



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

January 11, 2013

TO: CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE AND ALL
INTERESTED PARTIES

A meeting of the California Organic Products Advisory Committee has been scheduled.
Enclosed is the agenda.

Date: Thursday, January 24, 2013
1:00 p.m. – 3:00 p.m.

Location: Asilomar Conference Grounds, Nautilus Room
800 Asilomar Blvd.
Pacific Grove, CA 93950

Notification of committee meetings and their agendas can be found via the Internet by accessing
the following website address: <http://www.cdfa.ca.gov/is/meetings.html>.

**Please Note: for Committee members requiring airline ticket reservations, or assistance
with your travel arrangements, please contact Sarah Cardoni in the Sacramento
Headquarters' Office at the number listed below. A new process for booking airline
reservations has been implemented, which requires a birth date and year. Please allow
time for an initial setup when calling Sarah to book your flight.**

Please find the enclosed agenda. If you have any questions regarding this meeting, please
contact me at the number listed below.

Sincerely,

Steve Patton
Branch Chief

Enclosure(s)

cc: CDFA County/State Liaison Office



California Department of Food and Agriculture (CDFA)
California Organic Products Advisory Committee (COPAC) Meeting

Thursday, January 24, 2013
1:00 p.m. – 3:00 p.m.

Asilomar Conference Grounds, Nautilus Room
800 Asilomar Blvd.
Pacific Grove, CA 93950

1. Introductions
2. Election of Officers (Action Item)
3. Public Comments
4. Review and Approval of May 9, 2012 Meeting Minutes (Attachment A) (Action Item)
5. Review and Approval of September 12, 2012 Meeting Minutes (Attachment B) (Action Item)
6. California Department of Public Health Update – Patrick Kennelly
7. State Organic Program Update
 - i. Vacancy Announcements
 - ii. Revenue from Registration (Attachment C)
 - iii. New Registrations (Attachment D)
 - iv. Complaint Report (Attachment E)
 - v. Appeals Report (Attachment F)
 - vi. Spot Inspection Report (Attachment G)
 - vii. Residue Analysis Report (Attachment H)
 - viii. Database Implementation
8. Penalty Matrix Subcommittee (Action Item)
9. National Organic Standards Board Update – John Foster
10. New Items
11. Next Meeting/Agenda Items
12. Adjournment

All meeting facilities are accessible to persons with disabilities. If you need reasonable accommodation as defined by the Americans with Disabilities Act, or if you have questions regarding the public meeting, please contact Sarah Cardoni at (916) 900-5030. Requests for reasonable accommodation should be made no later than three (3) days before the meeting.

California Department of Food and Agriculture
State Organic Program

APPEALS STATUS REPORT

As of: January 1, 2013

Report Categories	Number
Total Appeals Logged	26
Total Active Appeals	8
Appeals Resolved	18
Active Appeals Over 120 days	4

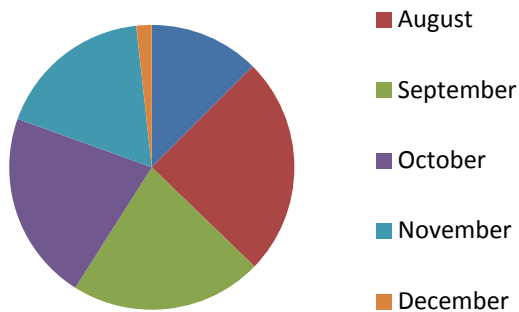
Active appeals referred to DOJ	1
Active appeals being reviewed by CDFA	7

**California Department of Food and Agriculture
State Organic Program**

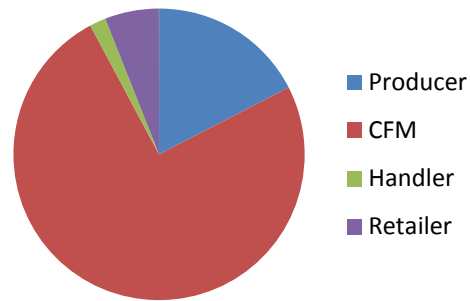
**ORGANIC SPOT INSPECTION ACTIVITY REPORT
July 1, 2012 – December 31, 2012**

