DEPARTMENT OF FOOD AND AGRICULTURE

Meat, Poultry and Egg Safety Branch

PROPOSED REGULATIONS

MODIFIED TEXT

SHELL EGG FOOD SAFETY

<table>
<tr><td colspan="1" align="center">**LEGEND FOR MODIFIED TEXT**</td></tr>
<tr><td>

• <u>Single underline</u> is text that was noticed to the public for a 45-day written comment period, which closed on August 20, 2012, and noticed to the public for an additional 15-day written comment period, which closed on September 15, 2012.

• Modified text is shown in <u><u>double underline</u></u> for added text and <u>single underline</u> and ~~strikeout~~ for deleted text.

Written comments must address only the modified text.

</td></tr>
</table>

The Department of Food and Agriculture (Department), Meat, Poultry and Egg Safety Branch, proposed to adopt section 1350 and amend section 1354 of Subchapter 3, Chapter 1, Division 3, of Title 3 of the California Code of Regulations.

The Department is now proposing a post-hearing modification to section 1350 of Subchapter 3, Chapter 1, Division 3, of Title 3 of the California Code of Regulations, to read as follows:

<u>Section 1350. Shell Egg Food Safety.</u>

<u>(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 January 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 January 1, 2013 comply with the requirements of this section.</u>

<u><u>(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.</u></u>

<u>~~(b)~~ <u>(c)</u> Registered egg producers or <u>egg</u> handlers with 3,000 or more laying hens ~~whose shell eggs are not processed with a treatment such as pasteurization to ensure safety~~ shall incorporate all of the provisions specified in subsections ~~(b)~~<u>(c)</u>(1), (2), and (3) in their facility operations:</u>

<u>(1) Implement *Salmonella enterica* serotype Enteritidis (SE) prevention measures in accordance with the Food and Drug Administration, Department of Health and Human Services'</u>

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.

(c) (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:

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

(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.