



Perry Johnson Registrars Food Safety, Inc.

PJRFSI Animal Confinement Program Certification Procedure

This procedure details from start to finish the life cycle of the Animal Confinement certification process.

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1 Definitions--

- 1.1 Accreditation or accredit-- A determination made by the Department that authorizes a private entity to conduct certification activities as a certifying agent under Animal Confinement regulations.
- 1.2 Act--The Farm Animal Cruelty statute, as amended (Chapter 13.8 (commencing with section 25990) of Division 20 of the Health and Safety Code).
- 1.3 Area of operation-- The facilities and records for covered animal production or covered product distribution operations, including calves and whole veal meat, breeding pigs and whole pork meat, egg-laying hens and shell eggs or liquid eggs, or any combination thereof that a certifying agent may certify under Animal Confinement regulations.
- 1.4 Audit Trail-- Records that are in sufficient detail to document the identification, source, supplier, transfer of ownership, transportation, storage, segregation, distribution, packaging, distribution, and sale of shell eggs, liquid eggs, whole pork meat, or whole veal meat that were derived from a covered animal (or immediate offspring of a covered animal in the case of breeding pigs) confined in compliance with sections 25991 and 25992 of the Health and Safety Code and Animal Confinement regulations, and from producers that hold a valid certification as a certified operation issued pursuant to Animal Confinement regulations.
- 1.5 Breeding Pig-- any female pig of the porcine species kept for the purpose of commercial breeding who is six (6) months of age or older, or pregnant.
- 1.6 Cage Free System: an indoor or outdoor controlled environment for egg-laying hens within which hens are free to roam unrestricted; are provided enrichments that allow them to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas; and within which farm employees can provide care while standing within the hens' usable floorspace. Cage-free housing systems include, to the extent they comply with the requirements of this subdivision, the following:
- (1) Multitiered aviaries, in which hens have access to multiple elevated platforms that provide hens with usable floorspace both on top of and underneath the platforms.
 - (2) Partially slatted systems, in which hens have access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt below.
 - (3) Single-level all-litter floor systems bedded with litter, in which hens have limited or no access to elevated flat platforms.
 - (4) Any future systems that comply with the requirements of this subdivision.
- 1.7 Calf raised for veal: means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- 1.8 Certification or certify-- A determination made by a certifying agent that a production or distribution operation is in compliance with the Act and the Animal Confinement regulations, which is documented by a certificate of California farm animal confinement compliance.
- 1.9 Certified operation-- A production or distribution operation, or portion of such operation, that is certified by a certifying agent as utilizing a system of animal confinement or distribution as described by the Act and the Animal Confinement regulations.
- 1.10 Certifying agent-- Any private entity accredited by the Department as a third-party certifying agent for the purpose of certifying a production or distribution operation as a certified operation, the Department, or any government entity that the Department recognizes as providing functionally equivalent certification services to the requirements of this Chapter.
- 1.11 Certifying agent's operation-- All sites, facilities, personnel, and records used by an accredited private certifying agent to conduct certification activities under the Animal Confinement regulations.
- 1.12 Covered animal-- Any calf raised for veal, breeding pig, or egg-laying hen who is kept on a farm.
- 1.13 Breeding pig --Any female pig of the porcine species kept for the purpose of commercial breeding who is six

months or older or pregnant.

