



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)**

January 25, 2018

Meeting Minutes

Asilomar Conference Grounds, Monterey, CA

MEMBERS PRESENT

Melody Meyer
Vernon Peterson
Sean Graham
Christina Augustine
Heather Podoll
Garff Hathcock
Karen Archipley
Steve Beck
Mindee Jeffery
Jaclyn Bowen
Benjamin Diesl
Jeremy Johnson
Jake Lewin
Kaley Grimland
Phillip LaRocca
John McKeon
Alexis Randolph

MEMBERS ABSENT

Jennifer Shawgo
Chad Sokol
Randy Skidgel
Stacey Carlsen
David Will
Jane Reick

INTERESTED PARTIES

Robert Roach – Acting Monterey
County Agricultural Commissioner
Bob McGee – Strauss Family Creamery
Shayla Neufeld – Monterey Co.
Graham Hunting – Monterey Co.
Adrian Fischer – CCOF
Laura Batcha – Organic Trade
Association
Kim Dietz - Smuckers Natural Foods
Peter Null – CCOF
Alejandro Soltero
Jane Sooby – CCOF
Helena Roberts – Santa Clara Co.
Mark McAfee – Organic Pastures Dairy
Company

CDFA

Natalie Krout-
Greenberg
Carla Sanchez
Marcee Yount
Danny Lee
Scott Renteria
Laurel Rudolph
Thomas Osborn
Mayze Fowler-
Riggs
Pam Rodriguez
Andrea Cano

ITEM 1: ROLL CALL

The Committee was called to order at 1:03 p.m. by Ms. Mindee Jeffery, Chair. Roll was called, a quorum was established, and self introductions were made.

ITEM 2: REVIEW AND APPROVAL OF MEETING MINUTES

Ms. Jeffery asked for a motion to approve the September 6, 2017 Meeting Minutes as submitted.

MOTION: Mr. Vernon Peterson moved to approve the September 6, 2017 Meeting Minutes as submitted. Mr. Phillip LaRocca seconded the motion. The motion passed unanimously, with Ms. Karen Archipley abstaining.

ITEM 3: California Department of Public Health (CDPH) UPDATE

Mr. Danny Lee gave the CDPH update on behalf of Ms. Jane Reick. Mr. Lee stated that CDPH is working to fill existing staff vacancies, as well as create a new Organic Analyst position. CDPH is also planning to conduct a review of the entire CDPH Organic Program, and will provide additional updates to the Committee at the May meeting.

ITEM 4: STATE ORGANIC PROGRAM (SOP) UPDATE

i. Vacancies and Terms

Mr. Thomas Osborn provided the vacancy report. Vacancies include: one technical representative; two producer alternates; two processor alternates; one environmental representative alternate; two technical representative alternates; and one consumer representative alternate. Mr. Osborn also reminded the Committee that new members who are appointed into a seat that has been vacated during an existing term will assume the remaining term of the vacated member.

ii. Compliance & Enforcement/Appeals Summary

Mr. Scott Renteria provided the SOP enforcement actions for the 2017/18 Fiscal Year (FY) through December 31, 2017. Mr. Renteria explained that for the first six months of the 2017/18 FY, the Program has received 55 complaints and conducted an investigation for each complaint. Of these complaints, 14 were investigated by CDFA and County Staff, eight were referred to an Accredited Certifying Agent (ACA), 29 were referred to the CDPH, and four were referred to the National Organic Program (NOP). There were no complaints referred to the Organic Input Materials Program.

Mr. Renteria went on to give a brief summary of SOP inspection and sampling activities. In total, there have been 578 inspections performed thus far in the 2017/18 FY, with 417 taking place at certified farmers' markets, 116 at production sites, 16 at handling facilities, three at processing facilities, and 26 at retail stores. In total, 120 samples have been collected. Of these, 107 samples were from the SOP's surveillance program, and 13 of the collected samples were investigation samples.