Report Categories	Number
Organic Producers	58
Handlers	6
Retail	20
Certified Farmers' Markets	249
Total Number of Spot Inspections Conducted	333

**Spot Inspections by
Month**



**Spot Inspections by
Operation Type**



Violations	Frequency
Failure to ensure organic registration and/or certification is posted and current at a certified farmers' market	16
Failure to maintain a proper organic registration	4
Organic labeling violations	6
Crop production and handling violations	7
Total number of noncompliances issued	31

California Department of Food and Agriculture
 State Organic Program Complaint Report
 7/1/2012 through 11/30/2012

Attachment E

Complaint Log ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days until Resolution
203-12	11/15/2012	Public	Complainant alleges that the operation sells potatoes grown on land that did not meet requirements of certification as organic.		ACA	Open. Under investigation.			
202-12	10/11/2012	DPR	A sample of organic bananas taken by DPR found the presence of a prohibited substance in excess of 5% of the EPA tolerance.	10/22/2012	NOP	Producer based in another state. Referred to NOP.			
201-12	10/10/2012	Public	Complaint alleges that the amount of certified farmers' markets the operation is selling at is unsustainable, given the operation's acreage.	10/11/2012	SOP/CAC	Operation sampled and audited. No violations identified. Unsubstantiated.	#####		5
200-12	10/2/2012	CAC	Complaint alleges that operation is advertising their strawberries as organic through the use of "educational signs"	N/A	SOP	Market surveillance identified no violations. Closed.	#####		9
199-12	10/2/2012	Public	Complaint alleges that operation is using nonorganic ingredients in the production of organic vinegar.	10/3/2012	CDPH/ACA	Combined Notice of Noncompliance and Proposed Revocation issued.	#####		26
198-12	10/1/2012	CAC	Complainant alleges operation is selling conventional product as organic at a certified farmers' market	10/3/2012	SOP	Operation sampled on 10/3/12 and 12/6/12. Notice of Noncompliance issued 12/13/2012. Closed.	#####		71
197-12	9/26/2012	ACA	Complaint alleges that the operation's registration has wrong certifier referenced. The operation is not certified by a USDA accredited certifying agent.	9/27/2012	SOP/CAC	SOP and CAC conducted a spot inspection. Corrected operation's organic registration.	9/28/2012		2
196-12	9/20/2012	SOP	A sample of Heirloom Tomatoes was taken at a grocery distribution center by DPR and tests showed residues of Cypermethrin at .036 ppm which is above the five percent minimum of the EPA tolerance of .20	9/20/2012	SOP	Open. Investigation ongoing.			
195-12	9/11/2012	Public	Complaint alleges that operation is making blanket statements regarding organic which can lead a consumer into thinking that the entire line of foods is organic.	9/19/2012	CAC	County reviewed invoices, determined that organic products were clearly labeled. Provided education.	#####		36
194-12	9/14/2012	Public	Complaint alleged that operation used the USDA organic logo at a local food trade show without being certified.	9/25/2012	SOP	Closed. Unsubstantiated.	9/25/2012		11
193-12	9/5/2012	ACA	Complainant alleges that an operation with a suspended certification falsified a USDA certificate.	10/26/2012	SOP/CAC	Substantiated. Proposed civil penalty of \$11,000 issued. Closed.	#####		51
192-12	9/5/2012	ACA	Complainant alleges that an operation with a suspended certification falsified a USDA certificate and organic registration..	10/26/2012	SOP/CAC	Substantiated. Proposed civil penalty of \$16,000 issued. Closed.	#####		51
191-12	8/31/2012	ACA	Complaint alleges that operation is selling organic products without a valid certification.	8/23/2012	CAC	Investigation ongoing. Notice of Proposed Action pending.			

