

-Approved-

**California Department of Food and Agriculture
Animal Health and Food Safety Services
Meat, Poultry and Egg Safety Branch
Rendering Industry Advisory Board
February 13, 2014**

**Location: 2800 Gateway Oaks Drive
Sacramento, CA 95833**

Meeting Minutes

Item
No.

(1) **Call To Order**

Chairman Mike Koewler called the Rendering Industry Advisory Board (RIAB) meeting to order on Thursday, February 13, 2014 at approximately 10:05 a.m.

(2) **Roll Call**

Roll call taken by Chairman Koewler and a quorum was established.

Committee Members Present:

Mike Koewler
Daniel Stonesifer
Donald DeSmet
Gerardo Garza
D.O. "Spike" Helmick Jr.
Chris Ottone
James Andreoli Jr.

C DFA:

Dr. Annette Jones
Richard Estes
Dr. Doug Hepper
Dr. Jan Hershenhouse
Paul Roos
Paul San Gregorio
Louie Lucero
Norma Schroeder
Rachel Andrade
Irene Sanchez

Interested Parties:

Sandy Stonesifer
Tina Caperella
Dr. Ross Hamilton
David Isen
Carlo Luri
James Anderson
Andy Andreoli
Jared Trawich
Ryan Koewler

(3) **Swearing in of Reappointed Members**

Dr. Hepper administered the oath to reappointed members Mr. Ottone and Mr. Stonesifer.

(4) **Approval of Minutes- May 14, 2013**

Chair Koewler asked RIAB to review the November 12, 2013 meeting minutes and asked that a motion be made to accept the minutes.

Motion #1: Mr. DeSmet made a motion to accept the minutes. Mr. Stonesifer seconded the motion and the motion passed unanimously.

(5) **Incidental Disposal Amounts- Define**

Dr. Hepper advised RIAB that the California Department of Food and Agriculture (CDFA) will develop a workshop to address issues of Incidental Disposal. At this time there is no action required from RIAB.

(6) **Inedible Kitchen Grease Account and Container Change Policy**

Dr. Hepper discussed IKG container issues and advised RIAB that he has submitted a legal referral to help answer questions pertaining to language of current regulations. Dr. Hepper also advised RIAB that CDFA does not have authority to regulate disposition of empty IKG containers. In addition, CDFA cannot take action if it is unclear who owns the IKG or who the service provider for an account is. It was agreed that first CDFA should receive authority before any policies can be derived.

(7) **Enforcement Updates**

Dr. Hershenhouse provided program updates and the following was discussed:

- Rendering Enforcement Program (REP) has increased its outreach and training efforts to local law enforcement agencies, California Highway Patrol (CHP), district attorneys (DAs), the restaurant industry, and County environmental health agencies.
- REP has continued to collect data related to IKG theft in an attempt to develop a clear statement regarding the number of thefts, total loss, and targeted locations.
- The rendering enforcement investigators have been performing audits of company records to verify proper rendering and IKG handling and to help support ongoing investigations regarding IKG theft.
- Other program updates included refining the penalty matrix, increasing and collecting fines, and enforcing cut-off dates for renewals of registrations and licenses.
- Dr. Hershenhouse discussed Civil Enforcement Actions to date and how the program has progressed since 2012.
- Dr. Hershenhouse also discussed updates to the IKG Theft website. The website now includes a list of violations that have been successfully pursued by REP and the list will be updated monthly. Discussion then ensued on how REP determines if an IKG theft case is processed civilly or criminally. Rendering enforcement investigators determine this on a case-by-case basis and several determining factors were discussed. One mechanism is if the investigator has enough evidence to provide a DA to pursue the case criminally, then they will do so; however, if they do not they feel they have enough evidence, REP feels it is better to pursue the case civilly.
- RIAB inquired how licensed Renderers or Collection Centers will be advised when a

license is revoked and it was agreed that REP would provide notice.

