement  
12 requirements through criminal or civil means on out-of-  
13 state pork producers. However, as drafted, the proposed  
14 regulations directly contradict these statements and  
15 violate federal law. To cure these obvious, obvious  
16 unconstitutional overreach of power, CDFA must clearly  
17 declare in the final regulations that --

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

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

23 My first issue of concern is, if Proposition 12  
24 is to address farm animal cruelty, referring to breeding  
25 pigs, why isn't all pork required to be compliant? Ready-

1 to-eat pork, pork used for sausage material and pork used  
2 in combination with other proteins are exempt from  
3 compliance, when other cuts of pork such as bacon, whole  
4 muscle pork, ribs, chops, et cetera, must be compliant.  
5 Why is that? Segregating specific cuts of pork for  
6 compliance was not what the voters voted for.

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

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

25           MS. KOHLI: Good morning. My name is Prachi

1 Kohli and I am here today on behalf of the National  
2 Diversity Coalition and the National Asian American  
3 Coalition to express our views on why Proposition 12 should  
4 not be implemented this January 1st, 2022.

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

11 Californians are still hurting from the pandemic.  
12 Families are struggling to put food on the table and we are  
13 facing a struggling poverty rate. Prop. 12 would only  
14 exacerbate food insecurity in California. Moreover, this  
15 Prop. would disproportionately affect Asian and Latino  
16 families who rely on pork as their primary protein staple.  
17 Families should not suffer by the California Department of  
18 Food and Agriculture in releasing regulations on the  
19 timeline specified by voters. Our organization is seeking  
20 a brighter economic future for all and our goal is to do  
21 our part to reduce income -- economic disparities in  
22 society. We request to delay implementation of the  
23 proposed regulations until the food supply chain has  
24 adequate time to comply. Thank you for your time and  
25 consideration.

1 THE OPERATOR: We will take our next comment from  
2 Mark Dopp. Your line is open.

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

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

14 The rest of my message, however, is broader and  
15 simpler. There must be a moratorium on Prop. 12  
16 enforcement until the entities subject to the law have had  
17 a reasonable opportunity to adjust their business  
18 operations in order to comply with yet to be published  
19 regulations. The law directed CDFA to promulgate  
20 regulations implementing Prop. 12 by September 1, 2019.  
21 Five days from now CDFA will be two years late and counting  
22 in meeting that deadline. Undoubtedly, the pandemic  
23 contributed significantly to the delay, but the reason for  
24 the delay does not change the fact that there was a delay.  
25 Had CDFA met its statutory deadline there would have been

1 regulatory certainty and the meat industry would have had  
2 28 months to prepare. But as I read this statement the  
3 comment period regarding the proposed regulations with  
4 their many flaws is still open and the publication of the  
5 final regulations likely remains months away.

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

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

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

23 A major problem legally with this regulatory  
24 process is that there has been no environmental analysis  
25 under the California Environmental Quality Act. This is a

1 discretionary rulemaking and as such is a project under  
2 CEQA and there needs to be a full environmental impact  
3 analysis under CEQA including public scoping, an initial  
4 study, and we believe, eventually an environmental impact  
5 statement that will assess and evaluate the significant  
6 environmental impacts that this regulatory program could  
7 have on Californians and the producers of poultry, veal and  
8 pork. Significant impacts include construction, site-wide  
9 modification, impacts on water use and wastewater disposal,  
10 land use zoning, cultural resources, traffic, construction  
11 vehicles, and many other environmental impacts that need to  
12 be determined and evaluated. Yet no analysis of these  
13 potential environmental impacts resulting from these  
14 regulations has yet taken place. Without a proper  
15 regulatory review and environmental review the proposed  
16 regulations cannot be finalized. Therefore, we ask that  
17 this rulemaking remain open for the full scoping, public  
18 comment, initial study and environmental review process  
19 required by CEQA. As such there must be a new public  
20 comment and public hearing process (tone) under CEQA and  
21 that process must be completed before any further action is  
22 taken to finalize or promulgate the proposed regulations.  
23 We are submitting a letter today that goes into these  
24 issues in more detail and I thank you very much for your  
25 time.

1 THE OPERATOR: Our next comment comes from Marie  
2 Camino. Your line is open.

3 MS. CAMINO: Hi, my name is Marie Camino and I am  
4 with Mercy for Animals. Mercy for Animals is a California  
5 based nonprofit dedicated to creating a more compassionate  
6 food system for all. Mercy for Animals and our roughly  
7 24,000 California supporters encourage the CDFA and CDPH to  
8 revise the draft regulations in a way that honors the  
9 express purpose of Proposition 12.