California Department of Food and Agriculture
 State Organic Program Complaint Report
 7/1/2012 through 11/30/2012

Attachment E

Complaint Log ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days until Resolution
190-12	8/13/2012	Public	Complaint alleges that operation sold feed misrepresented as organic.	9/19/2012	NOP	Determined that this operation falls outside of the boundaries of California. Referred to NOP.			
189-12	8/14/2012	Public	Complaint alleges that operation utilizes a prohibited substance in the manufacture of organic juices.	8/15/2012	CDPH	CDPH identified and resolved this issue in April 2012. The firm no longer uses the prohibited material in its organic products. Closed.	8/20/2012		5
188-12	8/10/2012	Public	Complaint alleges that kiwifruit is treated with a prohibited substance upon importation from Chile to United States.	9/19/2012	NOP	Initial residue analysis did not detect the presence of a prohibited substance. Referred to NOP for further investigation.			
187-12	8/14/2012	NOP	Selling organic product with a fraudulent certificate. Not certified or registered with the SOP.	8/14/2012	SOP	Under investigation.			
186-12	8/14/2012	ACA	Complaint alleges that operation is selling produce without a valid certification.	8/14/2012	SOP	Unsubstantiated. Organic operation certified by another ACA. Closed.	8/14/2012		0
185-12	8/3/2012	Public	Complaint alleges that operation is misleading use of the term "Certified Organic" "made with certified organic Ingredients" for processed products that are not certified organic.	8/10/2012	CDPH	Referred to CDPH.			
184-12	8/2/2012	Public	Claiming "Certified Organic" without being able to show proof of certification.	8/2/2012	NOP	Operation falls outside of the SOP's jurisdiction - forwarded to NOP.			
183-12	7/30/2012	Public	Purchasing conventional sweet potatoes and re-labeling as organic for sale.	7/30/2012	ACA	Under investigation.			
182-12	7/26/2012	NOP	Complaint alleges that operation is falsely claiming that their minimally processed products are organically certified.	7/27/2012	CAC	Unsubstantiated. Closed.	8/1/2012		5
181-12	7/6/2012	CDPH	Complaint alleges that operation is using a prohibited substance to manufacture organic millet.	7/27/2012	CDPH	Under investigation.			
180-12	7/26/2012	NOP	Complaint alleges that organic compost company is misrepresenting product as approved for organic production.	7/27/2012	OIM Program	Closed.			1
179-12	7/24/2012	NOP	The complaint alleges that operation is using a falsified organic certificate, misrepresenting their operation as USDA certified organic, and misrepresenting their products as organic.	7/26/2012	CDPH	Under investigation.			
178-12	7/19/2012	NOP	Complaint alleges that ice cream labels are not in compliance with NOP regulations.	7/19/2012	SOP/CAC	Cease and Desist Order issued. Organic operation corrected labels.	7/24/2012		5
177-12	7/18/2012	CAC	Complaint alleges that operation is utilizing a prohibited substance on production site.	8/27/2012	CAC	Closed. Operation's registration was suspended.			40

2012/2013 Fiscal Year (FY) CDFA Organic Program New Registrations

Producer	Dairy and Livestock	Handler/ Wholesale	Retail Store	Commission Merchant	2012/2013 Monthly Total	2011/2012 Monthly Total
----------	---------------------	--------------------	--------------	---------------------	-------------------------	-------------------------

Chart for tracking of new registrations

July	31	3	2	0	0	36	27
August	29	1	4	1	0	35	55
September	34	0	4	1	0	39	36
October	27	2	6	0	1	36	33
November	15	0	3	0	0	18	30
December	14	1	2	1	1	19	20
January							25
February							25
March							47
April							39
May							57
June							42
FY Total	150	7	21	3	2	183	436

