

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
FEED INSPECTION ADVISORY BOARD (FIAB) MEETING**

**Stanislaus County Farm Bureau  
1201 L Street  
Modesto, CA 95553  
(209) 522-7278**

**March 4, 2014  
9:00 AM to 12:00 PM  
MINUTES**

**MEMBERS**

John Kauffmann  
John Walth  
Marit Arana  
Thomas Daly  
Thomas Geary  
Thomas Prokop  
Tim Riordan

**CDFA**

Amadou Ba  
Elaine Wong  
Jenna Areias  
Killeen Sanders  
Maria Tenorio  
Mike Davidson  
Natalie Krout-Greenberg  
Nirmal Saini  
Ted Bert

**INTERESTED PARTIES**

Chris Zanobini  
Kelly Covello  
Tad Bell

**INTRODUCTIONS AND ANNOUNCEMENTS**

The board meeting was called to order at 9:00 a.m. by Chairperson, Mr. John Walth. Self-introductions were made and a quorum was established. Mr. Paul Parreira and Mr. Michael Koewler were unable to attend the meeting.

**APPROVE DECEMBER 10, 2013 MEETING MINUTES**

Mr. Walth requested that the board review the meeting minutes from the December 10, 2013 board meeting.

**MOTION:** Mr. John Kauffmann moved to approve the December 10, 2013 meeting minutes as submitted. Mr. Thomas Prokop seconded; the motion passed unanimously.

**BOARD VACANCIES**

Ms. Jenna Areias stated that the board term for three members will expire on April 30, 2014. Due to the lack of applications received for the vacancies, the final filing date has been extended. Interested parties should submit their resume to Ms. Maria Tenorio via email or US mail.

### **DEPARTMENT / DIVISION / BRANCH UPDATES**

Ms. Natalie Krout-Greenberg introduced Dr. Amadou Ba to the board. She informed the board that Dr. Ba was promoted March 1, 2014, to Environmental Program Manager II of the Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch. He was previously the Environmental Program Manager I of the Fertilizing Materials Inspection Program.

Dr. Ba stated that he is looking forward to working with the feed industry and the Feed Inspection Advisory Board (FIAB) in his new capacity. He then provided the board with branch updates highlighting that Ms. Jenna Areias was officially promoted to Agriculture Program Supervisor for the Feed Program in mid-December, and that Ms. Tenorio has accepted a Training and Development assignment to supervise the branch support staff. Additionally, Ms. Irene Vera, who was the Office Technician for the Feed program, accepted a job opportunity with the Division of Inspection Services, and Mr. Giancarlo LaGiusa was promoted from Office Assistant to Office Technician within the Feed program, replacing Ms. Vera. Dr. Ba informed the board that the Fertilizer Program received seven new positions from the Assembly Budget Committee to address nitrate issues and to increase enforcement and product review.

Ms. Krout-Greenberg provided Division updates stating that the Division has been monitoring bills regarding the Certified Farmers' Market program, the Farm to Fork program, and the Livestock Drugs program. Additionally, due to the drought, the Division has been conducting budgetary drills with the Executive Office.

### **FUND CONDITION**

Ms. Areias stated that as of July 1, 2013, total combined funds were \$1,450,133. Revenue was \$1,754,367; expenditures were \$1,433,322. As of December 31, 2013, the ending combined balance was \$1,771,178.

Ms. Areias stated that the program is projecting the feed industry will report sales of approximately 21 million tons this calendar year.

Ms. Areias informed the board that the Feed Program is drafting the necessary paperwork to increase the feed license fee from \$400 to \$500, based on the board's recommendation at the previous meeting.

### **FEED PROGRAM UPDATES**

Ms. Areias informed the board that she, Mr. Davidson, and Ms. Krout-Greenberg are working on formalizing comments for the Food Safety Modernization Act (FSMA) regulations regarding new Good Manufacturing Practices (GMP's), environmental monitoring, end product testing/nutrient deficiencies, preferred supplier verification, parameters and critical control points, and recalls/corrective actions. The comment period ends March 31, 2014.

Ms. Areias stated that she and Mr. Davidson attended the mid-year Association of American Feed Control Officials (AAFCO) meeting in New Orleans, LA. The participating states approved civil penalties, and adopted a colostrum definition.

