

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0626-03	REGULATORY ACTION NUMBER 2013-0322-04S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2013 MAR 22 PM 3:42 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (if any)

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 <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
FAX NUMBER (Optional)		OAL USE ONLY		NOTICE REGISTER NUMBER
ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		PUBLICATION DATE		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Shell Egg Food Safety		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) None	
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 1350	
		AMEND 1354	
TITLE(S) 3		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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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) 11/5/12-11/20/12 and 1/30/13-3/1/13			
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 3/22/13
TYPED NAME AND TITLE OF SIGNATORY Dr. Annette Jones, State Veterinarian & Director AHFSS	

For use by Office of Administrative Law (OAL) only

The Department of Food and Agriculture (Department), Meat, Poultry and Egg Safety Branch, hereby adopts section 1350 and amends section 1354 of Subchapter 3, Chapter 1, Division 3, of Title 3 of the California Code of Regulations, to read as follows:

Section 1350. Shell Egg Food Safety.

(a) In accordance with Food and Agricultural Code section 27521(a), to assure that healthful and wholesome eggs of known quality are sold in California, commencing July 1, 2013, any egg producer or egg handler as defined in sections 27510 and 27510.1 of the Food and Agricultural Code, shall ensure all flocks with a hatching date after July 1, 2013 comply with the requirements of this section.

(b) Registered egg producers or egg handlers whose shell eggs are processed with a treatment such as pasteurization to ensure safety, shall be exempt from the requirements of this section. A "treatment" or "treated" means a technology or process that achieves at least a 5-log destruction of SE for shell eggs as defined in 21 CFR section 118.3.

(c) Registered egg producers or egg handlers with 3,000 or more laying hens shall incorporate all of the provisions specified in subsections (c)(1), (2), and (3) in their facility operations:

(1) Implement *Salmonella enterica* serotype Enteritidis (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.

(2) Implement a SE environmental monitoring program which includes testing for SE in "chick papers," (the papers in which chicks are delivered) and the house environment when the pullets are 14-16 weeks of age, 40-45 weeks of age, 4-6 weeks post-molt, and pre-depopulation; and

(3) Implement and maintain a vaccination program to protect against infection with SE which includes at a minimum two attenuated live vaccinations and one killed or inactivated vaccination, or a demonstrated equivalent SE vaccination program approved by the Department.

(d) Commencing January 1, 2015, no egg handler or egg producer may sell or contract to sell a shelled egg for human consumption in California if it is the product of an egg-laying hen that was confined in an enclosure that fails to comply with the following standards. For purposes of this section, an enclosure means any cage, crate, or other structure used to confine egg-laying hens:

(1) An enclosure containing nine (9) or more egg-laying hens shall provide a minimum of 116 square inches of floor space per bird. Enclosures containing eight (8) or fewer birds shall provide a minimum amount of floor space per bird as follows, using formula $322 + [(n-1) \times 87.3] / n$, where "n" equals the number of birds:

<u>Number of Birds</u>	<u>Square Inches Per Bird</u>
<u>1</u>	<u>322</u>
<u>2</u>	<u>205</u>
<u>3</u>	<u>166</u>
<u>4</u>	<u>146</u>
<u>5</u>	<u>135</u>
<u>6</u>	<u>127</u>
<u>7</u>	<u>121</u>
<u>8</u>	<u>117</u>

(2) The enclosure shall provide access to drinking water and feed trough(s) without restriction.

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

Section 1354. Marking Requirements.

(a) Grade and Size Designation. Where eggs are not produced by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such eggs; such as, "Produced for _____", "Distributed by _____", or any other wording that expresses the facts. Each container or subcontainer of shell eggs shall be marked with the name, address and zip code of the person by or for whom the eggs were graded and packed, and the unabbreviated designation of one of the following sizes and grades:

<u>Size</u>		<u>Grade</u>
Jumbo	Medium	Grade AA
Extra Large	Small	Grade A
Large	Peewee	Grade B

Only one size and grade shall appear upon a container, subcontainer or placard. Size and grade shall be plainly marked in letters not less than 1/4 inch in height, as follows:

- (1) Containers holding three dozen or less, on the outside top face; and
- (2) Containers holding more than three dozen, on one outside top, side or end, except that oblong containers shall be marked on one outside end.

* * *

(f) In accordance with section 1350 of Title 3 of the California Code of Regulations, commencing January 1, 2015, the principal display panel for containers for all eggs sold in California shall have the following statement: "California Shell Egg Food Safety Compliant". The statement may be abbreviated to read "CA SEFS Compliant" or a similar abbreviation or other descriptive term may be used if determined by the Department not to be misleading or deceptive. The statement shall be legible and plainly marked on each container in letters not less than 1/4 inch in height.

NOTE: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Sections 27521, 27573, 27631 and 27637, Food and Agricultural Code.