CDFA Organic Program Revenue from Registrations by Month and Year

Fiscal Year	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Projected
2012/13	101,725	103,086	83,452	104,623	82,164	104,804							579,854	1,300,000
2011/12	81,971	110,099	80,663	72,537	79,154	82,804	153,257	127,506	139,218	93,555	88,456	102,796	1,212,016	
2010/11	70,554	82,211	104,311	62,902	66,948	99,831	136,658	91,803	119,711	93,580	102,369	92,386	1,123,264	
2009/10	72,788	79,512	67,855	63,285	55,128	96,997	119,559	93,642	74,997	57,068	54,926	83,035	918,792	
2008/09	72,875	73,911	63,563	64,835	71,398	102,695	127,727	94,913	78,774	78,316	83,492	79,279	991,778	
2007/08	51,985	65,914	61,989	54,560	59,894	91,955	121,776	89,574	71,088	92,462	72,107	83,241	916,544	
2006/07	46,461	57,168	57,897	47,474	61,087	59,966	103,670	86,253	81,104	76,115	75,212	61,989	814,397	
2005/06	32,852	39,343	42,662	37,768	47,815	71,678	93,852	72,458	63,557	58,160	43,641	50,775	654,558	
2004/05	34,576	35,788	28,366	43,254	48,329	77,550	77,306	65,274	54,583	56,563	36,227	47,334	605,150	
2003/04	33,043	42,659	36,098	34,441	42,785	64,011	57,045	51,563	47,807	46,945	41,934	41,569	539,900	
2002/03	36,765	29,122	35,448	31,206	30,289	49,412	71,462	62,472	31,798	36,968	34,566	35,508	485,016	
2001/02	30,143	28,672	19,912	24,087	37,670	44,729	76,118	40,109	36,732	29,573	41,208	24,760	433,714	
2000/01	27,060	29,889	28,742	21,563	43,640	49,804	63,351	44,783	45,720	26,429	27,672	38,250	446,905	
1999/00	22,526	23,869	16,693	20,547	34,509	59,557	50,269	30,234	41,024	29,894	45,974	25,110	400,205	
1998/99	16,525	18,709	14,539	14,809	22,533	35,884	76,993	33,772	26,290	23,267	23,546	32,196	339,064	
1997/98	13,894	16,251	17,843	16,827	15,180	39,324	65,617	30,022	24,268	19,793	11,592	28,919	299,530	
1996/97	14,656	11,809	7,628	11,390	13,714	37,654	52,142	22,680	20,561	13,555	11,209	21,007	238,003	
1995/96	7,001	15,117	8,568	9,152	17,263	33,826	59,630	29,776	17,357	11,750	8,413	6,412	224,265	
1994/95	13,286	9,643	6,882	7,608	18,913	45,430	49,026	20,402	14,903	7,616	10,067	10,891	214,667	
1993/94	9,834	9,613	3,979	6,758	12,703	33,361	42,882	22,364	15,471	5,548	9,931	11,577	184,021	
1992/93	3,174	3,863	2,897	2,859	2,053	14,533	54,253	25,498	11,401	6,775	4,136	12,298	143,739	
1991/92				938	6,438	11,338	47,478	89,611	23,702	6,300	2,055	5,592	193,451	



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

Meeting Minutes

2800 Gateway Oaks Drive, Sacramento, CA 95833

September 12, 2012

MEMBERS PRESENT

Melody Meyer, Chair
Steve DeMuri
John Ashby
Blake Alexandre
Pat Kennelly
Ione Conlan
Jenny Lester Moffitt
Melody Meyer
Martin Guerena
Karen Klonsky
Steven Sherman
Sandra Schmaier
Stacy Carlsen

MEMBERS ABSENT

Garff Hathcock, Vice Chair
David Will
Larry Hirahara
John Foster
Lauree Bradley
Ann King Filmer
Sean Swezey
Michelle Dennis
Janice Woodhouse
Michael Sencer
Thomas Chapman
Thomas Azwell
Mary Anne Hanthorn

CDFA

Rick Jensen
Steve Patton
Brian Cote
Paul Collins
David Carlson
Scott Renteria
Sarah Cardoni

INTERESTED PARTIES

Alexis Randolph, Quality Assurance International
Ray Green, Go Green Consulting
Pat Matteson, California Department of Pesticide Regulation
Steve Beckley, Organic Fertilizer Association of California
Kim Dietz, Organic Trade Association/Smucker Natural Foods
Brandy Gamoning, Hidden Villa Ranch
Tina Cosentino, California Certified Organic Farmers

Only informational reports were discussed. The meeting was not called to order due to a lack of a quorum.

