

DEPARTMENT OF FOOD AND AGRICULTURE

INITIAL STATEMENT OF REASONS

**AMENDMENT OF THE 2001 CALIFORNIA BUILDING CODE,
TITLE 24, PART 2, VOL. 1, OF THE CALIFORNIA CODE OF REGULATIONS**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Amend the 2001 California Building Code, California Code of Regulations, Title 24, Part 2, Vol. 1:

The purpose for this proposed action is to amend the current edition of the California Building Code for places of meat inspection. The necessity of this proposed action is to update the existing provisions regarding occupancies under the authority of the Department pursuant to the Food and Agricultural Code sections 18735 and 19384.

The Department of Food and Agriculture (Department), Meat and Poultry Inspection Branch (Branch), provides inspection services to slaughterhouses and processing plants that are exempt from federal inspection, but require inspection in California.

The Branch licenses and inspects Custom Livestock Slaughterhouses, Pet Food Slaughterers, and Meat and/or Poultry Processing Establishments, and the licensing of Livestock Meat Inspectors and Processing Inspectors. Custom Livestock Slaughterhouses are establishments that slaughter cattle, swine, sheep and goats for use by the owner, and fallow deer for commercial sales. Meat and/or Poultry Processing Establishments are retail stores that prepare meat and poultry products by curing, smoking, drying, or rendering for sale to household consumers. Pet Food Slaughterers kill and prepare cattle, goats, sheep, swine, equines, other large domesticated animals, and poultry for consumption for pet food purposes.

The Branch, among other duties, also administers the rendering enforcement program to inspect and investigate shipments and transactions of renderers and collection centers. "Rendering" means the recycling, processing, and conversion of animal and fish byproducts and carcasses from the meat, poultry, and seafood industries, as well as used kitchen grease into fats, oils and proteins that are used primarily as feed in the animal, poultry, and pet food industries. "Collection center" means a receiving area (a building structure or vehicle) used for the temporary storage of animal carcasses, packinghouse waste, or other products before transportation to a licensed rendering plant.

This proposal is needed to update and codify the requirements for meat and poultry processing facilities requiring state inspection. It contains technical, cleanup language for meat and poultry processing plants, collection centers and facilities, renderers, and horsemeat and pet food establishments.

The rationale for each amendment is as follows:

1) Section 450.1.1

The text "such as air screens" was added to provide an example of a commonly used device for preventing the entrance of flies and other insects into a plant. The "Exception" was deleted for this section because the Department has determined that all rooms in a plant should be protected from the entrance of insects. This will serve to preserve the sanitary conditions at meat and poultry processing plants. This section also contains grammatical changes for consistency with the added text.

2) Section 450A.1.3

The text "in federally inspected plants" was added to the "Note" portion of section 450A.1.3 because the condition described applies only to federally inspected meat processing plants. Federal regulations do not apply to state inspected plants except when incorporated by reference in the Food and Agricultural Code and the California Code of Regulations. There are no conflicts between the provisions of Title 24, the Food and Agricultural Code, or the California Code of Regulations regarding the requirements for meat processing plants.

3) Section 450A.1.4

The word "objectionable" was added in reference to odors in rooms and compartments of meat and poultry processing plants. The Department added this word because it is unreasonable and unnecessary to eliminate all odors from a plant, only objectionable odors should be eliminated.

4) Section 450A.4

The Department deleted the reference to "section 81.50, 7 CFR, Part 81, United States Department of Agriculture" because this section no longer exists in the Code of Federal Regulations. Regarding coolers and freezers in a plant, the Department added that they should be of adequate size and have cooling capacity to fully enable compliance with the regulations governing meat and poultry and meat and poultry products. The wording clarifies that coolers and freezers must comply with regulations that specify cooling temperature and time requirements. Also, the current language only applied to poultry and poultry products, when it should apply to meat and poultry and meat and poultry products.

5) Section 450A.6

The Department does not require meat or poultry processing plants to provide lockers for an inspector's office; however, it does require that desk space be provided. This will enable the Department's inspectors to continue to perform their duties onsite at the plant, as is the current practice.

6) Section 450A.10

The Department believes that walls in meat and poultry processing plants in areas where exposed products are prepared and handled should be smooth and constructed of material impervious to moisture, to a minimum height of 8 feet instead of the existing requirement of 6

feet. This will serve to ensure the purity of the products processed. The Department also believes it is confusing and unnecessary to specify this height requirement in millimeters.

