



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

**September 5, 2018**

**Meeting Minutes**

**Fresno State University, Fresno, CA**

**MEMBERS PRESENT**

Mindee Jeffery – Chair  
Karen Archibley – Vice Chair  
Garff Hathcock  
Steve Beck  
Jeremy Johnson  
Jaclyn Bowen  
Christina Jensen Augustine  
Michael Menes  
Heather Podoll  
Jane Reick  
Jake Lewin  
Benjamin Diesl  
Kaley Grimland  
Phillip LaRocca  
John McKeon  
Zen Honeycutt

**MEMBERS ABSENT**

Vernon Peterson  
David Will  
Randy Skidgel  
Jennifer Shawgo  
Sean Graham  
Chad Sokol  
Stacy Carlsen  
Alexis Randolph

**INTERESTED PARTIES**

Joshua Ders – JP Marketing  
Alma Rivera – Quality Assurance  
International (QAI)  
Mark McAfee – Organic Pastures Dairy  
Co.  
Jamie Carr – California Certified Organic  
Farmers (CCOF)  
Jane Sooby – CCOF  
Peter Nell – CCOF  
Mira Dick – United States Department of  
Agriculture (USDA)  
Sheryl Feit - USDA  
Chris Brown – Agriculture and Land-  
Based Training Association (ALBA)  
Mary Kaems – Assembly Speaker  
Rendon

**CDFA**

Natalie Krout-  
Greenberg  
Marcee Yount  
Danny Lee  
Scott Renteria  
Thomas Osborn  
Mayze Fowler-  
Riggs  
Andrea Cano  
Leslie Fernandez  
Pam Rodriguez  
Rich Breuer  
Charlene Graham  
Javid Iqbal

**ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL**

The Committee was called to order at 10:05 a.m. by Mindee Jeffery, Chair, and self-introductions were made. Roll was called by Thomas Osborn, and a quorum was established.

**ITEM 2: CHRISTINA JENSEN AUGUSTINE RESOLUTION**

Danny Lee presented Christina Jensen Augustine with a resolution, in recognition of her years of service and dedication to the Committee. Christina Jensen Augustine thanked the members of COPAC and CDFA State Organic Program (SOP) staff for their contributions to the growth of the California organic industry.

### **ITEM 3: PUBLIC COMMENT**

Peter Nell of California Certified Organic Farmers (CCOF) had a public comment to share with the Committee. Peter Nell stated that CCOF and their partners in the organic industry are drafting a letter in support of organic Farm Bill provisions. Peter Nell requested that discussion of the Farm Bill be included as an agenda item for the January 2019 COPAC meeting.

Mark McAfee of Organic Pastures Dairy Company also had a public comment for the Committee. Mark McAfee presented those in attendance with a letter outlining the concerns and policy recommendations of a working group comprised of individuals involved in the organic dairy industry. Mark McAfee also requested that discussion of Pasture Rule compliance for organic dairies appear as an agenda item for the January 2019 COPAC meeting.

### **ITEM 4: REVIEW AND APPROVAL OF MAY 8, 2018 MEETING MINUTES**

Mindee Jeffery requested a motion to approve the May 8, 2018 Meeting Minutes as submitted.

**MOTION:** Karen Archipley moved to approve the May 8, 2018 Meeting Minutes as submitted. Jaclyn Bowen seconded the motion. The motion passed unanimously, with Heather Podoll abstaining.

### **ITEM 5: INTERSECTION OF CALIFORNIA STATE LAWS AND ORGANIC FARMERS**

#### i. Agricultural Orders and Irrigated Land Regulatory Program

Jane Sooby of CCOF led a discussion pertaining to the impacts of Agricultural Orders and the Irrigated Land Regulatory Program (ILRP) on organic farmers. Jane Sooby expressed concern that new Agricultural Orders and the ILRP may lead to higher compliance costs, in particular for small-scale organic farms.

A period of discussion ensued, with COPAC members deliberating on the most effective means of addressing this issue, while staying within the limits of COPAC's statutory role as an advisory body to the Secretary of CDFA.

