
From: Pelle, Sarah@CDFA <Sarah.Pelle@cdfa.ca.gov>
Sent: Friday, November 4, 2022 2:49 PM
To: Pelle, Sarah@CDFA
Subject: Circular Letter #F2022-10 Proposition 12 Update
Attachments: 2022-10 Proposition 12 Update.pdf; AnimalCare FairsExhibitions 11.1.22.pdf

Good Afternoon,

Please find attached, Circular Letter #F2022-10 Proposition 12 Update

Please ensure that this information is shared with the fair board at the next regularly scheduled board meeting listed as an item of correspondence.

For future reference, you may view and download the F&E Circular Letters at
[https://www.cdfa.ca.gov/Fairs & Expositions/](https://www.cdfa.ca.gov/Fairs_&_Expositions/) which are located under the “Correspondence” tab.

Thank you,

Sarah Pelle
Resource, Training & Def Maintenance Supervisor
916-900-5368





CALIFORNIA DEPARTMENT OF

FOOD & AGRICULTURE

Karen Ross, Secretary

November 4, 2022

F2022-10

TO: All Fairs

SUBJECT: Proposition 12 Update

In 2018, California voters approved the Farm Animal Confinement Initiative (Proposition 12). The Proposition 12 regulations went into September 1, 2022. While the minimum confinement standards are exempt during fairs and exhibitions, Proposition 12 directly affects the fair industry as all junior livestock fair exhibitors raising the immediate offspring of a breeding pig for the purpose of producing and selling whole pork meat, must adhere to the minimum confinement standard requirements.

Enclosed is an FAQ outreach document that the CDFA Animal Health Branch has created for California Fair and Exhibitions Stakeholders. The document has many additional details about Proposition 12 and how it pertains to the fair industry. For more information about the implementation of Proposition 12 and to view the FAQ outreach document online, please visit the CDFA Animal Health Branch at
<https://www.cdfa.ca.gov/AHFSS/Animalcare/StakeholderResources/>

If you have any questions, please contact Mike Francesconi at (916) 900-5365 or via email at mike.francesconi@cdfa.ca.gov.

Sincerely,

Mike Francesconi
Branch Chief

Enclosure

cc: Dr. Elizabeth Cox, Animal Care Program Manager
CDFA Animal Health Branch



GUIDANCE FOR FAIRS AND EXHIBITIONS STAKEHOLDERS



What is the Animal Care Program?

The California Department of Food and Agriculture's (CDFA) Animal Care Program (ACP) implements and enforces Animal Confinement laws¹ related to covered animals² raised in the state and in-state sales of covered products³ from covered animals. Animal Confinement laws established minimum confinement standards for California farms⁴ raising egg-laying hens, breeding pigs, and veal calves and made it illegal to engage in a commercial sale⁵ of covered product from covered animals if they were not raised according to those minimum standards of confinement. For pork meat, this includes meat from the immediate offspring of a covered animal (breeding pig).

Effective September 1, 2022, [Animal Confinement regulations outline](#) a regulatory framework of certification, registration, accreditation, and inspection for ACP to implement Health and Safety Code (HSC) sections 25990-25994, which was passed by California voters as the Proposition 12 initiative in 2018.

Which animals are included?

Egg-laying hen⁶ means any female domesticated chicken, turkey, duck, goose, or guineafowl kept for the purpose of egg production. Kept for the purpose of egg production means a sexually mature female confined for the purpose of laying eggs which are intended for use as human food.

Breeding pig⁷ means any female pig of the porcine species kept for the purpose of commercial breeding who is six (6) months or older, or pregnant. A breeding pig must be in a compliant enclosure for the duration of its production cycle⁸. "Production cycle" means the lifecycle of a commercial breeding pig for the generation of immediate offspring. A production cycle for gilts begins when they are 6 months or older and moved into an enclosure for breeding and ends when a litter of piglets is weaned. A new production cycle for sows begins when each litter of piglets is weaned.

Veal calf⁹ means any calf of the bovine species kept for the purpose of producing¹⁰ the food product described as veal. "Kept for the purpose of producing" means keeping a calf that is, or is intended to be, harvested at more than 21 days of age, or more than 150 pounds in liveweight for the production of food described, advertised, represented, identified, or labeled as veal.

What are the exceptions¹¹ to Animal Confinement minimum standards as related to 4-H, FFA, Grange, Independent, or similar youth program to Fairs and Exhibitions?

- During transportation.
- During temporary periods for animal husbandry purposes for no more than six (6) hours in any 24-hour period, and no more than 24 hours total in any 30-day period.
- During state or county fairs and similar exhibitions.
- During 4-H, FFA, Grange, Independent, or similar youth programs.

What is considered a "sale" under Animal Confinement?

Commercial sale of a covered product means to sell, exchange, barter, trade, transfer title or possession, or distribute, conditional or otherwise, in California commerce including, but not limited to, transactions by a retailer with a consumer and electronic transactions made using the internet.

The sale of a show pig which is then slaughtered at an establishment under mandatory inspection under the Federal Meat Inspection Act (FMIA) has several potential options for that pork meat which has been inspected by Food Safety and Inspection Service, United States Department of Agriculture:

ANIMAL CARE PROGRAM

ANIMAL CONFINEMENT

Guidance: 4-H, FFA, Grange, Independent, or similar youth programs

1. Whole pork meat which is then “resold” into California commerce, such as a grocery store, is considered a “sale” under Animal Confinement. This includes whole pork meat from show pigs.
2. Whole pork meat which is then sold to another establishment under mandatory inspection under the FMIA, such as a food processing facility making sausage, is not considered a “sale” under Animal Confinement.
3. Donations¹² of whole pork meat are not considered a “sale” under Animal Confinement.

