



Ocal Comparable-to-Organic Cannabis Working Group Minutes

Minutes of the July 24, 2019, Meeting

*California Department of Food and Agriculture
2750 Gateway Oaks Avenue, Suite 200, Sacramento, CA*

Members Present

Archipley, Karen
Graham, Charlene
Grimland, Kaley
Iqbal, Javed
Kim, Annie
Rocca, Phil

Members Absent

Johnson, Jeremy

CDFA

Dalziel, Melinda
D'Souza, Crystal
Henry, Georgia
Osborn, Thomas
Renteria, Scott

CDPH

Gordon, Dawn

CDPR

Kubiak, Rachel

Interested Parties

Baumann, Cecilia
Brower, John
Brown, Mikal
DeLaguerra, Jeff
DiGiovanni, Tom
Joyce, Alana

Kiefer, Jonathan
Laughter, Wade
MacEwan, Duncan
Munch, Matt
Nell, Peter
Oge, Brent
Oliver, Bruce
P, Will
Piccirilli, John
Pitts, Keith

Interested Parties via Conference Call

Anderson, Brittny
Armstrong, Sarah
Atkinson, Bryan
B, Allen
Bader, Ivy
Barajas, Julia
Beck, Carmela
Bershad, David
Black, Andrew
Blanchard, Angela
Burd, Chris
Burkett, Jennifer
Calloway, Brent
Carrera, Julia
Carveth, Charlene
Caudill, Lorelei
Chandra, Poonam
Coleman-Derby, Lydia
Corley, Erin
Cragholm, Jason
Dahlman, Scott
DeLaGuerra, Jeff
Dolf, Jeff

German, Brian
Goldberg, Adam
Goldberg, Tricia
Gonzalez, Jessica
Gordon, Ross
Gray, Jenn
Groves, Matthew
Grysen, Rob
Habegger, Charles
Hanson, Jonathan
Hossack, Joanna
Humphries, Giovanti
Imtanes, Victoria
Johnson, Ron
Kelly, Tamsen
Khosh, Matt
Kiroloss, Angie
Lastreto, Nikki
Letton, Sara
Lisicki, Jonathan
Maiten, Matthew
Mattson, Fiona
Miller, Jenn J

Olson, Hanan
Osborne, Nathan
Pfeiffer, Kevin
Philipsborn, Maggie
Picazo, Sergio
Poroli, Beatrice
Prophete, Robert
Ragusa, Lindsay
Randolph-Goddard, Kemi
Roderick, Anne
Rodriguez, Adrian
Russell, Kima
Saetta, Stacy
Sandoval, Simone
Schneidwind, Laura
Skibola, Nicole
Smith, T.O.
Stevens, Miranda
Story, Darren
Taylor, Kashta
Temerario, Valentina
Torrance, Rainie
Tudor, Dan

Durrani, Lubna
Espinoza, Maria
Felizola, James
G, Eugene
Garcia, Daniel
Garcia, Maximino
Germain, Michael

Martin, Lottie
Miller, Debby
Mollenkamp, Daniel
Morgan, Cree
Meyer, Melody
Neufeld, Shayla
Nevins, Patty

Turano, Paul
Van Hook, Chris
Weisser, Steve
Wesley, Tihesha
Westerberg, Alexander
Winter, Larry
Yaj, Pooh

ITEM 1: Introductions

Annie Kim introduced members of the OCal Comparable-to-Organic Cannabis Working Group and provided housekeeping instructions. Introduction by members of the Working Group: California Department of Food and Agriculture (CDFA) staff included Javed Iqbal, Annie Kim, and Charlene Graham (who had been called away briefly). COPAC members included Phil Rocca and Karen Archipley. Annie Kim noted that participants who wanted to make additional comments or ask questions after the meeting should send them via email to CDFA at: CDFA_CalCannabis_OCal@CDFA.ca.gov.

There will be one more Working Group meeting, which will be scheduled at a future date. Annie Kim shared participation instructions for conference call attendees and public participation instructions.

ITEM 2: Working Group Purpose and Function

Annie Kim discussed the origins of the Working Group, reviewed the agenda, explained the purpose of questions asked by staff, provided a brief overview of the National Organic Program (NOP) and certification, and explained that, per the recently passed California Assembly Bill 97, manufacturers will be certified by the California Department of Public Health.

ITEM 3: NOP Handbook and Guidance Documents

Annie Kim provided an overview of how California and federal regulations differ. California's regulations must be clear enough to be followed without outside guidance or interpretation; if something specific to the OCal program is not included in the regulations, it would not be enforceable; and broadly applied interpretive guidance is considered underground regulation. Federal regulations may be accompanied by outside guidance and interpretive documents, and they are not considered underground regulations. What must OCal move from guidance documents to the regulations for the program to function comparably with the National Organic Program (NOP)?

Discussion. Karen Archipley cautioned against adding requirements. Javed Iqbal clarified that this would not add requirements, but would create a comparable program.

