

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0421-12	REGULATORY ACTION NUMBER 2015-0928-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			
AGENCY FILE NUMBER (if any)			

ENDORSED - FILEDIn the office of the Secretary of State
of the State of California

NOV 09 2015

2:02 PM

2015 SEP 28 P 2:06
OFFICE OF
ADMINISTRATIVE LAW**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015, 182	PUBLICATION DATE 5/1/2015	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Inspection of Records, Invoices, and Premises		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) n/a	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
3		1358.4	
TITLE(S)		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
		<input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
		<input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State	
		<input type="checkbox"/> §100 Changes Without Regulatory Effect	
		<input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	
<input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Nancy Grillo, Associate Analyst		TELEPHONE NUMBER 916-900-5033	FAX NUMBER (Optional)
		E-MAIL ADDRESS (Optional) nancy.grillo@cdfa.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Dr. Annette Jones, State Veterinarian & Director, AHFSS

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 09 2015

Office of Administrative Law

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, Egg Safety and Quality Management program, hereby amends section 1358.4 of Subchapter 3, Chapter 1, Division 3 of Title 3 of the California Code of Regulations, to read as follows:

Section 1358.4. ~~Records/Invoices~~ Inspection of Records, Invoices, and Premises.

(a) Every person required to be registered pursuant to section 27541 of the Food and Agricultural Code shall comply with this section.

~~(a)~~ (b) Each egg handler shall maintain business records of egg transactions for three years, subject to audit by the Department. The records shall indicate the date, egg quality and quantity, and identity of purchaser and seller. For small quantities of restricted eggs sold by egg handlers directly to consumers under provisions of Section 1356.2, or incidental sales of consumer grade eggs, the name of purchaser is not required.

~~(b)~~ (c) An invoice on egg sales shall be furnished to the purchaser, stating the seller's name and address, quantity, size and grade or quality of the eggs. Exempt from this requirement are eggs which are:

- (1) Sold or delivered by a producer for candling and grading.
- (2) Sold at retail.
- (3) Sold by an egg handler from the handler's own production directly to a consumer on the premises where produced.

~~(c)~~ (d) Egg handlers shall maintain records of the original plant where the eggs were first processed for not less than one year from the date of original processing.

(e) To verify compliance with, and the implementation of section 1350 of Title 3 of the California Code of Regulations, all records, invoices and documents for shell eggs and shell egg food products that are produced, processed, stored, sold, labeled and transported for sale and marketing in California shall be maintained for three years from the date the shell eggs and shell egg food products are packaged for transport and sale in California, and shall be subject to inspection and audit by the Department or certifying agent.

(1) For purposes of this section a certifying agent includes USDA inspectors, contracted employees, and other authorized governmental representatives.

(2) All records, invoices, documents and premises must be made accessible by production, handling, or transportation operations personnel for examination by the Department or certifying agent.

(3) All records, invoices, documents and premises, including, but not limited to the following, shall be subject to inspection by the Department or certifying agent:

(A) Records of pre-harvest or post-harvest *Salmonella enteritidis* (SE) testing and grade out reports of any shell eggs or egg products to be sold, labeled, or represented as California Shell Egg Food Safety Compliant, and samples for analysis.

(B) Inspection of pastures, fields, equipment, and structures where shell eggs or egg products may be produced, processed, handled, stored or transported, including the inspection of the enclosure area for egg laying hens.

(C) Inspection of documentation and records pertaining to the production, processing, storage, transportation, or handling of shell eggs or shell egg products identified as California Shell Egg Food Safety Compliant.

(D) Egg Handler/Producer registration number.

(E) Shell egg and egg product sales records.

(F) The quantity processed from each layer facility or farm unit, the size of the layer facility unit, the number of layers, and the date of harvest and production.

(G) Unless the layers were hatched and raised by the egg handler/producer, the name and address of all suppliers and date of transaction.

(H) Documentation of treatment to achieve at least a 5-log destruction of SE as defined in 21 CFR section 118.3 for shell eggs marketed as pasteurized.

(I) Documentation of implementation of SE prevention measures in accordance with the Food and Drug Administration, Department of Health and Human Services' requirements for the production, storage, and transportation of shell eggs as specified in 21 CFR Part 118.

(J) Documentation of implementation of a SE environmental monitoring program.

(K) Documentation of implementation and maintenance of a vaccination program or documentation of a demonstrated equivalent SE vaccination program approved by the Department.

(L) Company shipping invoices, bills of lading, and/or shipping manifest shall include a statement whether the shipment is California Shell Egg Food Safety [or abbreviation CA SEFS] Compliant or Not for California Consumption. The statement must be clearly legible handwriting or a stamp may be used.

NOTE: Authority cited: Sections 407 and 27531, and 27533, Food and Agricultural Code. Reference: Sections 27510, 27510.1, 27518, 27521, 27533, 27541, 27573, 27631, 27637, and 27680 Food and Agricultural Code.

(End)

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