(8) **Audits**

Mr. Roos discussed the audit process and that most audits performed to date have been targeted audits rather than random audits due to limited resources. RIAB expressed concern that audits should be random and that not too much notice should be given before performing an audit. Due to limited staffing of the REP, most audits at this point have been targeted and it is the programs' goal to perform random audits in the future. RIAB suggested that records be cross referenced between the generator and the receiver of IKG to ensure records match. Dr. Hershenhouse concluded the discussion by advising that a training session will be conducted by REP on March 3, 2014 to clarify any questions the industry may have regarding what is required to maintain accurate manifest records.

(9) **Investigation and Enforcement Protocols 82:00 min.- 116:25**

Mr. Estes discussed the following legal topics of interest to RIAB:

- Under past guidance of the Attorney General's office, REP's enforcement process was to gather violations throughout the year to build a case to deny registration renewal. The reason being is that then the burden of proof lied on the registrant. To revoke or suspend a license the burden of proof lies on CDFA, therefore during the adjudication process the registrant could continue to operate with their license. In addition to this process, CDFA can now revoke a license under the new informal hearing regulations that went into effect in 2013.
- The enforcement process for collection centers and renderers have different procedures. Issuance of the license or registration can only be refused if they have a felony or do not have the proper equipment. To revoke or suspend a collection center or renderer license, the burden of proof lies on the licensee and they cannot operate any further until they have requested an appeal.
- Evidence and due process is required to levy and collect civil penalties. The person or establishment has the right to know what they did wrong, right to defend themselves or contest the accusations, and the right to a decision.
- REP should build strong cases based on direct evidence. The reason being, if the case goes to the superior court, it is likely that if the case is weak the Attorney General will not want to take the case and the whole enforcement process may be at risk.
- Proving a case of stolen IKG is tough and REP does not have enough resources to gather adequate evidence, therefore it is recommended that REP pursue cases of repeated instances to accept grease from unlicensed transporters and/or failure to keep or maintain records.
- Code and regulations needed to improve enforcement include: harmonizing the enforcement process between IKG transporters, the process for collection centers and renderers, and clarifying the hearing procedures.
- The length of time to make regulation or legislation changes is about a year.
- Since the Penalty Matrix is approved through a regulatory process it will be a useful tool.

RIAB inquired if Mr. Estes had any suggestions or comments regarding Assembly Bill (AB) 1566. Response was that REP has not seen all the changes they requested, but Mr. Estes, in

conjunction with Dr. Hepper, is working on language to respond to the bill that will address industry concerns.

(10) **Data Collection and Mapping 116.25-128**

Mr. San Gregorio provided updates of data collection and mapping. He briefed RIAB on a program REP has begun with the border stations to randomly check for manifest records of vessels transporting IKG and discussed the results of a survey that was performed by the border stations.

Mr. San Gregorio also discussed that he conducted a survey to see how many IKG container decals have been deployed out in the field. During this survey he discovered that not many decals are being placed on the IKG containers. REP encourages the industry to utilize the decals to help raise awareness and to increase IKG theft reporting. Ms. Schroeder discussed how outreach material could be helpful to raise awareness of IKG theft. One suggestion is, in addition to the IKG container decals, to place magnetic decals on the backdoors of restaurants to raise awareness to restaurant employees.

Mr. San Gregorio concluded by demonstrating how the IKG theft reporting data collected from the IKG website is put into Geographic Information System (GIS) mapping to show where IKG theft occurs. The GIS mapping shows REP what areas are being targeted and also what areas are not reporting theft.

(11) **CopLogic Project Update**

Ms. Schroeder provided an update on the CopLogic software project and discussed issues that may prevent going forward with the procurement of the CopLogic software. Feedback from CDFA's information technology team confirmed that due to security reasons REP will not be able to use CopLogic. The reason being they do not want an outside source to interact with CDFA databases.

Discussion of alternative solutions to gathering statistical data for IKG theft ensued and included the following:

- IKG theft reporting should go to law enforcement agencies and to have those agencies forward the information to the REP. Ms. Schroeder advised RIAB that there is an issue ensuring all law enforcement agencies forward the information to REP. Another issue is that REP would then have to take the reports and key them into REP's database.
- CDFA's Information Technology (IT) team needs to recreate a program adequate to fulfill the needs of the REP. Ms. Schroeder, however, feels it would be considerably more expensive than CopLogic software. Furthermore, CDFA's legal counsel advises that REP should not act as an intermediary between the public and law enforcement agencies.