Public Discussion

Topics included prohibitions on the use of the word “organic” in reference to cannabis products, possible degradation of NOP-allowed substances when inhaled, track-and-trace processes for certified and exempt operations, pesticide-residue testing, and substances allowed on organic extracts.

NOP Handbook and guidance recommendations:

- Include the NOP handbook and all the standards. Feds have regulations that include statute and handbook. Everything that has to do with the production of any crop should be included.
- Regarding NOP 2610 in the handbook, sample sizes for seed is 1 pound, which is a very large sample size for cannabis seeds.
- Regarding NOP 2609 in the handbook, unannounced inspections. Who has authority? BCC, CDFA, certifying agent?
- Regarding NOP 2610 in handbook, 16 ounces to 30 ounces of oil is very expensive.
- Regarding NOP 5029 planting stock. OCal should consider letting clones be considered planting stock.
- Regarding NOP 5029, we would like to keep the standard of “when commercially available.”
- Handbook: Seed varieties produced through traditional cell-fusion techniques should be allowed.
- Handbook: Can noncannabis-derived terpenes be derived from nonorganic sources and used as natural flavors?
- NOP 3011: California’s program should have a way to petition to have substances added to the list.
- NOP 5032: All use "made with wording."
- Recommendation to follow NOP guideline docs 5006, 5020, 5021, 5025, 5026, 5029, 5031, and 5032.

ITEM 4: Registration Requirements for Certifiers Accredited by the USDA

Annie Kim explained that the OCal program will accredit cannabis-specific certifying agents because they’re not accredited by the NOP, and register certifying agents accredited by the NOP to ensure all certifying agents that certify for OCal are bound to follow the program’s requirements. Certifying agents can prepare for certification by looking at the NOP accreditation section. Charlene Graham asked what the group thought should be required for a certifying agent to register with the OCal program. Discussion. Phil Rocca recommended requiring NOP accreditation documentation.

Public Discussion

Topics included a recommendation that OCal emulate the NOP’s rule that deemed farms must be certified to NOP standards if they were certified by certifying agents accredited during the first 18 months following the start of the NOP.

ITEM 5: Possible Exemptions From Certification

Annie Kim explained that per NOP regulations, producers, handlers, and processors who gross less than \$5,000 per year in organic sales are exempt from certification, but may sell, represent, and label their products as organic if they meet all NOP requirements. Charlene Graham further explained that because there is no certifying agent to validate that the producers, handlers, and processors in question meet NOP requirements, this exemption would mean the program would be responsible for oversight of exempt operations, which would increase program costs and complexity. Annie asked the group: Do you feel this program should have this exemption?

Discussion: Phil Rocca recommended that exempt operations be prohibited from calling themselves certified and using the organic seal. Annie Kim explained that OCal will have its own seal and will follow NOP labeling provisions. Phil Rocca said county agricultural commissioners conduct oversight of exempt operations for the State Organic Program.

Public Discussion

Topics included the ability of a cultivator who makes less than \$5,000 per year to pay licensing fees; who will conduct oversight of exempt operations; a reminder that this program will not call itself organic and that using the term organic to label, sell, or refer to cannabis products is prohibited; a description of how the NOP conducts oversight of exempt operations; and the likelihood that consumers do not know the difference between “certified organic” and “organic,” which could result in consumers being confused or misled.

ITEM 6: Types of Certification

Annie Kim explained that the program is considering changing from Production and Handling certification areas to Cultivation, Distribution, and Manufacturing certification types. Distribution will be certified under the California Department of Food and Agriculture. Manufacturing will be certified under the California Department of Public Health. This mirrors cannabis license types. Distribution-Transport Only licensees would be excluded because, per Bureau of Cannabis Control regulations, they cannot handle unpackaged products. Testing laboratories also are excluded because samples taken by the lab are destroyed. Any feedback regarding this scheme for certification types?

Discussion: Charlene Graham added that Nursery and Processor licensees would be cultivation subtypes. Phil Rocca explained that certification helps to prevent contamination and guards against the mixing of organic and nonorganic products throughout the supply chain; the industry has suffered from nonorganic and organic grain being mixed during shipping. Rocca went on to say that manufacturers must not only avoid contamination and mixing, but certifiers must oversee and approve of chemicals and processes used for extraction. Charlene Graham said any licensed operation that touches, or can touch, cannabis products should be certified.

Public Discussion

Topics included what makes a distributor organic; certification necessity for distributors that offer pass-through service in which they hold a product for lab sampling and testing, but never open the containers or touch the product; use of the California Cannabis Track-and-Trace System to track products and avoid mixing, organic fertilizers, and support for seed-to-sale certification.

ITEM 7: Adjournment

Annie Kim reminded attendees to send additional comments and questions via email to: CDFA_CalCannabis_OCal@CDFA.ca.gov. The next meeting date will be posted on the California Department of Food and Agriculture website at cdfa.ca.gov, sent via email to the program's email list, and sent to CalCannabis email-alert subscribers.