**MOTION:** Christina Jensen Augustine moved to recommend to the Secretary that special attention be paid to the impacts of Agricultural Orders and the Irrigated Lands Regulatory Program on organic farmers, given that organic farmers are already subject to regulations, inspections, and oversight related to land management that affect water quality. Karen Archipley seconded the motion. The motion passed, with Jaclyn Bowen voting nay, and no abstentions.

#### ii. Health and Safety Code

Danny Lee led a discussion pertaining to the effects of Assembly Bill (AB) 1826 on the Food and Agriculture Code (FAC) and the Health and Safety Code (HSC). Danny Lee

explained that AB 1826 amended portions of the FAC, but did not amend the HSC. This has led to some issues for brokers and traders who seek to register as organic through the California Department of Public Health (CDPH), and who are required to pay fees that are not required by CDFA.

Danny Lee went on to explain that COPAC members had expressed interest in putting forth a motion recommending that the Secretary of CDFA make a recommendation to CDPH to change their regulations regarding organic registration. Danny Lee stated that it is not appropriate for the head of one state agency to request changes to another agency's governing regulations, it is therefore more appropriate for the California organic industry to work with CDPH to address issues with the HSC.

Jane Reick suggested that advocacy groups within the California organic industry petition CDPH to promulgate a regulatory change, or find a legislator in the California State Legislature to author legislation amending the relevant sections of the HSC.

#### **ITEM 6: CDPH UPDATES**

Jane Reick of the CDPH Food and Drug Branch, Organic Program provided the CDPH update. Jane Reick explained that over the past year, the CDPH Organic Program had experienced an increase in staff vacancies due to retirements and transfers. She went on to state that new staff have recently been hired to fill these vacancies and are currently undergoing training. Jane Reick also informed those in attendance that CDPH is working to fill vacant subordinate supervisor positions in the CDPH Organic Program.

Jane Reick also stated that the CDPH Food and Drug Branch has received approval to create a new Food and Drug Program Specialist position. This position will be a law enforcement officer, specifically tasked with overseeing and coordinating the Organic Program in the CDPH Food and Drug Branch. Jane Reick informed the Committee that she will forward the position vacancy notice to Thomas Osborn for distribution to COPAC when it becomes available.

Jeremy Johnson requested additional information regarding processed food registration and organic processed product registration by CDPH. Jane Reick explained that these are two separate registrations that are conducted by different programs, and require separate applications. She went on to state that both registrations verify compliance with different regulations, as certified organic products are subject to additional requirements beyond what is mandated for registration of conventional products. Jane Reick also noted that CDPH does not currently have an online registration system available, but is in the process of developing that capability.

#### **ITEM 7: STATE ORGANIC PROGRAM UPDATES**

##### **i. Vacancies and Terms**

Thomas Osborn provided the Vacancy Report. Current vacancies include: two producer alternates; one wholesale distributor alternate; two processor alternates; one

environmental representative alternate; and two technical representative alternates.

ii. Reports: Revenue from Registration, New Registrations

Scott Renteria provided the Committee with a summary of SOP revenue collected. Scott Renteria reported that for the 2017/18 Fiscal Year (FY), \$1,501,840 had been collected in registration fees.

Scott Renteria went on to provide an overview of new registrant demographics. The total number of new registrations for the 2017/18 FY was 503. Scott Renteria noted that the number of operation types may not match the number of operations, since operations may fall under more than one category. The majority of the new registrants are producers, followed by handlers, and then processors. The SOP had a total of 4,062 total registrants in 2017.

iii. Compliance and Enforcement/Appeals Summary

Scott Renteria provided an overview of the complaint activity for the 2017/18 FY. During that time, the SOP received 102 complaints in total. Of the complaints that the SOP received: 71 were investigated by CDFA and County Agricultural Commissioner staff, 17 were referred to the CDPH; 10 were referred to Accredited Certifying Agents; four were referred to the National Organic Program (NOP), and zero were referred to the Organic Input Material Program.