- 2.6.1 Calf - raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- 2.6.2 Egg-laying hen-any female domesticated chicken, turkey, duck, goose, or guineafowl kept for the purpose of egg production.
- 1.14 Covered product--- All of the following:
- 2.6.3 Shell eggs - A whole egg of an egg-laying hen in its shell form, intended for use as human food.
- 2.6.4 Liquid eggs - Eggs of an egg-laying hen broken from the shells, intended for human food, with the yolks and whites in their natural proportions, or with the yolks and whites separated, mixed, or mixed and strained. Liquid eggs do not include combination food products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream, or similar processed or prepared food products, that are comprised of more than liquid eggs, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers, and similar food additives.
- 2.6.5 Whole veal meat - any uncooked cut of veal, including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin, or cutlet, that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives. Whole veal meat does not include combination food products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food products, that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives.
- 2.6.6 Whole pork meat- any uncooked cut of pork, including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin, or cutlet, that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives. Whole pork meat does not include combination food products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food products, that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives, and similar meat additives.
- 1.15 Department-- The California Department of Food and Agriculture.
- 1.16 Distributor-- An egg distributor as defined in section 1320(k), a veal distributor as defined in section 1321(cc), and a pork distributor as defined in section 1322(t), of the Animal Confinement regulations.
- 1.17 Distributor operation-- Any operation or portion of an operation that conducts activities as a distributor.
- 1.18 Employee-- Any person providing paid or volunteer services for a certifying agent.
- 1.19 Fully extending limbs-- Means fully extending all limbs without touching the side of an enclosure, or another animal.
- 1.20 Governmental entity-- Any local, state, or federal domestic government, tribal government, or foreign governmental subdivision providing certification services
- 1.21 Immediate family-- The spouse, minor children, or blood relatives who reside in the immediate household of a certifying agent or in the immediate household of employee, inspector, contractor, or other personnel of the certifying agent. For the purpose of certification under Animal Confinement regulations, the interest of a spouse, minor child, or blood relative who is a resident of the immediate household of a certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent shall be considered to be an interest of the certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent.
- 1.22 Individual Treatment-- Any protocol, practice, procedure, or application of care concerned with the diagnosis, treatment, mitigation, or prevention of animal disease, injury or harm that is administered by, or conducted under the order or recommendation of, a licensed veterinarian as part of a veterinarian-client-patient relationship as defined in section 530.3(i) of Title 21 of the Code of Federal Regulations (April 2021).
- 1.23 Inspection-- The act of examining and evaluating the production or distribution area of operation of an applicant for certification or a certified operation to determine compliance with the Act and the Animal Confinement regulations.
- 1.24 Inspector-- any person retained or used by a certifying agent to conduct inspections of certification applicants or certified production or distribution operations, or an authorized representative of the Department.

- 1.25 Label-- A display of written, printed, or graphic material on the immediate container of a covered product or any such material affixed to any covered product or affixed to a bulk container containing a covered product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.
- 1.26 Labeling-- All written, printed, or graphic material accompanying a covered product at any time or written, printed, or graphic material about the covered product displayed at retail stores about the product.
- 1.27 Person-- Any individual, firm, partnership, joint venture, association, limited liability corporation, corporation, estate, trust, receiver, or syndicate.
- 1.28 Private entity-- Any domestic or foreign nongovernmental, for-profit, or not-for-profit organization providing certification services.
- 1.29 Producer-- An egg producer as defined in section 1320(m), a veal producer as defined in section 1321(dd), and a pork producer as defined in section 1322(u) of the Animal Confinement regulations.
- 1.30 Production Cycle-- The lifecycle of a commercial breeding pig for the generation of immediate offspring. A production cycle for gilts begins when they are six (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.
- 1.31 Records-- Any information in written, visual, or electronic form that documents the activities undertaken by a producer, distributor, or certifying agent to comply with the Act and the Animal Confinement regulations.
- 1.32 Responsibly connected-- any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant, or a recipient of certification or accreditation.
- 1.33 Split operation-- An operation that produces or distributes covered animals and/or covered products from operations, or portions of an operation, that are both in conformance and out-of-conformance with the confinement standards of the Act and the Animal Confinement regulations.
- 1.34 State-- Any of the states of the United States of America, its territories, the District of Columbia, and the Commonwealth of Puerto Rico.
- 1.35 Takes Physical Possession-- when the covered products are delivered to the buyer in California, regardless of whether the title transfer takes place outside of the state, whether the seller and buyer have provided otherwise by a contract, or whether an agent of the buyer accepts the covered products outside of the state for transportation into California.
- 1.36 Turning around Freely-- Means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.
- 1.37 Usable Floorspace-- The total square footage of floorspace provided to each covered animal, as calculated by dividing the total square footage of floorspace provided to the covered animal in an individual enclosure by the number of covered animals in that individual enclosure. For egg laying hens, this floorspace shall include both ground-space and elevated level flat platforms upon which hens can roost but shall not include perches or ramps.

2. Request for Certification

The Applicant initiates the certification process via a written or verbal request for information to PJRFSI.

In response, a PJRFSI Project/ Sales Manager or designee provides the Applicant with the FS-1awp – Animal Confinement Program Questionnaire/Client Application. The document is provided electronically unless a hard copy is requested. The Authorized representatives of the Applicant must complete and sign the Questionnaire/Application to provide PJRFSI with sufficient information required for the quotation/certification process.