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

22 There are also significant issues with  
23 enforcement. Adequate enforcement of the ballot  
24 initiative's plain language requires that certifying  
25 standards and procedures be timely, uniform, legitimate and

1 crafted with the intent to prevent extreme cruelty. The  
2 Department should not delay enforcement until 2023 and if  
3 it does it should implement a stopgap measure to ensure  
4 compliance.

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

14           THE OPERATOR: Marie, you have 20 more seconds.

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

20           THE OPERATOR: As a reminder, to make a comment  
21 please press the \* then 1 on your telephone keypad. You  
22 will be announced when it is your turn to speak. Phone  
23 lines are reserved for public comment. To allow everyone  
24 the opportunity to speak please disconnect from the phone  
25 line after making your comment. You may resume listening

1 to the public hearing through the webcast option. Again,  
2 it is \* then 1 to register to make a comment. Public  
3 comments will be limited to two minutes. You will be  
4 notified when 30 seconds remain with a tone (tone).

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

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

16 Regulations are vague and contradictory. Ham is  
17 fully cooked yet noted as a covered product. Rules are  
18 silent on many subcategories such as offal, fats and bones.  
19 Hogs must be raised with California requirements but only a  
20 portion of these products can be sold in California. The  
21 entire financial impact will be borne by the small  
22 percentage of products sold in California. Lower income  
23 Californians will be disproportionately damaged by  
24 resulting increased food costs. Cultural identity and  
25 family traditions will be eradicated by implementation of

1 Prop. 12. Thank you for your consideration.

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

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

1 THE OPERATOR: We will take our next comment from  
2 Hyatt Frobose. Your line is open.

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

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

17 Swine producers routinely breed a target number  
18 of females with an expectation that less than 100% will  
19 remain pregnant. However, the number of animals that  
20 remain pregnant will vary from group to group. For  
21 example, one week might be 80% and another week might be  
22 95%. Because of this variation, producers who in good  
23 conscience that are attempting to comply with the 24 square  
24 feet per sow requirement will find themselves with  
25 situations where a high pregnancy rate group at times would

1 be stocked at slightly less than 24 square feet and other  
2 groups might be understocked. Well, from an animal welfare  
3 standpoint, it would be best to keep these contemporary  
4 groups intact with sows that are familiar with each other.  
5 The current standard as written would require regrouping  
6 those animals in an effort to remain at or above 24 square  
7 feet per sow.

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

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

18           MR. FORMICA: Thank you. Good afternoon. My  
19 name is Michael Formica, I am General Counsel of the  
20 National Pork Producers Council, the global voice for the  
21 67,000 pork producers that make up the US pork industry.  
22 Thank you for holding this public hearing. NPPC has  
23 previously submitted written comments to CDFA regarding  
24 Prop. 12 and I direct your attention to the numerous issues  
25 we raised in them. While the US pork industry is steadfast

1 in our belief that Prop. 12 is unconstitutional and  
2 illegal, my comments today focus on CDFA proposed  
3 regulations.

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

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

24 Beyond that and the need for much more extensive  
25 guidance and direction the rules also propose creation of

1 an unnecessary complex accreditation process for entities  
2 to conduct certification, impose burdensome, unnecessary  
3 and illegal recordkeeping requirements on farmers, meat  
4 packers and others throughout the pork supply chain and  
5 impose unnecessary and problematic labeling and shipping  
6 requirements for pork producers. Thank you again for  
7 holding this hearing and for taking my comments.

8 THE OPERATOR: To make a comment please press the  
9 \* then 1 on your telephone keypad. You will be announced  
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14 hearing through the webcast option. Again, it is \* then 1  
15 to register to make a comment. Public comments will be  
16 limited to two minutes. You will be notified when 30  
17 seconds remain with a tone (tone).

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

20 MR. FUKUSHIMA: This is John Fukushima. On  
21 behalf of ABCO I'd like to express my opposition to the  
22 Department's proposal to adopt Prop. 12 regulations at this  
23 juncture. At ABCO we work with a number of California  
24 small businesses that rely on out-of-state pork to meet the  
25 needs of Californians. These small businesses will be

1 disproportionately harmed. If implemented in January 2022  
2 we could potentially see dramatic price increases and even  
3 shortages as estimated by market experts.