The next meeting will be held on January 24, 2013, in Asilomar.

Respectfully submitted by:

Steve Patton, Chief
Inspection and Compliance Branch
Inspection Services



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

Meeting Minutes

May 9, 2012

**2800 Gateway Oaks Drive
Sacramento, CA**

MEMBERS PRESENT

Melody Meyer, Chair
Garff Hathcock, Vice Chair
Blake Alexandre
David Will
Larry Hirahara
Melody Meyer
Lauree Bradley
Karen Klonsky
Michelle Dennis
Sandra Schmaier
Ione Conlan
Jenny Lester Moffitt
Thomas Chapman
Steven Sherman

MEMBERS ABSENT

Steve Demuri
Ann King Filmer
Sean Swezey
Janice Woodhouse
Michael Sencer
Jenny Lester Moffitt
Thomas Chapman
Thomas Azwell
Martin Guerena
Mary Anne Hanthorn
Emma Laskey
Pat Kennelly
Stacy Carlsen

CDFA

Rick Jensen
Steve Patton
Paul Collins
David Carlson
Scott Renteria
Brian Cote
Sarah Cardoni

INTERESTED PARTIES

Mark Griffith, Interactive Consultancy
Ray Green, Go Green Consulting
Pat Matteson, California Department of
Pesticide Regulation
Jaclyn Bowen, Quality Assurance
International
Sonia Acuna Rubio, Quality Assurance
International

ITEM 1: INTRODUCTIONS

The Committee was called to order at 10:05 a.m. by Ms. Melody Meyer, Chairperson. Roll was called, a quorum was ultimately established, and introductions were made.

ITEM 2: PUBLIC COMMENTS

Ms. Ione Conlan stressed the importance of educating certified farmers' market (CFM) consumers that not all products sold at a CFM are organic. The term "certified" in CFM relates to the certification of the market by the California Department of Food and Agriculture (CDFA) and county agricultural commissioners, not the organic status of the products offered for sale by producers. Mr. Steve Patton explained that California farmers may transport for sale and sell California-grown fresh fruits, nuts, and

vegetables that they produce, directly to the public at a CFM. Accordingly, not all of the products offered for sale at a CFM are organic.

Ms. Melody Meyer inquired in regard to the United States v. Peter Townsley and whether CDFA's State Organic Program (SOP) and/or the Feed, Fertilizer, and Livestock Drug Regulatory Services (FFLDRS) Branch would be providing testimony. Mr. Patton stated that the SOP and FFLDRS will be providing a statement to the federal judge presiding over this case in regard to the detrimental impact of Mr. Townsley's actions on the organic industry.

ITEM 3: REVIEW AND APPROVAL OF FEBRUARY 2, 2012 MEETING MINUTES

MOTION: Mr. Blake Alexandre moved to approve the February 2, 2012 Meeting Minutes as submitted. Ms. Michelle Dennis seconded. The motion passed unanimously.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATE

Mr. David Carlson provided the California Department of Public Health's (CDPH's) update on behalf of Mr. Patrick Kennelly. Mr. Carlson reported that 1,948 registrants are currently registered with CDPH. Since the last reporting period, CDPH has received four complaints. Out of the four complaints, two were unsubstantiated, one is still being investigated, and one was resolved (the operation successfully registered with CDPH).

ITEM 5: STATE ORGANIC PROGRAM UPDATE

I. Vacancy Announcements

Ms. Sarah Cardoni provided a vacancy report. Currently, there is one producer member vacancy, three alternate producer member vacancies, one alternate processor vacancy, and one alternate retail representative vacancy. In addition, approximately half of the terms will expire on October 31, 2012.

II. Revenue from Registration

Mr. Brian Cote provided an overview of the SOP revenue from registration by month and year. From July 2011 through February 2012, the SOP collected \$787,991 in revenue and is projected to collect \$1,173,264 in revenue from registration by the end of the fiscal year (FY).

III. New Registrations

Mr. Cote provided an overview of new registrant demographics. From July 2011 through February 2012, there have been 251 new registrants. The vast majority of the new registrants are producers, followed by handlers, commission merchants, and retail operations.