Upon receipt of the signed application, PJRFSI's Program Manager or designee trained in Animal Confinement Program quoting procedures reviews the records of an application to ensure that the application is complete.

The complete application is reviewed for the following:

- a. Applicant's legal status is established.
- b. All questions have been answered in the application.
- c. Certification requirements are clearly defined, documented, and understood.
- d. Client appears to comply or may be able to comply with the applicable requirements of the Act and the Animal Confinement regulations.
- e. Verifying the applicant's current certification status including notification of non-compliance or notification of denial.

The record of this review is the Certification Specialist or designee's signature at the bottom of the FS-1awp Client Application and a completed FS-207awp – Animal Confinement Fee Calculation. The FS-207awp is based off the FS-205 PJRFSI Fee Schedule.

Based on the information furnished by the Applicant and input from the application review conducted by the Certification Specialist or designee, a quotation in the form of a certification agreement is completed which identifies the scope of certification, details the costs of the certification inspection and subsequent certification inspections.

Transfers are handled in accordance with Section 12 below.

PJRFSI may conduct Animal Confinement inspections along with other certification system audits or audit elements, as long as all program regulations are met and the integrity of any one component of the combined audit is not compromised. PJRFSI does not, however, conduct any consulting or training in combination with Animal Confinement inspection activity.

The Project Manager provides the Applicant with a duly authorized copy of the Animal Confinement Certification Agreement (FS-3awp) and the Terms and Conditions (FS-3tc). The Applicant then completes, signs, and returns a copy of the Certification Agreement bearing an original signature.

Signatures by both parties indicate mutual agreement of the Certification Agreement including the scope of certification and any exclusions, the certification costs, and the associated Terms and Conditions. After the Agreement is signed, amendments, agreed on by both parties, may be issued as necessary.

Receipt of the signed Certification Agreement and the full payment by the Applicant to PJRFSI is taken as an instruction to proceed in accordance with the Animal Confinement Certification Agreement and the Terms and Conditions. The Animal Confinement Program Manager or designee sends the Applicant, hereafter referred to as the operation:

- a. SOP-01awp – Animal Confinement Certification Procedure
- b. PJRFSI-01awp—Animal Confinement Quality Manuel
- c. Animal Confinement Program Standard
- d. Request the following documentation from the operation.
 - a. Facility Map
 - b. Records of Procedure, Policies, Etc.
 - c. Procedure for distribution a split operation, if applicable
 - d. Supplier(s) Animal Confinement Certification
- e. Any other appropriate guidance documents describing the inspection or the certification process.

If the application does not include enough information to determine whether the applicant may be able to comply with the Animal Confinement regulations, then the Certification Specialist or designee will request additional information. If PJRFSI determines that the operation does not comply and is unable to comply with the Animal Confinement regulations, then PJRFSI will take appropriate compliance actions.

Animal Confinement Program Manager or designee reviews the application, polices, procedures and record for compliance to the regulation prior to the inspection. The most current version of any file is noted in the naming convention with the use of YearMonthDay at the end of every filename.

If the requirements for certification change at any time and need retroactive implementation, PJRFSI's Program Manager or designee will ensure that the operation is notified as soon as possible by the most appropriate means and that the new requirements are followed/implemented at the next onsite inspection activity or sooner if necessary.

If an applicant wishes to withdraw an application, they may do so at any time. An applicant who withdraws its application shall be liable for the cost of services provided up to the time of withdrawal of its application. An applicant that voluntarily withdrew its application prior to the issuance of a notice of noncompliance will not be issued a notice of noncompliance. Similarly, an applicant that voluntarily withdrew its application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial.

3. Scheduling Inspections

A complete application package includes the following: completed and signed Client Questionnaire (FS-1awp); a signed Animal Confinement Certification Agreement (FS-3awp); PJRFSI's Terms & Conditions (FS-3tc); requested documentation, and a deposit payment. Once a full application package is reviewed and accepted by the Animal Confinement Program Manager or designee, it is sent to the scheduling department. The inspection shall take place within three (3) months following a determination that the applicant appears to comply or may be able to comply with the regulations.