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

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

23 MS. GARCIA: Hi, Leticia Garcia with the  
24 California Grocers Association. The Grocers Association is  
25 a nonprofit, statewide trade organization representing the

1 food industry. CGA represents approximately 500 retail  
2 member -- 500 retail members operating over 6,000 food  
3 stores in California and Nevada and approximately 300  
4 grocery supplier companies.

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

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

23 Another issue, another area of concern is the  
24 definition of flavoring. To be consistent with the federal  
25 regulatory definition CDFA should revise the definition of

1 flavoring to include the words, (tone) when used for  
2 flavoring purposes, at the end of the definition in order  
3 to not have conflicting definitions.

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

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

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

20           Neighborhood restaurants, of course, are still  
21 reeling from the state-imposed closures or severe service  
22 limitations on our operations for 15 months. Keep in mind  
23 we were the first closed and we were among the first --  
24 among the last to get fully reopened. The pandemic supply  
25 chain is rocking almost every industry and we continue to

1 see continued supply chain disruptions as a result of the  
2 pandemic and we are seeing rising commodity costs across  
3 the board.

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

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

20           That's it in a nutshell. We have advocated  
21 directly to you for a delay. The regulations sets the  
22 stage for compliance and compliance is what will impact the  
23 supply and the price that restaurants face. So we are not  
24 looking to undermine the spirit of the initiative in any  
25 way. We are simply saying in this time of uncertainty with

1 the pandemic and the supply chain disruptions please delay  
2 implementation and work with all parties. This scenario is  
3 likely to ripple --

4 THE OPERATOR: To make a comment please press the  
5 \* then 1 on your telephone keypad. You will be announced  
6 when it is your turn to speak. Phone lines are reserved  
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10 hearing through the webcast option. Again, it is \* then 1  
11 to register to make a comment. Public comments will be  
12 limited to two minutes and you will be notified when 30  
13 seconds remain.

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

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

22 We oppose Prop. 12 as a proposition which puts  
23 our business at risk and will have an extreme impact on our  
24 guests and families served with up to 50% increase on the  
25 cost and pork and eggs. We serve 16,000 pounds of pork a

1 week and are unable to secure supply agreements due to the  
2 uncertainties with the rollout of the program. Stone Fire  
3 Grill recognizes the impact the COVID pandemic has caused,  
4 the confusion regarding the transition to Prop. 12 and our  
5 producers and vendors are unable to guarantee supply.

6           We operate with American family concepts, with  
7 family restaurants, deliver to families. Our business  
8 model is to serve the highest quality foods to affordable  
9 families. Because of our value proposition our guests  
10 include all ethnicities and culture groups, including  
11 without exception low-income families who are inequitably  
12 affected. We have over 20 years of successful impact and  
13 growth in the chain restaurant business. Increase costs  
14 have already been borne due to COVID. Prop. 12 will impact  
15 50% price increases of barbecued pork, ribs and bacon in  
16 addition to making supplies impossible. Stone Fire Grill  
17 serves all ethnicities in our great state, pork being  
18 preference for approximately 25% of our guests.

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

1 we may properly analyze and plan. Thank you.

2 THE OPERATOR: And once again, to make a comment  
3 please press the \* then 1 on your telephone keypad. You  
4 will be announced when it is your turn to speak. The phone  
5 lines are reserved for public comment. You will hear music  
6 until we take our next public comment. Please continue to  
7 stand by.

8 (Music.)

9 THE OPERATOR: All sites on hold, we appreciate  
10 your patience and ask that you please continue to stand by.  
11 To make a public comment please dial 866-831-8616. If you  
12 receive a busy signal the queues are currently full.  
13 Please redial and you may join as connections become  
14 available. Phone lines are reserved for public comment.  
15 To allow everyone the opportunity to speak please  
16 disconnect from the phone line after making your comment.  
17 You may resume listening to the public hearing through the  
18 webcast option. If you do not have access to the Internet  
19 and your only option to listen to the public hearing is  
20 through the call-in number then you may stay on the line.  
21 Thank you.

22 (Music.)

23 THE OPERATOR: All sites on hold, we appreciate  
24 your patience and ask that you please continue to stand by.  
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10 the line. Thank you.

11 (Music.)

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19 to register to make a comment. Public comments will be  
20 limited to two minutes and you will be notified when 30  
21 seconds remain.