Additionally, Mr. Renteria briefly mentioned the 2017/18 FY appeals summary. He pointed out that during the 2017/18 FY, there have been four total appeals received.

iii. Reports: Revenue, Registration, Fund Condition, FY 2017/18 Budget

Mr. Renteria provided the Committee with a summary of SOP revenue. He noted that SOP revenue from registration for the 2017/18 FY is down from the previous year, due to changes in fee schedules brought about by Assembly Bill (AB) 1826. The change removed the \$175-\$300 fee category and expanded the \$100 fee category, which has decreased the amount of revenue collected by the SOP per registrant. As of December 31, the SOP has total revenues of \$587,526.

iv. Regulations Update

Mr. Lee led a discussion of updates concerning AB 1826. Mr. Lee explained that in May of 2017, COPAC approved a motion to recommend expansion of the information required for registration with the SOP. Based on the Committee's recommendations, there will be several new SOP registration changes. The commodity categories will be expanded from six to 29, the location where products are produced, handled, or processed will be required, organic acreage per location, including acreage per each commodity category will be required, and registrants will need to provide information on total organic gross sales. These changes are designed to enhance the ability of the SOP to enforce organic requirements, and to further protect and promote the organic industry. These regulations have been approved by the Office of Administrative Law (OAL), and will be effective April 1, 2018.

v. Database Update

Mr. Renteria explained that the SOP has been working with CDFA Information Technology (IT) staff to ensure that forms are streamlined and provide sufficient commodity detail, and that the Organic Program database is ready to go. Mr. Lee informed the committee that a preview version of the online database system will soon go online for testing, and that COPAC members Jake Lewin, Garff Hathcock, and Vernon Peterson have agreed to test and preview the updated database.

vi. Budget Change Proposal (BCP) Status for FY 2018/19 Budget

Mr. Lee discussed the BCP, which requests additional spending authority for the SOP. This increased spending authority will allow the SOP to carry out additional enforcement and communication activities approved by the stakeholder working group and COPAC, and help decrease the SOP's reserve fund levels, which have been increasing for several years. The BCP must go through a process of approval before it is final.

vii. Genetically Modified Organism (GMO) Testing

Mr. Lee went on to lead the Committee in a brief discussion of the GMO testing pilot program. Mr. Lee explained that the SOP has focused on products which have a high likelihood of being genetically modified. Mr. Lee stated that the SOP is in the process of finalizing a Memorandum of Understanding with the CDFA Commercial Feed Regulatory Program (CFRP). CFRP and the SOP will coordinate to collect samples of animal feed and produce for GMO testing. Mr. Lee suggested that a discussion of whether to add GMO testing as a regular part of SOP operations be included as an agenda item for the May 2018 COPAC meeting.

viii. Cottage Food Industry

Mr. Lee provided an update on the cottage food industry. Mr. Lee explained that Cottage Food Operations (CFOs) with less than \$50,000 in gross sales should register as organic through CDFA. This is because CDPH considers these CFOs as retailers,

and CDPH does not register retailers engaged in the processing or handling of organic products. Additionally, CDPH does not regulate CFOs with less than \$50,000 in gross sales. Mr. Lee noted that CDPH will register CFOs who have over \$50,000 in gross sales, as these firms are considered to be commercial food operations. He also explained that for CFO's to sell products as organic, they must obtain a Processed Food Registration (PFR) Certificate from CDPH, as well as register as organic through the SOP.

ix. Communications Contract/Survey

Mr. Lee led a discussion of the SOP marketing survey, which was developed by JP Marketing, a firm contracted to create and implement a marketing and communications strategy for the SOP, utilizing input from the SOP and the COPAC Communications Plan Subcommittee. The survey is designed to gather information from organic stakeholders, indicating what direction the SOP marketing strategy should go. Mr. Lee explained that the online survey is expected to become available the following week, with a link to the survey being sent out to organic registrants, conventional growers, certifiers, and county agricultural commissioners. Mr. Lee also invited Committee members to share the survey with their stakeholders, clients, and constituents. Ms. Jeffery suggested that the Communications Plan Subcommittee schedule a meeting before the survey results are presented to COPAC.