The Animal Confinement Program Manager or designee assigns an Animal Confinement Inspector to the Organization's inspection program after verification that:

- a. The Inspector is approved by the Animal Confinement Program Manager for Animal Confinement inspections via the F-21awp and F-70awp.
- b. The Inspector has had no prior relationship with the operation which would present a conflict of interest. The inspector signs prior to performing any certification services an annual a Conflict of Interest (F-75fsi) and Employment/Affiliation Confidentiality Agreement (F-87fsi).

The operation is assigned to an Inspector who will contact the operation's designated authorized representative to confirm tentative dates for the inspection activities. The Animal Confinement Program Manager or designee is copied on the emails or is informed of the dates. The inspection must be scheduled when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply can be observed.

During the pre-assessment- the technical reviewer will determine the minimum number of traceability exercises required based on 1) number of different covered products distributed, 2) total square footage of land to be inspected. The number of traceability exercises will be recorded on the inspection report. The inspector may request additional traceability exercises based on observations made during the on-site inspection.

Size	Number of Traceability Exercises
25,000 Square Foot	1
60,000 Square Foot	2
100,000 Square Foot	3
500,000 Square Foot	4

Total Products	Number of Traceability Exercises
0-25	1
26-100	2

The inspection shall take place within three (3) months following a determination that the applicant appears to comply or may be able to comply with the regulations.

The Animal Confinement Program Managers sends the Scheduled Audit Form to the inspector when the dates are confirmed and enters into PJview. The Animal Confinement Program Manager then sends the Supplier an Audit Scheduling Acknowledgement form (F-163fsi) or equivalent document for the operation to sign and return which indicates:

- a. Operation's acceptance of the proposed Inspection dates and time
- b. Supplier's acceptance of the proposed Inspection team whose background information is available upon request. The Supplier has the right to object in writing to the appointment of any particular Inspector or technical expert providing the objection is valid, i.e. employee of a competitor, personal differences, etc.
- c. Supplier's confirmation that all processes/procedures/activities will be ready by the proposed Inspection date

PJRFSI's electronic database creates an Auditor Assignment Form (F-27fsi) and forwards it to the Inspector(s) after approval by relevant Customer Service Personnel.

4. The Onsite Inspection (Certification and Annual Inspections)

PJRFSI must conduct an initial on-site inspection of each production unit, facility and site that produced or distributed covered animals or covered products that is included in an operation for which certification is required. An on-site inspection but be conducted at least once every 12 months thereafter for each certified operation that produced or distributed covered animals or covered products for the purpose of determination whether to approve the request for certification or whether certification or the operation should continue.

PJRFSI undertakes the onsite inspection to:

- a. Assess whether the operation complies or has the ability to comply with the regulations
- b. Asses whether the information provided in accordance with application or renewal application accurately reflects the practices used or to be used by the applicant for certification or by the certified operation.

PJRFSI will provide the inspector, prior to each on-site inspection, with the decision regarding certification of the production or distribution operation site inspected by the inspector and of any requirements for the correction of minor noncompliance.

The onsite inspection is always conducted onsite. An opening meeting is held to discuss the inspection plan.

The inspector will review each production unit, facility, barn, and animal pens, and distribution. The inspection includes, but is not limited to:

- a. Verify the dimensions and capacity of the animal enclosure to comply with regulations
- b. Verify the procedures of the production or distribution
- c. Verification of the operation's production or distribution capacity
- d. Evaluation of the recordkeeping system and verification of activities through appropriate records
- e. Reconciliation of the volume of production units, facilities, barns, and animals' pens produced or received with the amount of animal shipped, handled and/or sold, also known as trace-back audits or in-out balances

The inspector must record copious notes of conformity and potential nonconformity. Should objective evidence exist to support writing a potential nonconformity, the following format is used:

The Inspector and/or other PJRFSI personnel are allowed to explain potential noncompliance's and/or clarify the requirements of the Animal Confinement Standard but shall not give prescriptive advice or consultancy as part of the inspection or the certification process. This does not preclude normal exchange of information with the operation.

At the end of the inspection, the inspector conducts an exit interview with an authorized representative of the operation. During the exit interview, the inspector communicates the accuracy and completeness of the inspection observed, any potential issues of concern observed, and requests any additional information that may be missing from the inspection. If significant information is missing, the inspector should note this in the inspection report and discuss this as an issue of concern during the exit interview.