22 We will take our next comment from Adam Knapp.  
23 Your line is open.

24 MR. KNAPP: Hello, my name is Adam Knapp; I am  
25 calling in representation of my business Country Butcher as

1 well as the California Association of Meat Processors. The  
2 California Association of Meat Processors represents the  
3 majority of small butcher shops throughout the state of  
4 California and one thing that we have seen and learned  
5 through the pandemic was that in a lot of ways when the  
6 major typical supply chains were disrupted these small  
7 shops really played a large role in feeding their  
8 communities.

9           Through Prop. 12 we are taking a different  
10 approach than the federal government. The federal  
11 government is funding in a large way a lot of support of  
12 small scale, local food, ability to feed your own  
13 community, and basically the funding of grants by the  
14 federal government in support of strengthening these local  
15 food systems, while California simultaneously is kind of  
16 pulling the rug out of a lot of small businesses who rely  
17 heavily on the sale of pork. The pandemic was an example  
18 of shortages having impacts on communities and with Prop.  
19 12, you know, the reason is different but the impact will  
20 be the same. For an example, our business here does a lot  
21 of business with the local food bank to feed lower income  
22 families and I would say 99% of the product that we provide  
23 for the food bank is pork because, again, it is a very  
24 affordable protein.

25           So again, like everyone else, I am asking for at

1 least a delay (tone) in implementation to give producers  
2 the ability to comply if they choose to. Thank you.

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

6 (Music.)

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

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

19 We believe that implementing Prop. 12 too soon  
20 would be an irresponsible decision. We are about two years  
21 behind in getting real answers that we need in terms of  
22 auditing, labeling, biosecurity for these auditors to visit  
23 farms, the actual economic impact, the multitude of unknown  
24 costs, not to mention the other aspects which would be our  
25 producers that grow for a show pig market which is still

1 affecting the 4-H and FFA side and how those animals would  
2 be allowed to sell.

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

9           THE OPERATOR: And once again, to make a public  
10 comment please dial 866-831-8616. If you receive a busy  
11 signal the queues are currently full. Please redial and  
12 you may join as connections become available. Once you  
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18 comment.

19           (Music.)

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6 through the call-in number that you may stay on the line.  
7 Thank you.

8 (Music.)

9 THE OPERATOR: To make a comment please press the  
10 \* then 1 on your telephone keypad. You will be announced  
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12 (Music.)

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20 then 1 to register to make a comment. Public comments will  
21 be limited to two minutes. You will be notified when 30  
22 seconds remains with a tone (tone).

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

25 MR. NEEDHAM: Good morning. My name is Steve

1 Needham and I am the Vice President of Porky Products. I  
2 have been in the meat business in California since 1973 and  
3 I have been involved in selling and distributing extremely  
4 large quantities of pork into California since 1983.

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

19 Again, the delays in the finalization of the rule  
20 have prevented the industry from having adequate time to  
21 prepare. The pork industry must be given adequate time to  
22 make the changes necessary to comply with the law. If not  
23 the citizens of our state will be less food secure  
24 (tone) -- be less food secure at the worst possible time.  
25 Thank you for the opportunity to comment.

1 THE OPERATOR: And to make a comment please press  
2 the \* then 1 on your telephone keypad. You will hear music  
3 until we take our next comment. Again, that is \* and 1 on  
4 your telephone keypad.

5 (Music.)

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4 limited to two minutes and you will be notified when 30  
5 seconds remain with a bell.

6 (Music.)

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

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

15 If California Department of Food and Agriculture,  
16 CDFA, proceeds to implement Proposition 12 in January 2022  
17 businesses like ours will suffer financially and the  
18 consequences will ripple through the local economy.  
19 Sunnyvalley is a successful business in the Central Valley  
20 and we have created tens of millions of dollars annually  
21 for local community and provided hundreds of jobs. We have  
22 been steadily expanding this business for 30 years and in  
23 2020 purchased more land to add on another building, which  
24 we cannot have this proposition as-is today to be able to  
25 do that. Not only do we care about providing high quality

1 pork products to our consumers but we care about the  
2 Central Valley and want to continue expanding and creating  
3 more jobs in the region. Yet unfortunately state  
4 regulators failed to hold up their end of the bargain with  
5 voters on Prop. 12 with a two year gap in releasing draft  
6 regulations by September 2019. Now so many in the food  
7 supply chain are left struggling to determine how to move  
8 forward (tone). As a result Sunnyvalley anticipates a 60%  
9 reduction in business would result and a similarly sized  
10 decrease in our economic activity. It is why we implore  
11 CDFA to do what voters asked and allow the food supply  
12 chain ample time to make regulatory changes required by  
13 Prop. 12. Thank you for your time.