Ms. Areias further stated that Mr. Davidson attended the Food and Drug Administration (FDA) Feed Alliance Working Group meeting. The purpose of the meeting was to provide guidance to industry on how to comply with FSMA. Hazard analyses will now be performed on ingredients, rather than formula feeds.

Mr. Davidson commented that the FDA does not have the resources to inspect all food and feed facilities in the United States. Therefore, it is important the regulations are written clearly, without room for interpretation, and without unrealistic expectations.

Mr. Chris Zanobini commented that the proposed regulations are very concerning because the FDA has left room for interpretation.

Ms. Kelly Covello asked if the issue of by-products (almond hulls, rice hulls, grape pumice, etc.) has been discussed at recent FDA meetings and if they will be exempt from the proposed regulations. Mr. Davidson stated that any facility diverting food by-products into feed, including rendering plants, will be required to have a food safety plan or GMP's.

Ms. Covello asked if the program believes the new requirements are appropriate in relation to almond hullers and processors. Mr. Davidson stated that if someone receives a by-product from a food processing facility, it is expected that the facility will have a food safety plan that can be referred to, and will have hazards identified. Otherwise, the receiver will have to do it. Discussion ensued regarding what a food safety plan should consist of.

Mr. Zanobini commented that the produce rule was one of the first rules released and that it is now being completely re-written; it will not go into effect until October 2015. It is very important that industry's comments on the proposed rules contain a clear explanation of why regulating rolled grain is not necessary from a scientific basis.

Mr. Tad Bell asked if AAFCO will be using a risk-based approach when submitting their comments on the proposed feed rule. Ms. Areias stated that Mr. Davidson will contact AAFCO to see what their position is. Mr. Bell also requested that the Feed program discuss this issue with Dr. Douglas Hepper or Dr. Annette Jones, in the Animal Health Branch.

Ms. Areias informed the board that she and Mr. Davidson will be attending AAFCO's Feed Administrator's seminar in Montana from May 6-8, 2014.

Ms. Areias stated that there are 11 standards for regulatory programs. It is still a voluntary program, but since the Feed Program contracts with the FDA for bovine spongiform encephalopathy (BSE) and tissue residue (TR) inspections, the program believes it is important to participate.

1. Regulatory foundation
2. Training
3. Inspection program
4. Auditing
5. Feed-related illness or death and emergency response
6. Enforcement program
7. Outreach activities
8. Planning and resources
9. Assessment and improvement
10. Laboratory services
11. Sampling program

Mr. Zanobini asked if CDFA has identified key areas that the Department needs to improve in. Ms. Areias stated that the Feed program staff is working on an initial determination.

Ms. Areias went over FDA's implementation plan for medically important antimicrobial drugs. Within three months, drug manufacturers will have to change their labeling, removing "increased weight of gain" and "feed efficiency" claims. By January 2017, all medically important antimicrobial drugs will be prescription under a veterinary feeding directive (VFD).

Ms. Areias stated that there are two bills that pertain to the Livestock Drugs Program. Assembly Bill 1437 would require several additions and changes to the terms used within the livestock drug laws, including a substantial reporting database. Senate Bill 835 would make mandatory FDA's voluntary guidance documents 209 and 213,. Ms. Areias further stated the program currently has 1,244 livestock drugs registered; 295 of those are restricted. If Senate Bill 835 passes, all of the medically important antimicrobial drugs the program has registered will now be under Board of Pharmacy jurisdiction due to an exemption in our current law (Article 3, Section 14262). This exemption will need to be evaluated in the near future.

Mr. Walth asked if the program should have a Medicated Feed program, instead of a Livestock Drugs program. Ms. Areias asked the board for input; the board has previously stated that the Livestock Drugs program is being subsidized by the Feed program. This would be a good opportunity to revise the program. Ms. Krout-Greenberg stated that the program will do a cost analysis to see if this would assist the Livestock Drugs program in being self-sufficient.

Mr. Tim Riordan commented that the Board of Pharmacy has no mechanism to implement the bill; it should stay under the Livestock Drugs program's purview.