ITEM 5: Cal Cannabis Program/Industrial Hemp

Mr. Lee provided an update of certification and registration policies affecting the Cal Cannabis Program. Mr. Lee explained that all issues concerning the regulation of cannabis will fall under the jurisdiction of the CalCannabis Division. Mr. Lee also explained that a comparable organic cannabis program will also be the responsibility of the CalCannabis Division. Ms. Natalie Krout-Greenberg, Director of Inspection Services Division, explained that this comparable program for cannabis will be a separate and distinct program from the SOP, since the SOP operates under National Organic Program (NOP) rules.

MOTION: Mr. Jake Lewin moved that COPAC make a recommendation to Secretary of Agriculture Karen Ross that CDFA consult with COPAC on the development of a program for cannabis that is comparable to the NOP and the California Food and Farming Act, pursuant to Senate Bill (SB) 94. Mindee Jeffery seconded the motion. The motion passed, with Vernon Peterson voting nay, and no abstentions.

A period of discussion followed regarding the future of cannabis and industrial hemp legalization, and potential for organic certification under the NOP rules.

Mr. Lee provided an update on a motion that was approved at the September 6, 2017 COPAC meeting, which recommended to the Secretary that she provide an opportunity for producers of industrial hemp to gain organic certification within the existing licensing regulations, such as a pilot program. Mr. Lee and Ms. Krout-Greenberg explained that there are discrepancies between Federal and California State law concerning organic

hemp certification pilot programs, but that these differences may be reconciled at some point in the future. Mr. Lee explained that the CDFA Industrial Hemp Program will be drafting regulations on industrial hemp.

ITEM 6: ELECTIONS

Ms. Jeffery asked the Committee for nominations for a new Chairperson.

Motion: Mr. Garff Hathcock nominated Ms. Mindee Jeffery as Chairperson. Ms. Melody Meyer seconded the motion. The motion passed unanimously, with no abstentions.

Ms. Jeffery asked the Committee for nominations for a new Vice-Chairperson.

Motion: Mr. Phillip LaRocca nominated Ms. Karen Archipley as Vice-Chairperson. Ms. Melody Meyer seconded the motion. The motion passed unanimously, with no abstentions.

ITEM 7: PUBLIC COMMENTS

Mr. Mark McAfee of Organic Pastures Dairy Company had a few comments for the Committee. Mr. McAfee expressed concerns that Concentrated Animal Feeding Operations (CAFOs) in other states have not been in compliance with SOP and NOP pasturing rules. He informed the Committee that he is seeking input from organic stakeholders and producers while an Assembly Bill is drafted by the California State Legislature addressing the issue.

Ms. Jaclyn Bowen then gave a brief presentation on Clean Label Project research. Ms. Bowen described recent testing that the Clean Label Project has conducted monitoring levels of heavy metals in baby food sold by retailers. She reminded the committee of the importance of ensuring that food provided to consumers is compliant with food safety standards.

Ms. Laura Batcha of the Organic Trade Association also had comments for the Committee. Ms. Batcha reminded the Committee that the current Farm Bill is set to expire as of September 2018. She also informed the Committee that the current version of the Farm Bill being drafted in the United States House of Representatives does not include funding for the Organic Certification Cost Share Program (OCCSP), which provides cost share assistance to producers and handlers of agricultural products who are obtaining or renewing their organic certification. She encouraged organic producers and stakeholders to continue advocating for inclusion of OCCSP funding. Mr. Jake Lewin suggested that the Committee include discussion of OCCSP funding inclusion in the Farm Bill as an agenda item for future COPAC meetings.

ITEM 8: NEXT MEETINGS, LOCATION AND AGENDA ITEMS

The next meeting will be May 8, 2018 in Sacramento. The fall meeting will be held in September of 2018, with location and date be decided at a later time.

Some of the agenda items for the May meeting will be: An update on GMO testing; a discussion on the SOP Communications Plan; and a discussion of the upcoming Farm Bill.

ITEM 8: ADJOURNMENT

Ms. Mindee Jeffery adjourned the meeting at 3:00 pm.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Danny Lee", with a long horizontal flourish extending to the right.

Danny Lee, Supervising Special Investigator
State Organic Program