The Animal Confinement Program Manager or appropriate designee seeks feedback from the operation by sending them the F-18fsi Customer Satisfaction Survey and F-38fsi Auditor Evaluation (Client Feedback Form) within approximately two weeks from the last day of the onsite facility audit.

Additional inspections may be announced or unannounced as required by the Department (CDFA).

5. Inspection Reporting and the Certification Decision

The Inspector documents the results of the onsite inspection using the scope specific Animal Confinement Inspection Report (WB-Hens, WB-Veal, WB-Distributor, WB-Pig) and sends the inspection report to the Animal Confinement Program Manager to forward to an Certification Specialist for technical review.

Within a reasonable amount of time, The PJRFSI Animal Confinement Certification Specialist conducts a technical review of the inspection report, policies, procedures, and records the results of any analysis conducted, and any other additional information provided on the F-67awp Animal Confinement Review Form. If needed, the report is returned to the Inspector for clarification or revision. A record of reviews is maintained using the F-67awp Animal Confinement Review Form.

After assessing whether the operation appears to comply with the Animal Confinement regulations, PJRFSI makes one of the following certification recommendations:

- a. Certification, if the operation is fully compliant
- b. Notice of Noncompliance for correctable description of violations. A Notice of Noncompliance allows the operation to submit a response with proposed corrective actions or rebuttal, typically within 30 days of the date of issuance. PJRFSI must evaluate the corrective actions or rebuttal to determine whether the operation complies with the regulations. If the operation appears to comply, then the certifier should in send a written notification of noncompliance resolution and continue certification such as conduct an on-site inspection if necessary, or certification with conditions. If the operation does not appear to comply, then the certifier should proceed to denial of certification
- c. Combined Notice of Noncompliance and Denial of Certification for non-correctable violations
- d. Notice of Denial in based on 3 CCR § 1326.7(h). Notice of Denial includes operation's right to request mediation or a formal hearing if they dispute Notice of Denial.

The final review of the inspection report and the certification decision steps may be performed by the same person, but the person who conducted the onsite inspection cannot conduct a final review of the documents or make a certification decision for an operation he/she has previously inspected for 12 months after that inspection.

If the Operation complies via the final review, PJRFSI's Animal Confinement Program Manager or other trained employees creates the electronic Certificate in the Animal Confinement regulation format.

When certification is granted, PJRFSI's Animal Confinement Program Manager or designee provides the Operation with:

- a. At least one paper copy of the Certificate
- b. A statement detailing the duration of the Certification (SOP-01awp)
- c. The grounds upon which Certification may be suspended or withdrawn and the requirements for undertaking Annual Inspections (SOP-01awp)

Delivery of the Certificate and other documents may be delayed until the Operation has paid any outstanding invoices.

6. Maintaining and Continuing Certification

PJRFSI will issue a new Animal Confinement Program certificate each year. These updated certificates may be issued after reviewing the annual update and/or after the annual inspection is completed.

A certified Operation must submit an FS-1awp, Certification Application, updated documentation, and fees to PJRFSI at least once per year to continue its Animal Confinement certification. The annual update must include a summary statement outlining any changes to the operation that were made during the last year, as well as any changes planned for the coming year. If PJRFSI requires supporting documentation to verify these changes, then the operation must provide it.

Operations must notify PJRFSI of any ongoing changes that may affect its compliance with the regulations. If an operation plans to add a new facility or animals, then PJRFSI must first approve these changes and issue an updated certificate. A request to add new facility or animals would require an additional onsite inspection. Animal Confinement Program Manager or designee will process a contract amendment and issue a new certificate with the updated scope.

PJRFSI shall inspect the operation annually (every 12 months) onsite to determine whether its certification should continue. If an Operation fails to submit an annual update prior to the onsite inspection, PJRFSI shall issue a Notice of Noncompliance. However, the failure of an operation to submit an annual update does not mean an annual inspection is not required.

Annual inspections follow the same process as the initial inspection. After the inspection is complete, and PJRFSI's Animal Confinement final reviewer or designee has reviewed both the annual update and the inspection report, PJRFSI chooses one of the three certification decisions below and communicates this decision in writing to the operation. However, if an operation shows evidence of a repeated minor issue, the certifier should elevate the violation to a Notice of Noncompliance.