Mr. Davison informed the board that aflatoxin was found in whole cottonseed that entered California through the Mexico border. All inventories are currently at a trans-loading yard in the Imperial Valley, under quarantine. The Department obtained eight samples of the imported product; all samples were found to be over 20 parts per billion aflatoxin. The program is moving forward with the Attorney General's office for these violations. Mr. Rick Jensen made contact with the US Customs and Border Patrol to ask if they would be willing to collect specific information for the Department, to ensure these issues will not reoccur.

Ms. Areias and Mr. Davidson will be meeting with US Customs and Border Patrol in developing a Memorandum of Understanding to assist in monitoring whole cottonseed moving across international borders. For now, border stations will e-fax the program Certificate of Movement of Cottonseed Products, so the program can see when and where cottonseed is moving within California. The program can then have an inspector available for sampling when the cottonseed arrives.

Mr. Walth asked if the FDA provided input regarding this issue. Mr. Davidson stated that the Feed program notified the FDA of this issue, and the FDA has continued to let the program take the lead on this investigation. The program is waiting to hear from the FDA if the product will be allowed to go back into Mexico.

Mr. Riordan thanked the lab and the program for addressing these issues in a timely manner.

Mr. Bell commented that it is the FDA's responsibility to address these issues.

Ms. Krout-Greenberg stated that the problem is being looked at as a whole; we cannot provide further details regarding this case because it is an ongoing investigation.

### **FIELD ACTIVITIES REPORT**

Ms. Areias stated that the program presented an almond hull case to the Fresno District Attorney. The firm had product quarantined twice within the last harvest season; after being released from the second quarantine, the firm had four straight crude fiber violations.

Mr. Davidson stated that the current penalty in the Food and Agricultural code for the first and second offense is a maximum of \$1,000. The program presented the case to the District Attorney (DA) because the DA can charge the firm \$2,500 per incident as they use the Business and Professions Code.

Mr. Zanobini asked if the program has considered a law change to increase civil penalties. Mr. Walth agreed that a law change should be considered. Discussion ensued regarding the current almond hull issue. Industry is frustrated that almond hullers are continually out of compliance.

Ms. Areias informed the board that the program is renewing the Cooperative Agricultural Support Services (CASS) contract. There were two Inspector positions in the previous contract; the program is recommending that a third Inspector position be added in Southern California.

Ms. Areias stated that Mr. Frank Delgado is now the Special Investigator in the Stockton area, since Mr. Cyril Huisman plans to retire this year. The feed map has been realigned and updated on the Department's website.

### **LAB REPORT/UPDATES**

Ms. Elaine Wong stated that in 2013 there were 1,204 samples received at the Center for Analytical Chemistry (CAC). Of the 1,204 samples, 716 were routine, 65 were priority, and 55 were partial rush samples. The average number of assays per sample was 4.21.

Ms. Wong informed the board that the CAC is already International Organization for Standardization (ISO) certified for the majority of lab methodologies. Additionally, the CAC is working on updating additional methods in order to be fully ISO certified.

Ms. Covello asked if the reprioritization of feed samples was revised and implemented during the previous feed working group meetings. She specifically asked if the turnaround time for routine samples has been less than 30 days. Ms. Areias stated the reprioritization has been implemented; feed safety is the first priority and label compliance is secondary.

Ms. Wong stated that she and Ms. Arieas met to revise the Memorandum of Understanding between the program and the CAC; it should be finalized in approximately 30 days.

Ms. Covello stated that she asked the CAC in August to split samples to ensure that labs are synchronized. Ms. Wong stated the CAC sends split samples to the program for them to send out. Ms. Areias clarified there was a miscommunication; moving forward, the program will split 25 to 30 samples, as long as the lab can handle the quantity, to assist in comparing analyses between labs.

### **ADDITIONAL ITEMS / NEXT MEETING**

Mr. Walth presented Mr. Thomas Geary with a resolution for his 20 plus years of service on the board.

Mr. Geary stated that after 20 plus years of being in the feed industry, he has always been impressed with how Inspection Services performs with limited resources and funding.

The next meeting will be on June 10, 2014, in Sacramento at 9:00 a.m.

**MOTION:** Mr. Thomas Daly moved to adjourn the meeting at 11:30 a.m.; Mr. Tim Riordan seconded. The meeting was adjourned by Mr. John Walth.

Respectfully submitted by:

  
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Jenna Areias, Feed Program Supervisor  
Feed, Fertilizer and Livestock Drugs Regulatory Services

3/4/14  
Date