14 THE OPERATOR: Again, to make a comment please  
15 press the \* then 1 on your telephone keypad. You will be  
16 announced when it is your turn to speak. You will hear  
17 music until we take our next public comment. Please  
18 continue to stand by.

19 (Music.)

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3 limited to two minutes. You will be notified when 30  
4 seconds remain with a bell.

5 (Music.)

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

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

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

19 The proposed regulation seeks to regulate  
20 national supply chains and propose an audit trail structure  
21 in which each party in the whole pork supply chain from  
22 farm to California end-user provides evidence and  
23 certifications to the next party in the chain of Prop. 12  
24 compliance. The proposed regulations acknowledge the  
25 federal interest in this area, exempting federally

1 regulated establishments from registration, recordkeeping  
2 and certification obligations to which they would otherwise  
3 be subject under proposed regulations, and excluding sales  
4 that occur on the premises of federally regulated  
5 establishments from the requirements of Prop. 12.

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

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

22 The proposed regulations do not take adequate  
23 steps to deal with the problems created by their severely  
24 delayed issuance either. Under the plain language of Prop.  
25 12 the CDFA was to promulgate final implementing

1 regulations by September 2019, thus giving regulated  
2 parties more than two full years for implementation before  
3 the statute took effect on January 1, 2022. The fact that  
4 they haven't done so has created significant problems  
5 across the supply chain and the regulations must be delayed  
6 to give parties time to comply. Thank you.

7 THE OPERATOR: All sites on hold, we appreciate  
8 your patience and ask that you please continue to stand by.  
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19 through the call-in number, then you may stay on the line.  
20 Again, you will hear music until we take our next public  
21 comment. Thank you.

22 (Music.)

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14 (Music.)

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24 seconds remain with a bell.

25 (Music.)

1 THE OPERATOR: We will take our next public  
2 comment from Roy Lee Lindsey. Your line is open.

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

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

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

23 Would also like to know how California is vetting  
24 inspectors. Who will qualify to be an inspector? Will  
25 those folks actually have animal industry training and know

1 what proper care for sows and for other pigs are? How will  
2 we determine that?

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

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

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

25 THE OPERATOR: And once again, to make a comment

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8 comments will be limited to two minutes. You will be  
9 notified when 30 seconds remain with a bell (tone).

10 We will take our next comment from Chance Reeder.  
11 Your line is open.

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

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

25 In addition, I know comments have been made in

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

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5 public comment. Thank you.

6 (Music.)

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16 30 seconds remain with a bell.

17 (Music.)

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

20 MS. FENRICH: Hi, my name is Catherine Fenrich.  
21 Can you hear me?

22 THE OPERATOR: Yes, we hear you.

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

24 THE OPERATOR: We hear you, please go ahead.

25 MS. FENRICH: Oh, okay, thank you very much for

1 confirming that. My name is Katherine Fenrich and I just  
2 wanted to (audio breaking up) and the California Department  
3 of Health that in 2018 (audio breaking up) initiative set  
4 forth farm animal confinement standards.

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

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

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

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12           (Music.)

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1 Thank you.

2 (Music.)

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16 (Music.)

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1 seconds remain with a bell.

2 (Music.)

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

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

11 And our question is, we would like to be  
12 recognized as an animal welfare certification that is Prop.  
13 12 compliant. GAP's farm animal welfare standards require  
14 that every farm seeking certification passes a farm audit  
15 every 15 months. This allows the auditor to audit each  
16 farm and see the animals at every season over a five year  
17 period. We understand that proposition 12 requires audits  
18 on-farm every 12 months. Would CDFA be willing to consider  
19 accepting our 15 month auditing model under the regulation?

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

25 THE OPERATOR: All sites on hold, we appreciate

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6 We will take our next comment from Andy Hoffer.  
7 Your line is open.

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

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

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

17 The comment that I would like to address would be  
18 the timing of the changeover. As I am sure you are getting  
19 from other comments, this is an expensive proposition.  
20 About a third of our farmers have already been able to  
21 modify their operations basically by cutting production  
22 about 20% and adding additional room and processes to their  
23 feeding programs. The other two-thirds are working on  
24 those programs now. Part of it is an economic squeeze,  
25 although helped with large and high hog prices over the

1 last six months. The construction is taking place and the  
2 physical changes (tone). As with everybody else in the US  
3 we are running into supply problems, we are running into  
4 labor problems and we are running into cost issues with all  
5 of these building materials and labor. We would request an  
6 extension of the activation date and we would ask that you  
7 give us 24 months to accomplish the changeover.