Scott Renteria also presented an inspection and sampling summary. There were a total of 1406 inspections in the 2017/18 FY, with the majority of them conducted at Certified Farmers' Markets. During the 2017/18 FY, there were a total of 340 samples collected; 285 of those samples were from routine surveillance inspections conducted by contracted counties and CDFA. Of the 285 routine samples, 25 samples detected residues within tolerance levels, and 11 were above tolerance levels. There were 55 investigative samples collected during the 2017/18 FY, 28 samples detected residue within tolerance levels, and two samples detected residue above tolerance levels.

A period of discussion ensued pertaining to sampling methodology and pesticide residue tolerance levels. Scott Renteria clarified that products sold as organic shall not contain more than five percent of the EPA pesticide residue tolerance level for conventional products, with a follow-up investigation taking place in each instance of pesticide residue detection.

iv. Complaints Detailed Report

Scott Renteria encouraged individuals interested in a detailed breakdown of complaint activity and general complaint categories to refer to the Agenda Item 7 (iv) handout.

v. SOP Fund Condition

Danny Lee presented the FY 2017/18 Fund Condition to the Committee. As of June 30, 2018, the beginning balance was \$3,393,313 and total revenue was \$1,515,917. Total

expenditures were \$1,534,462 and the ending balance was \$3,374,768. Danny Lee also noted that SOP has received additional spending authority through an authorized Budget Change Proposal.

vi. Communications/Marketing Update

Danny Lee provided the Committee with the results of a teleconference between SOP staff and a working group comprised of individuals in the organic dairy industry, pertaining to concerns surrounding Pasture Rule enforcement. Danny Lee explained that any issues occurring outside of California are outside the authority of CDFA and the SOP. Danny Lee went on to explain that increased restrictions on dairy operations outside of California would require a legislative change at the federal level.

Natalie Krout-Greenberg, Director of CDFA Inspection Services Division, informed those in attendance that the NOP is aware of the concerns expressed by the California organic dairy industry regarding Pasture Rule enforcement. Natalie Krout-Greenberg encouraged members of the Western Organic Dairy Producers Alliance (WODPA) to attend the January 2019 COPAC meeting.

A period of discussion ensued, after which it was decided by COPAC that Mark McAfee would forward his letter outlining the working group's concerns and policy recommendations to the Secretary for informational purposes.

Danny Lee provided an update on the Organic Stakeholder Working Group recommendations. He informed those in attendance that the SOP has recently conducted presentations at county agricultural fairs, as well as to an international delegation. The SOP has also been coordinating with JP Marketing to develop fact sheets and informational material pertaining to COPAC. Joshua Ders of JP Marketing noted that as per the recommendations of the COPAC Marketing Subcommittee, a fact sheet outlining the process of becoming a member of COPAC is also being drafted.

Mindee Jeffery asked the COPAC members in attendance if there were any additional volunteers to serve on the Marketing Subcommittee. Karen Archipley and Zen Honeycutt both volunteered to serve as members of the Subcommittee.

vii. Pesticide Residue Report

Danny Lee led a discussion pertaining to glyphosate testing conducted by the SOP. Danny Lee stated that glyphosate testing is conducted on a case-by-case basis, rather than as part of the normal pesticide residue screening process. This is due to the fact that glyphosate screening is not part of the routine pesticide testing under NOP guidelines. Natalie Krout-Greenberg noted that COPAC may recommend that SOP staff test for glyphosate in every instance of residue screening, but that additional costs may incur as a result. Zen Honeycutt informed those in attendance that home glyphosate test kits for food and water are available to consumers through the Detox Project.

Natalie Krout-Greenberg explained that COPAC may make a recommendation during their spring budget meeting to expand the SOP residue testing line item, should the

Committee want to move forward with regular testing for glyphosate. Mindee Jeffery suggested that data pertaining to the increased costs associated with regular glyphosate testing be determined, with this information being presented to COPAC at a later date.

