



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

January 6, 2011

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 27, 2011
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,

David Carlson, Special Investigator
California Organic Program
Inspection Services

Enclosure(s)

cc: Ed Williams



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

Thursday, January 27, 2011
1:00 p.m.-3:00 p.m.

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

1. Introductions
2. Public Comments
3. Election of Vice-Chair (Action Item)
4. Review and Approval of November 10, 2010 Meeting Minutes (Attachment A)
(Action Item)
5. California Department of Public Health Update – Patrick Kennelly
6. State Organic Program Update
 - i. Revenue from Registration (Attachment B)
 - ii. New Registrations (Attachment C)
 - iii. Complaint Report (Attachment D)
 - iv. Appeals Report (Attachment E)
 - v. Database Update
7. NOP Updates (Lars Crail)
8. NOSB Update
9. New Items
10. Next Meeting/Agenda Items
11. 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 Steve Patton at (916) 445-2180. 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: December 18, 2010

Report Categories	Number
Total Appeals Logged	15
Total Active Appeals*	4
Appeals Resolved	11
Active Appeals Over 120 days	3

Notes

* Active appeals referred to DOJ	2
* Active appeals under review by CDFA	2

State Organic Program Complaint Report
Through 12/18/2010

Complaint Log ID	Date Received by SOP	Complaint Source	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days to Resolution
116-10	12/17/2010	ACA	Operation is making organic claims and using expired certification status, displaying certifier's logo and USDA seal on products and at operator's website. Processed products.	12/28/2010	Calif. Dept. of Public Health	Referred to CDPH. Awaiting results of investigation.			
114-10	12/8/2010	ACA	Operation is making an organic claims for some wines being sold and claims organic certification. USDA Organic seal also displayed on operations website.	12/28/2010	Calif. Dept. of Public Health	Referred to CDPH. Awaiting results of investigation.			
113-10	12/2/2010	Public	Grapes packed into film bags bearing certification and USDA logo without prior agreement or approval of the labeled certification service.	12/2/2010	SOP	Under investigaiton. Notice of Violation issued 1/5/2011			
112-10	11/2/2010	Public	Individual selling products as organic without proof of registration at Mission Hills CFM.	11/2/2010	CAC	Closed.		Notice of Violation issued 11/22/2010.	20
111-10	11/2/2010	Public	Making organic claims and sales without proof of registration or certification.	11/2/2010	CAC	Closed.		Notice of Violation issued 11/22/2010.	20
110-10	11/1/2010	Public	Mislabeled, made with ingredients exceed groups catagories.	11/8/2010	Calif. Dept. of Public Health	Referred to CDPH, awaiting investigation results.			
108-10	9/29/2010	Public	Spreading of manure containing infectious materials on organic producing land in Winters area.	9/29/2010	SOP	Closed.	10/14/2010	No violations identified.	15
106-10	9/8/2010	Public	Supplier of custom roasted coffees is advertising organic roasted coffee without certification.	9/8/2010	Calif. Dept. of Public Health	Awaiting CDPH investigation results.			
96-10	4/5/2010	Public	Organic claims without valid organic registration. Use of an expired certification and USDA seal and logos.	4/5/2010	CAC	Investigation completed, CAC drafting Notice of Violation.			
91-10	3/23/2010	CAC	A producer is advertising and selling as organic at a farmers' market without certification or registration.	3/23/2010	CAC	Investigation completed, CAC drafting Notice of Violation.			
48-09, 56-09	5/18/2009	Public	Organic operation spraying prohibited herbicide in citrus groves, events occurred on or about 4/19/09.	5/15/2009	CAC	Proposed revocation of certification, registration, and civil penalties of \$5,000.00. Proposed action appealed by operation.	11/3/2010	Appeal received by SOP 11/07/10. Appeal is under review by CDFA.	

Active Complaints: 6

Active Complaints over 120 days: 3

2010 CDFA New Registrations

	Farm	Dairy and Livestock	Poultry	Handler/ Wholesale	Retail Store	Commission Merchant	2010 Registrations by Month	2009 Registrations by Month
Chart for tracking of new registrations								
January	13	0	0	0	0	0	13	21
February	8	0	0	3	0	0	11	25
March	14	0	0	2	0	0	16	34
April	9	0	0	4	0	0	13	38
May	24	0	0	2	1	1	28	49
June	21	0	0	2	0	0	23	27
July	47	0	0	4	0	0	51	31
August	38	0	0	4	0	0	42	29
September	29	0	0	2	0	0	31	36
October	42	0	0	8	0	1	51	23
November	23	0	0	7	0	0	30	12
December	15	0	0	3	0	0	18	16
2010 Total	283	0	0	41	1	2	327	
2009 Total	320	0	0	19	1	1		341

2008 Total	357
2007 Total	442
2006 Total	380
2005 Total	306
2004 Total	266

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
2011/12													0	
2010/11	70,554	82,211	104,395	67,431	65,052	99,831							489,474	918,000
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	