The sale of a live animal does not fall under Animal Confinement.

- For example, if a show pig is sold at a fair and then processed as custom slaughter¹³ for pork meat to be consumed only by the buyer of the live pig, then there is no sale under Animal Confinement laws and regulations because there is no commercial sale of pork meat.

I am a 4-H, FFA, Grange, Independent, or similar youth program exhibitor, leader, or parent planning to purchase show pigs from an exhibition/show breeder for the 2023 fair season, what do I need to do?

When purchasing a show pig from an exhibition/show breeder in California:

- As of January 1, 2022, all commercial breeding pigs in California are required to be raised in compliance with Animal Confinement minimum standards.
- To ensure pork meat from the show pig has access to a “resale” market, ask for self-certification or third-party certification confirming that the commercial breeding pig (dam of the show pig) was kept in compliance with Animal Confinement minimum standards.
 - Without written documentation that the show pig is an immediate offspring of a breeding pig kept in compliance with Animal Confinement, then pork meat from the show pig will not have access to the “resale” market after the fair.
 - The buyer of show pigs who processes the pigs as pork meat to be sold into the retail market in California will want this written documentation.

When purchasing a show pig from an exhibition/show breeder outside of California:

- To ensure pork meat from the show pig has access to a “resale” market, ask for self-certification or third-party certification confirming that the commercial breeding pig (dam of the show pig) was kept in compliance with Animal Confinement minimum standards.
 - Without written documentation that the show pig is an immediate offspring of a breeding pig kept in compliance with Animal Confinement, then pork meat from the show pig will not have access to the “resale” market after the fair.
 - The buyer of show pigs who processes the pigs as pork meat to be sold into the retail market in California will want this written documentation.

I am a commercial exhibition/show breeder housing breeding pigs and selling their immediate offspring to be shown in 2023 county and state fairs and similar exhibitions, what do I need to do?

When the farm keeping breeding pigs is located in California:

- As of January 1, 2022, all commercial breeding pigs in California are required to be raised in compliance with Animal Confinement minimum standards.
- To ensure pork meat from the show pigs (which are an immediate offspring of breeding pigs) can be sold in California commerce, CDFA recommends providing a self-certification or third-party certification of compliance with Animal Confinement with all show pigs sold to 4-H, FFA, Grange, Independent, or similar youth programs for the 2023 fair season.
- A self-certification or third-party certification is written documentation that the show pig is an immediate offspring of a breeding pig kept in compliance with Animal Confinement.

When the farm keeping breeding pigs is located outside of California:

- As of January 1, 2022, the sale of pork meat in California is required to be from a breeding pig confined according to Animal Confinement minimum standards.
- Show pigs shown and sold at a fair or exhibition may be processed for “resale” and the pork meat sold in California commerce.
- To ensure pork meat from the show pigs (which are an immediate offspring of breeding pigs) can be sold in California commerce, CDFA recommends providing a self-certification or third-party certification of compliance with Animal Confinement with all show pigs sold to 4-H, FFA, Grange, Independent, or similar youth programs for the 2023 fair season.
- A self-certification or third-party certification is written documentation that the show pig is an immediate offspring of a breeding pig kept in compliance with Animal Confinement.

I am a 4-H, FFA, Grange, Independent, or similar youth program exhibitor, leader, or parent planning to include breeding pig projects in the 2023 fair season, what do I need to do?

- Breeding pigs which are kept as part of a 4-H, FFA, Grange, Independent, or similar youth program breeding project are exempt from Animal Confinement minimum standards.
- Therefore, the commercial sale of pork meat from the breeding pig and immediate offspring of the breeding pig while she is part of a 4-H, FFA, Grange, Independent, or similar youth program breeding project, are exempt from Animal Confinement minimum standards.

I am a Fair CEO or Junior Livestock Auction Committee that manages a livestock auction, what do I need to do?

- Consider the processing options for the show pigs offered by the fair, Jr. Livestock Auction, or similar exhibition after live animals are sold:
 1. If the only option for buyers of show pigs at the fair or auction is custom slaughter, then no additional action will need to be taken because pork meat produced from custom slaughter cannot be resold. Therefore, there is no sale under Animal Confinement.
 2. If show pigs sold at the fair have the possibility of being processed through a slaughter plant under mandatory inspection under the FMIA and then the pork meat entering California commerce, a recommended best practice is to communicate directly with the slaughter plant that will be performing this service for the fair.
 - Whole pork meat from a slaughter plant under mandatory inspection under the FMIA has several options, refer to definition of “sale” under Animal Confinement above.

¹Animal Confinement laws [HSC §§ 25990-25994](#) and [3 California Code of Regulations \(CCR\) §§ 1320-1327.3](#).

²Covered animal as defined in [3 CCR § 1326\(h\)](#).

³Covered product as defined in [3 CCR § 1326\(l\)](#).

⁴Farm as defined in [HSC § 25991\(l\)](#).

⁵Commercial sale as defined in [3 CCR §§ 1320\(e\), 1321\(f\), 1322\(f\)](#).

⁶Egg-laying hen as defined in [HSC § 25991\(g\)](#).

⁷Breeding pig as defined in [HSC § 25991\(a\)](#).

⁸Production cycle as defined in [3 CCR § 1322\(v\)](#).

⁹Calf as defined in [HSC § 25991\(e\)](#).

¹⁰Kept for the purposes of producing as defined in [3 CCR § 1321\(s\)](#).

¹¹Exceptions as described in [3 CCR §§ 1324-1324.1](#).

¹²Donations to nonprofit organizations that have a tax exemption under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.).

¹³Custom slaughter as exempted from the California Meat and Poultry Supplemental Inspection Act FAC § 19020.