After assessing whether the operation appears to comply with the Animal Confinement regulations, PJRFSI makes one of the following certification recommendations:

- a. Updated Certification if the operation is fully compliant
- b. Notice of Noncompliance for correctable description of violations. A Notice of Noncompliance allows the operation to submit a response with proposed corrective actions or rebuttal, typically within 30 days of the date of issuance. PJRFSI must evaluate the corrective actions or rebuttal to determine whether the operation complies with the regulations. If the operation appears to comply, then the certifier should in send a written notification of noncompliance resolution and continue certification such as conduct an on-tie inspection if necessary, or certification with conditions. If the operation does not appear to comply, then the certifier should proceed to a proposed suspension.
- c. Combined Notice of Noncompliance and Proposed Suspension for non-correctable violations
- d. Notice of Denial in based on 3 CCR § 1326.7(h). Notice of Denial may be able to request mediation or a formal hearing.

7. Notice of Denial Notification Procedure

When a notice of proposed suspension, notice of proposed revocation, notice of suspension, notice of and revocation of certification is issued to an applicant or certified operation a copy is also sent to CDFA within 14 days of notification.

9 Conditions for Suspending or Revoking Certification

Certified operations that do not maintain current Animal Confinement certification status may be issued a notice of noncompliance or proposed suspension or revocation by PJRFSI or the CDFA.

If a certified operation applies for certification with a new certifying agent but does not maintain or surrender its prior certification, then the operation may be issued a notice of noncompliance or proposed suspension or revocation, also known as an adverse action notice, by PJRFSI. In such a case, the certified operation is still

bound by the notice of noncompliance of the prior certifying agent.

If PJRFSI issues a notice of suspension or revocation for any noncompliance to the CDFA Amical Confinement regulations, the certified operation must immediately cease the sale, and representation of documentation as “XXX CA Prop 12 Complaint”. Reinstatement of suspended operations is granted by the CDFA. Operations or person responsibly connected whose certification has been revoked under section 1326.20 with an operation are ineligible to receive certification for a period of 2 years following the date of such revocation.

When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, PJRFSI shall send the certified operation a written notice of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When PJRFSI proposes to suspend or revoke an operation’s certification, the operation has the right to request mediation. The mediation is a process for PJRFSI and the operator to reach a settlement agreement within 30 days of the notice for suspension or revocation and must comply with the Animal Confinement Regulations. Once mediation is requested by the operator, PJRFSI will formally accept or reject. If PJRFSI rejects the mediation of an adverse action request via a written notification, the operation has 30 days to appeal the initial adverse action. If mediation is attempted, but no agreement is reached, the operation has 30 days from the end of the mediation session to file a formal hearing of the initial adverse action. If PJRFSI accepts the mediation request a written notification the operation shall be provided to the applicant or certified operation. Mediation is conducted by a qualified mediator mutually agreed upon by PJRFSI and the applicant or certified operation. If PJRFSI has evidence that a certified operation has willfully violated the Animal Confinement regulations, PJRFSI will send the certified operation a notice of proposed suspension or revocation of certification of the entire or portion of the operation as applicable to the non-compliance.

The applicant or certified operator has the right to request a formal hearing pursuant within 30 calendar days of the date the proposed suspension or revocation was issued. The request for a formal hearing shall be made by written correspondence to the

California Department of Food and Agriculture
Legal Office of Hearings and Appeals
1220 N Street, Suite 315
Sacramento, California 95814

PJRFSI and the CDFA shall not issue a notice of suspension or revocation while the outcome from mediation or a formal hearing is pending.

If the operation fails to correct the noncompliance according to the prescribed time, resolve the issue through rebuttal or median, or to request a formal hearing of the proposed suspension or revocation of certification before the suspension or revocation goes in the effect, PJRFSI will send a written notice of suspension or revocation. Once an operation’s certification has been suspended, only the CDFA has the authority to approve its reinstatement. PJRFSI may not approve or deny certification of a suspended operation without the CDFA’s written approval. Suspended operations must complete a new application for certification with PJRFSI before requesting reinstatement in order to demonstrate compliance with the regulations. PJRFSI and the Department shall not issue a notice of suspension or revocation while the outcome from mediation or a formal hearing is pending.

Suspended & Revoked operations may not sell, label or represent products as “XXX CA Prop 12 Compliant.