7) Section 450A.13

This sections addresses the requirements for lighting for rooms and compartments in meat and poultry processing plants. The word "ventilation" was deleted because it is addressed in section 450A.14.

8) Section 450A.13.1

The lighting requirement for this section applies to livestock as well as poultry. In the "Exceptions" portion, current language implies that light intensity shall be exactly 50 footcandles, whereas the intent is that it be at least 50 footcandles. The Department believes that the current language also implies that light intensity of only 5 footcandles is required anywhere other than at inspection stations. The added language is intended to clarify that at least 30 footcandles of light intensity is required in all processing areas.

9) Section 450A.14

The Department is adopting text identical to 9 CFR (2005) Part 416, section 416.2(d), pertaining to ventilation in federally inspected meat and poultry processing plants pursuant to section 18693 of the Food and Agricultural Code.

10) Section 450A.15.3

The requirements of this section apply to all meat food products (which includes poultry), not exclusively poultry. Therefore, the qualifying word "poultry" was deleted.

11) Section 450A.15.4

The Department does not believe that urinals should be required in meat and poultry processing plants. This requirement could be unduly burdensome upon businesses. The processing plants are considered small business, and most plants may have only one dressing and toilet room.

12) Section 450A.15.5

The Department is correcting a typographical error in this section. Lockers shall *not* be in rooms where processing operations are conducted. The meat or poultry food products processed are kept separate from employees' lockers or other facilities utilized by employees for storing or changing clothing.

13) Section 450A.15.6

The handwashing facilities requirement of this section applies to livestock and meat as well as poultry, and has been amended to reflect this. The Department is also making a grammatical change in this section for clarity purposes.

14) Section 451A.1.4

The proposed language corrects a typographical error changing "lie" to the intended "live" and adds "hot water" as a suitable method of sanitizing vehicles. Most collection centers do not have a source of steam, but do have hot water of at least 180 degrees F.

15) Section 451A.1.6.

The Department is only updating the terminology in this section changing "chief of the bureau" to the "Department."

16) Section 451A.1.7

The title of this section has been corrected to reflect the content of the section. "Sufficient" has been substituted for "a" and the text "all animal carcasses and packinghouse" added before "waste material" for clarity purposes. The word "Department" replaced the word "director" to reflect current terminology.

17) Section 451A.2

A typographical error was corrected by replacing the term "in" drains with "to" drains.

18) Section 451A.3

Some collection centers do not have any lavatory accommodations because a collection center can be a vehicle used for the temporary storage of animal carcasses prior to transportation to a rendering plant. Therefore, the qualification that such accommodations are to be provided "unless the Department determines that they are not necessary" clarifies this requirement.

19) Section 452A.1.1

This section has been amended to reflect that rendering plants are to be separate and distinct from all other meat and poultry establishments, unless otherwise approved by the Department. This includes licensed as well as nonlicensed meat and poultry processing establishments.

20) Section 452A.1.2

The terminology has been updated changing "director" to read "Department."

21) Section 453A.1

The condition described in this section applies only to federally inspected establishments. Federal regulations do not apply to state inspected plants except when incorporated by reference in the Food and Agricultural Code and the California Code of Regulations. There are no conflicts between the provisions of Title 24, the Food and Agricultural Code, or the California Code of Regulations, in horsemeat or pet food establishments.

22) Section 453A.2.1

This section has been amended to reflect current facility requirements in rendering plants for the use and comfort (heated; cooled) of Department employees. Lockers and changing facilities are no longer required, however, adequate desk and file space is needed for preparation of the inspector's reports. The "Exception" was deleted because these plants no longer have full-time inspectors. Each plant is part of a route assigned to a Department inspector.

23) Section 453A.2.7

It is unreasonable and unnecessary to require that rooms and compartments be free of all odors, only that they be free of "objectionable" odors.

24) Section 453A.4.1

The Department does not believe that urinals should be required in meat and poultry processing plants. This requirement is unduly burdensome upon businesses. The processing plants are considered small business, and most plants may have only one dressing and toilet room.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

There were no formal studies or reports used as the basis for the proposed amendment of the California Building Code.

CONSIDERATION OF REASONABLE ALTERNATIVES

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No alternatives were identified to lessen the adverse impact on small businesses.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

No facts, evidence, documents, testimony, or other evidence of no significant adverse economic impact on business have been identified.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The meat and poultry slaughter/processing facilities inspected by the Department of Food and Agriculture are exempt from federal inspection. However, the requirements for the state-inspected facilities are consistent with federal regulations, except where they pertain specifically to the Department, pursuant to section 18693 of the Food and Agricultural Code.