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

Meeting Minutes

560 J Street, Sacramento, CA 95814

November 10, 2010

MEMBERS PRESENT

John Ashby, Chair
John Foster
Sean Swezey
Michelle Dennis
Patrick Kennelly
Stacy Carlsen
Thomas Chapman
(Voting for Steve DeMuri)
Sandra Schmaier
(Voting for Aaron Turner)
Steven Sherman
Jenny Lester Moffitt
(Voting for Melody Meyer)
Blake Alexandre
Garff Hathcock
Dave Martinelli
Karen Klonsky
Thomas Azwell
(Voting for Ann King Filmer)

MEMBERS ABSENT

Aaron Turner
Melody Meyer
Lauree Bradley
Ann King Filmer
David Will
Larry Hirahara
Steve DeMuri

INTERESTED PARTIES

Claudia Reid, CCOF
Brandy Gamoning, Hidden Villa Ranch
Shayla Nevfeld, Monterey County
Jaclyn Bowen, QAI

CDFA

David Carlson
Paul Collins
Brian Cote
Scott Renteria
Maria Hicks
Rick Jensen
Steve Patton

ITEM 1: INTRODUCTIONS AND WELCOME OF NEW COMMITTEE MEMBERS

The committee was called to order at 10:08 a.m. by Mr. John Ashby, Chairperson. Roll was called and a quorum was established. Self introductions were made and new members were welcomed. During this meeting, Ms. Jenny Lester Moffitt will be voting for Ms. Melody Meyer and Ms. Sandra Schmaier will be voting for Mr. Aaron Turner. Mr. Thomas Azwell arrived at 10:25 a.m., and will be voting for Dr. Ann King Filmer. Mr. Thomas Chapman arrived at 11:05 a.m. and will be a voting member for Mr. Steve DeMuri.

ITEM 2: ELECTION OF OFFICERS

The floor was opened for nominations.

MOTION: Dr. Sean Swezey moved to re-elect Mr. Ashby as Chair for his second term and moved to re-elect Mr. Turner to serve his second term as Vice Chair. Mr. Blake Alexandre seconded. The motion passed unanimously.

ITEM 3: PUBLIC COMMENTS

Ms. Claudia Reid, CCOF provided the committee with handouts for an upcoming Sustainable Pest Management conference, and encouraged COPAC members to

attend. Ms. Reid acknowledged CDFA staff on the regulations that were sent out by Mr. Brian Cote and the State Organic Program (SOP) working together with the National Organic Program (NOP). Ms. Reid also acknowledged the work that is being done with the Certified Farmers' Market listening sessions and the Fertilizer Inspection Advisory Board Assembly Bill (AB) 856 Subcommittee.

Dr. Karen Klonsky asked what AB 856 is. Mr. Ashby stated that it is the issue of the scope of organic input materials (OIM). Ms. Reid stated that a small working group has been working on the definition of the scope. Mr. Ashby stated that as chair of the COPAC and as an interested party of the Fertilizer Inspection Advisory AB 856 Subcommittee, the concern is that this legislation defines anything that is used on an organic farm, with the exception of pesticides. Mr. Ashby stated that it includes compost, manures, gypsum, among other items. Mr. Ashby iterated that the issue is that the implementation of the legislation could place a burden on any person who supplies anything that gets used on an organic farm. Ms. Reid stated that the legislation states "inputs that were intended to be sold as organic."

ITEM 4: REVIEW AND APPROVAL OF AUGUST 25, 2010 MEETING MINUTES

Ms. Reid noted that on page seven, item eight, Ms. Pat Matteson's last name was misspelled. Mr. John Foster clarified that in the last paragraph on page seven, what he had intended to say was that "the rationale is that animals should be able to express their natural behavior; however their behavior is not natural once a fence is put up." "The question is how much to let animals express their natural behavior."

MOTION: Mr. Dave Martinelli moved to approve the August 25, 2010 meeting minutes with the changes as discussed. Dr. Swezey seconded. The motion passed unanimously.

ITEM 5: ORIENTATION SUBCOMMITTEE FOR NEW MEMBERS

Mr. Ashby stated that he will be sending out the previous meeting minutes and a welcome packet for new members. Mr. Ashby explained to the committee that Ms. Meyer is out of the country and will be working with him in orientating the new committee members when she returns.

ITEM 6: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) UPDATE

Mr. Patrick Kennelly provided the committee with CDPH's updates highlighting that there are currently 1,700 registrants; the registrants are staying steady. Mr. Kennelly provided the committee with a hand out of organic complaints ranging from August 2, 2010 to September 23, 2010 highlighting that there were a total of four complaints. Mr. Kennelly provided the committee with an overview of the complaints. Discussion ensued regarding the complaints.

Dr. Klonsky asked how these complaints were received. Mr. Kennelly stated that two of the complaints were received from CDFA. Mr. Kennelly stated the other complaints may have been submitted via a 1-800-complaint line. Mr. Kennelly stated that he also receives complaints directly from the industry.