IV. Complaint Report

Mr. Paul Collins provided an overview of the complaint report. From July 2011 through March 1, 2012, the SOP received a total of 23 complaints. There are six active complaints with two complaints active over 120 days.

V. Appeals Report

Mr. Cote provided the appeals report. These records are from 2007, when the appeals regulations were promulgated until the present. As of March 31, 2012, the SOP has received 18 appeals. Of the 18 appeals received, 15 have been resolved and three are currently active. Two of the active appeals are currently being reviewed by CDFA's Hearing Officer and the other active appeal is set to be heard by the Office of Administrative Hearings on September 25, 2012 in Van Nuys, California.

VI. Spot Inspection Report

Mr. Cote provided the Organic Spot Inspection Program Report. For the reporting period July 1, 2011 through March 1, 2012, approximately 366 spot inspections were conducted, resulting in 43 violations. In order to ensure consistency throughout the counties, the SOP conducted 40 harmonized spot inspections with county staff. The majority of the violations were found at CFMs.

VII. Residue Analysis Report

Mr. Scott Renteria provided the residue analysis report. Since the beginning of the FY until the March 1, 2012, there have been a total of 10 samples pulled by SOP and county staff. Prohibited substances were detected on three of the samples and were assigned for investigation to determine the source of contamination.

VIII. Database Update

Mr. Collins discussed the progress of the SOP's transition to an online database and accounting system. The SOP contracted with Interactive Consultancy to develop the new database and has been holding application design sessions with the vendor since November 2011. Mr. Collins introduced Mr. Mark Griffith, the lead consultant for Interactive Consultancy responsible for the project. Mr. Griffith provided an overview of the online database and accounting system. The Committee had several recommendations for improving the public and user accessibility, which were noted by the SOP and the developer.

ITEM 6: STATE ORGANIC PROGRAM BUDGET APPROVAL

An overview of the SOP's budget and fund condition were provided to the Committee. Mr. David Will suggested that the Program spend more of its reserve on enhanced enforcement. The Program will provide enhanced enforcement models to the

Committee over the next several meetings. Mr. Patton requested that the Committee approve the proposed FY 2012/13 budget of \$1,325,515.

MOTION: Mr. Alexandre moved to recommend approval of the FY 2011/12 proposed budget as submitted. Ms. Hathcock seconded. The motion passed unanimously.

ITEM 7: NATIONAL ORGANIC PROGRAM STANDARDS BOARD UPDATE

This item was not discussed.

ITEM 8: NEW ITEMS

Mr. Hathcock discussed the industry's concerns with Asian citrus psyllid (ACP). The organic industry is attempting to develop an organic treatment for ACP. At this point, such attempts have been unsuccessful. Mr. Cote provided an overview of an April 6, 2012, memorandum issued by the SOP. In regard to ACP, when a prohibited substance is applied to a certified organic operation under the authority of CDFA's "Proclamation of an Emergency Program Regarding ACP" and the certified organic operation otherwise meets all federal and state organic statutes and regulations, the certification status of the operation shall not be affected as a result of the application of the prohibited substance provided that CDFA or a duly authorized representative has performed the treatment, and any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a federal or state emergency pest or disease treatment program is not sold, labeled, or represented as organically produced. The Committee requested that an individual from Plant Health and Pest Prevention Services provide an overview of ACP's impact on the industry at the next advisory committee meeting.

Ms. Meyer announced that the Organic Trade Association is providing a forum for a federally regulated marketing order under the United States Department of Agriculture in order to distinguish organic products in the marketplace, increase demand, and enhance consumer education.

ITEM 10: NEXT MEETING/AGENDA ITEMS

The next meeting will be held in September 2012. Agenda items to be included are a discussion in regard to ACP and opportunities for enhancing organic enforcement.

ITEM 11: ADJOURNMENT

The meeting was adjourned at 1:07 p.m. by Ms. Meyer, Chairperson.

Respectfully submitted by:

Steve Patton, Chief
Inspection Services