Further discussion centered on whether the goal should be to gather IKG theft statistics to inform law enforcement agencies of the depth of the issue, or should the goal be to increase IKG theft reporting to law enforcement agencies. Moving forward, REP will work closely with CDFA's

IT team to try to develop a solution in-house. Consensus from RIAB is they would like CDFA to present a proposal at the next meeting of what CDFA's IT team can do to resolve the issue before moving forward.

(12) **Outreach Updates**

Ms. Schroeder briefed RIAB on the following outreach:

- The IKG theft website has been updated to include a violators list.
- The IKG theft hotline has been restored after malfunction in updated software was not relaying the information to the REP.
- Outreach fliers continued to be passed out to both public and law enforcement agencies informing them about what to look out for and what resources are available. It was suggested that the flier to law enforcement agencies include specific violation codes
- IKG theft decals with reporting information are available to be placed on IKG containers.
- Training continues to be provided to law enforcement agencies, DAs, and industry members. In addition, training was provided to the Border Stations and a manifest training session will be held, and also available through webinar, in March 2014.
- Dr. Jones will speak at the California Conference of Directors of Environmental Health (CCDEH) in June to discuss the issues surrounding IKG and Interceptor Grease Traps.
- CDFA's Planting Seeds Blog has discussed the issues of IKG, as well as CDFA's Secretary, Karen Ross.
- REP is working on a draft letter requesting assistance from the Attorney General's office at a local level to address issues pertaining to IKG.
- 2014 renewals for establishments located in the southern area have been distributed through the MPES Ontario office, allowing REP to reach out to industry members.
- REP continues to work on establishing a database of contact information for rendering industry members and those related to the industry, such as restaurants and county health inspectors.
- Ms. Schroeder also discussed other media outreach that included conferences, magazine articles, and news clips that discussed the issues related to IKG and the rendering industry.

(13) **Budget Discussions**

Dr. Jones suggested to the board that they establish a budget subcommittee for the purpose of looking at program goals, resources, and budget.

Motion #2: Mr. Stonesifer made a motion to establish a budget subcommittee. Mr. DeSmet seconded the motion, and the motion passed unanimously. Mr. Koewler, Mr. Stonesifer, Mr. Andreoli Jr., Dr. Hepper, and Mr. Tad Bell (not present at the meeting), will sit on the subcommittee.

(14) **Other Business**

The following other business discussed:

- The Compton Fire Department requires everyone recycling fats, oils, and grease register with the fire department. Discussion ensued that this could be the result from the new

International Fire Code (IFC) that specifies if someone is storing more than 300 gallons of used cooking oil it must be in a UL stamped tank. This led to a discussion on possibly creating a label to identify IKG containers.

- Mr. Koewler requested support from RIAB on Assembly Bill (AB) 1566 to help move the bill along.

Motion #3: Mr. Helmick made a motion to support AB 1566. Mr. Andreoli seconded the motion and the motion passed unanimously.

- Mr. Koewler requested a motion from RIAB to pass a resolution to support technology neutral solutions in grant criteria for power recycling systems to reduce organic waste in landfills, so that traditional renderers do not get excluded from the grants.

Motion #4: Mr. Helmick made a motion for RIAB to support requesting a neutral technology in grant criteria for power recycling systems. Mr. Andreoli seconded the motion, and the motion passed with one abstain.

- Mr. Koewler asked RIAB to review the Food Safety Modernization Act, in particular, to review the rule pertaining to transporting and requested each member to submit comments explaining how the act would affect their business. Dr. Hamilton briefed the board on possible ways the industry could be affected and discussed recommendations that will be made by other industry members.

(15) **Next Meeting**

The suggested date for the next meeting is for the middle of June 2014.

(16) **Adjourn**

Motion #5: Mr. Stonesifer made a motion to adjourn the meeting. Mr. Ottone seconded the motion and the motion passed unanimously. The meeting adjourned at 3:15 p.m.

Respectfully Submitted:

Rachel Andrade