10 Denial & Mediation

When PJRFSI issues a denial of certification or proposes to suspend or revoke an operation’s certification, the operation has the right to request mediation in writing. The mediation is a process for PJRFSI and the operator to reach a settlement agreement within 30 days of the notice of denial of certification or for the notice for suspension or revocation and must comply with Animal Confinement regulations. If PJRFSI rejects the request to mediation the written notification will advise the applicant or certified operation of the right to request an appeal, within 30 days of the date of the written notification of rejection of the request for mediation. If PJRFSI accepts the mediation request mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. The parties to the mediation shall have no more than 30 days to reach an agreement following mediation session. If mediation is attempted, but no agreement is reached, the operation has 30 days from the end of the mediation session to file an appeal of the initial adverse action. PJRFSI may deny certification without issuing a notice of non-

compliance is based on evidence that an applicant has made a false statement or otherwise misrepresent the applicant's operation or its certification requirements pursuant to the Animal Confinement regulations.

11 Operation Requirement to Notify PJRFSI of Special Situations

The operation is required to notify PJRFSI in writing within 30 calendar days about any significant change(s), *actual or intended*, which include but are not limited to:

- a. changes in legal or commercial status including changes in name
- b. changes in ownership
- c. changes in name, phone number, or email of key managerial, decision-making, or technical staff
- d. changes in location and/or site address for the Supplier's operations
- e. changes to the physical building(s) and/or processing operations and equipment
- f. changes to the scope of certification (including expansion or reduction) in terms of products, animals, and/or facilities.

The operation is required to notify PJRFSI in writing immediately with about any significant change in operation or any portion of a certified operation that may affect compliance with the act.

Certification and certificates issued to certified Operations are not transferable to new owners in cases of mergers, acquisitions, or other transfers of ownership of the certified Operation. When there is a change in ownership of a certified Operation, the certified Operation must apply for and receive new certification from a PJRFSI prior to selling, labeling, or representing products as Animal Confinement certified ("XX Prop 12 Complaint")

PJRFSI reserves the right to conduct special inspections during the course of the certification period, and as needed in response to changes/incidents. Where such changes may affect the conformity of the product(s) and/or the Operation's, PJRFSI's Animal Confinement Program Manager or designee as appropriate determines whether the announced changes require further investigation and schedules a special inspection as necessary.

Where Operation fails to notify PJRFSI of any of the above changes, PJRFSI may accordingly send a notice of noncompliance, as deemed appropriate, the Certificate and reserves the right to retroactively invalidate the Certificate effective as of the date the change occurred.

12 Conditions for Change of Certifying Agent

A certified Operation may elect to cease being a client of a certifying agent (Former Certifier) and to have PJRFSI, serve as a new certifying agent. If the certified operation intends to continue to produce or sell products that are certified to the Animal Confinement Program, they must maintain their current certification until they have been granted certification by PJRFSI.

Where a Certified Operation elects to have PJRFSI certify their operation, the certified Operation must complete and submit an application for certification to PJRFSI. A complete application includes completed and signed Client Questionnaire (FS-1awp), a signed Animal Confinement Certification Agreement (FS-3awp), PJRFSI's Terms & Conditions (FS-3tc), a completed and accepted, and a deposit payment.

Prior to granting certification, PJRFSI must conduct an application review of the certified Operation's Application and a full on-site inspection to verify compliance with the Animal Confinement regulations.

PJRFSI will request information regarding current certification status, including any outstanding notices of noncompliance of new applicants. Certification may not proceed until outstanding non compliances are resolved.

If a certified operation applies for certification with a new certifying agent, then the operation may still be bound by the notice of noncompliance of PJRFSI until resolved.

Certified operations that do not maintain current Animal Confinement certification status may be issued a notice of

noncompliance or denial of certification by PJRFSI.

13 Disputes and Appeals

Disputes and appeals are handled in accordance with PJRFSI-1awp, PJRFSI's Quality Manual which is available upon request.

14 Confidentiality

PJRFSI, including all inspectors, administrative staff, Executive Committee, Impartiality Committee, and any other employee or contractor, ensures that all records, data, and information received during the execution of an Animal Confinement inspection remain confidential and the property of the Operation. Only with the Operation's written authorization will PJRFSI release inspection data to any entity other than CDFA except when mandated by law, statute, or the regulations of accreditation bodies. In the event that disclosure of such information is required by law or statute, PJRFSI will disclose the information as required and inform the Certified Operation in writing of such disclosure in a timely fashion.