### **ITEM 8: CALCANNABIS UPDATE**

Charlene Graham of the CDFA CalCannabis Licensing Division provided those in attendance with a presentation pertaining to the Organic California Cannabis (OCal) Project. Charlene Graham explained that Senate Bill (SB) 94, the Control, Regulate, and Tax Marijuana Act, requires that CDFA establish an organic equivalent certification program for cannabis, comparable to the federal NOP and the California Organic Food and Farming Act (COFFA).

Natalie Krout-Greenberg stated that CDFA is seeking individuals within the organic industry to provide input on the development of an organic equivalent certification program for cannabis. Natalie Krout-Greenberg explained that the group would coordinate with CalCannabis OCal and SOP staff to develop a regulatory framework governing organic equivalent certification for cannabis.

**MOTION:** Mindee Jeffery moved to form a Subcommittee to provide input from industry on the development of regulations pertaining to organic equivalent certification for cannabis by the CDFA CalCannabis Licensing Division. Phil LaRocca seconded the motion. The motion passed unanimously, with no abstentions. Jeremy Johnson, Karen Archipley, Phillip LaRocca, and Kaley Grimland volunteered to serve on the Committee.

### **ITEM 9: BREAK**

### **ITEM 10: GMO TEST PILOT PROGRAM NEXT STEPS**

Mindee Jeffery led a discussion pertaining to the Genetically Modified Organism (GMO) Test Pilot Program. Mindee Jeffery asked those in attendance if there is interest from the Committee in implementing the GMO testing conducted under the Pilot Program into the SOP's normal enforcement activities. Mindee Jeffery noted that there is currently no threshold established for GMO content in organic products under the NOP, and that an effective means of progress would be to establish a GMO content threshold for the SOP that indicates intentional contamination.

Mindee Jeffery went on to recommend that GMO testing focus on seed, livestock feed, and commodity imports. Mindee Jeffery further recommended that the SOP work to educate the organic industry on the presence of GMOs and avoid penalizing producers for unintentional contamination.

Danny Lee informed COPAC that CDFA refers cases indicating any level of GMO back to the Accredited Certifying Agent for further investigation. A GMO percentage threshold would be used to assist in determining whether the presence of GMO was intentional or unintentional. Scott Renteria added that these investigations will assist investigators to determine the source of any GMO contamination.

Jake Lewin also recommended focusing testing on seed, so as to identify the presence of GMOs as close to the origin of the supply chain as possible.

Danny Lee informed the Committee that SOP staff have a fixed number of random GMO testing samples that they can collect under the Pilot Program. He went on to state that incorporating GMO testing into the normal enforcement activities would allow the sampling procedures to be complaint-driven, prompting further investigation.

After a period of deliberation, it was determined by the Committee to continue the Pilot Program in its current state, with SOP staff providing an update on GMO testing results at the January COPAC meeting.

#### **ITEM 11: METHIONINE UPDATE**

The speaker scheduled to present on this topic was absent from the meeting. Thus, it was decided by the Committee Chair to proceed to the next agenda item.

#### **ITEM 12: ALBA PRESENTATION**

Chris Brown, Development Director of the Agriculture and Land-Based Training Association (ALBA) provided those in attendance with an informational presentation on the organization. Chris Brown explained that ALBA manages 100 acres of organic farmland in Salinas Valley, upon which it provides education, equipment, technical assistance, and other resources to aspiring new organic farmers. Chris Brown stated that ALBA focuses on creating vibrant rural communities, new family-owned farms, and strengthening California organics.

#### **ITEM 13: NEXT MEETING/AGENDA ITEMS**

The next meeting is scheduled to take place in January 2019 at the Eco-Farm Conference in Asilomar. Mindee Jeffery highlighted the importance of this event in connecting with members of the public and the California Organic industry. Mindee Jeffery encouraged members of COPAC to contact Eco-Farm staff, in order to request additional conference room reservation time beyond the two and a half hours currently reserved.

#### **ITEM 15: ADJOURNMENT**

The meeting was adjourned at 2:30 p.m. by Mindee Jeffery, Chair.

Respectfully submitted by:



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Danny Lee, Supervising Special Investigator  
State Organic Program