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

14 THE OPERATOR: All sites on hold, we appreciate  
15 your patience and ask that you please continue to stand by.  
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4 (Music.)

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

7 MR. DIXON: Hello, my name is Travis Dixon, I am  
8 owner/operator of Meat and Potato Company.com out of Idaho.  
9 A little bit of a subsidiary from Falls Brand independent  
10 meat company in Twin Falls Idaho. I'm just giving my  
11 opinion on Prop. 12.

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

25 I would like to see Prop. 12 reversed or at least

1 amended to make it available, affordable protein available  
2 for a number of customers in the California area. Not only  
3 will it help California (tone) but our company as well.

4 THE OPERATOR: To all sites on hold, we  
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11 to stand by. To make a public comment please dial 866-831-  
12 8616. If you receive a busy signal the queues are  
13 currently full. Please redial and you may join as  
14 connections become available. Phone lines are reserved for  
15 public comment. To allow everyone the opportunity to speak  
16 please disconnect from the phone line after making your  
17 comment. You may resume listening to the public hearing  
18 through the webcast option. If you do not have access to  
19 the Internet and your only option to listen to the public  
20 hearing is through the call-in number then you may stay on  
21 the line. You will hear music until we take our next  
22 public comment. Thank you.

23 (Music.)

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25 \* then 1 on your telephone keypad. You will be announced

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9 (Music.)

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17 to register to make a comment. Public comments will be  
18 limited to two minutes. You will be notified when 30  
19 seconds remain with a bell.

20 We will now take a comment from Matt Patton.  
21 Your line is open.

22 MR. PATTON: Good afternoon. This is Matt Patton  
23 from the California Agricultural Teachers Association and  
24 the California FFA. To protect youth ag education we  
25 request clarification in the regulatory language of Article

1 4, Section 1325. The regulation language should be  
2 specific to FFA, 4-H, Grange and independent exhibitors.  
3 Additionally, it should exempt supervised agricultural  
4 experience projects and junior livestock auctions. Thank  
5 you.

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

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

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18 seconds remain with a bell.

19 (Music.)

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

22 MR. SCHNEIDER: Hi, thank you for allowing me to  
23 speak. I just wanted to comment on the current status of  
24 Prop. 12. I just feel that given the circumstances and the  
25 state of, you know, what the country has been going

1 through, I think it would be a, you know, a mistake to  
2 implement any harsh legislation in the immediate future.  
3 It would be wise to give everybody a chance to, you know,  
4 settle in, get their programs back in order and really, you  
5 know, plan things in a timely manner for the future so that  
6 all these pork producers, farmers, independent farms, all  
7 these are not hurt even more by any legislation that would  
8 require them to make immediate changes to the way that they  
9 are raising their pigs and farming practices. So I would  
10 just urge everybody to reconsider moving forward with this  
11 legislation. Thank you.

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13 to register to make a comment. Public comments will be  
14 limited to two minutes. You will be notified when 30  
15 seconds remain with a bell.

16 We will take a comment now from Robert McLain.  
17 Your line is open.

18 MR. MCLAIN: Hi, this is Robert McLain.

19 THE OPERATOR: Robert, you may go ahead.

20 MR. MCLAIN: Okay, thanks. Yeah, I am just  
21 calling in. We have six restaurants here in LA and after  
22 this last year of COVID, you know, implementing Prop. 12 is  
23 going to continue to cause restaurants to continue to have  
24 a struggle. Right now meat prices are through the roof  
25 without any, without the Prop. 12. Pork is our signature

1 dish and if we don't allow more time for Prop. 12 to be  
2 initiated then, you know, restaurants are going to continue  
3 to barely hang on. That's all I had to say.

4 THE OPERATOR: To make a public comment please  
5 dial 866-831-8616. You will hear music until we take our  
6 next public comment. Please continue to stand by.

7 (Music.)

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1 seconds remain with a bell.

2 (Music.)

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

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

1 your time today and appreciate you putting this together.

2 THE OPERATOR: Again, that is \* and 1 on your  
3 telephone keypad to make a comment. You will hear music  
4 until we take our next comment. Please continue to stand  
5 by.

6 (Music.)

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

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

10

11 .

12

CERTIFICATE OF REPORTER

13

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

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

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

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JOHN COTA

CERTIFICATE OF TRANSCRIBER

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.

*Ramona Cota*

\_\_\_\_\_ September 9, 2021

RAMONA COTA, CERT\*\*478