ITEM 7: STATE ORGANIC PROGRAM UPDATE

Mr. David Carlson clarified that CDPH handles processing industry complaints and CDFA handles the majority of all other complaints. Mr. Carlson stated that the regulations have been filed with the Secretary of State; the SOP will be working towards incorporating them into the Quality Systems Manual (QSM). Mr. Carlson stated that on December 1, 2010, counties will resume spot inspections; a letter will be sent to the counties notifying them of such. Mr. Carlson stated that the SOP has inspected a few Certified Farmers' Markets for violations and have audited a few counties for compliance to ensure they are up-to-date on their QSM and other forms; auditing of the counties was one of the recommendations from the NOP audit. Mr. Carlson highlighted that the SOP's Cost Share Program has distributed about \$750,000 for Fiscal Year (FY) 2009/2010. There is still some money left; applicants can still submit their paperwork. Mr. Carlson stated that about 300 applications have been received for FY 2010/2011. Mr. Carlson stated that the Request For Proposal (RFP) has been signed for the database project, and the project will go out for bidding in the near future.

Ms. Claudia Reid stated that since the legislation has been signed into law, when does the department anticipate the new registration forms will be available. Mr. Carlson stated that the SOP will start adjusting the forms soon, but they can not be utilized until January 1, 2011.

Ms. Klonsky asked if it would be possible for the cost share money to be used for state registrations since that is part of being certified. Mr. Jensen stated that that recommendation was denied by the NOP. Ms. Reid stated that it would take federal legislation to allow that to happen.

Ms. Jenny Lester Moffitt asked if spot inspections have stopped. Mr. Carlson stated the spot inspections had stopped because regulations were necessary; there are now regulations in place. Mr. Ashby stated that putting the regulations in place was a two or three year process. Dr. Swezey stated that COPAC absolutely supports spot inspections.

i. Revenue from Registration –

Mr. Carlson provided the committee with an overview of registration by month and year stating that July is the start of the fiscal year. The first three months of FY 2010/2011, revenue increased to \$257,000 compared to the prior year's revenue of \$220,000.

Mr. Dave Martinelli asked why this trend is occurring. Mr. Carlson stated that it may have to do with the cost share. Mr. Jensen stated that the requirement on certifiers is to ensure that their customers are fully compliant with the state law; it is an additional requirement for doing business in California. Mr. Jensen stated that we believe some people that were certified weren't registered. Now a certifier is risking their accreditation if they don't ensure that the operation is registered. Mr. Foster stated he doubts that there is any one reason; it is probably many reasons.

ii. New Registrations

Mr. Carlson stated that new registrants were pretty comparable to the prior year; farm producers continue to be the most registered group.

Dr. Swezey asked for an update on the searchable database, including if it is going out for bid at this time and the scope of work that is being done. Mr. Jensen iterated that the RFP was approved; it will be out by the end of the week. Mr. Jensen stated that the document is going to be extremely detailed, and the total cost is believed to be around \$300,000, including staff time. Dr. Swezey requested that this be a standing agenda item.

iii. Complaint Report

Mr. Collins provided the committee with a brief overview of the complaints listed on attachment D.

Dr. Klonsky asked if complaints are posted on the CDFA website once they are resolved. Mr. Collins stated that they are not posted on the CDFA website at this time; they are on the NOP's monthly reports, listed by final actions, not by state. Mr. Garff Hathcock asked if the committee should strive to send out or post some type of notice of resolutions. Mr. Jensen stated that it is important information; it shows that enforcement activities are occurring; the SOP is trying to be as transparent as possible. Discussion ensued regarding posting complaint resolutions.

iv. Appeals Report

Mr. Collins stated that there has been one new appeal added since the last report. Mr. Collins stated the appeal is currently with CDFA's legal office; two appeals are currently being reviewed by the attorney general.

Mr. Ashby asked if it is under appeal, would it show up as a complaint also. Mr. Collins stated that it depends on if it was reported as a complaint. Mr. Jensen commented that the investigation would be closed.

Ms. Michelle Dennis asked how long a consumer could unknowingly continue purchasing a product that may be mislabeled as organic, if there was a pending complaint. Mr. Collins stated that CDFA would issue a cease and desist order if the investigation identifies illegal activity. Mr. Carlson stated that the SOP does not have recall authority. Mr. Ashby stated that retail stores would remove the product; they do not want to sell a product that is mislabeled.

v. Regulation/Legislative Update

Mr. Brian Cote highlighted that Assembly Bill (AB) 2612 was signed by the governor and will go into effect on January 1, 2011. Mr. Cote stated that regulations were filed with

the Secretary of State on November 5, 2010; a notice will be going out soon notifying county agricultural commissioners to resume spot inspections.

Mr. Cote stated that the AB 856 regulations working group is meeting today and the AB 856 subcommittee is meeting on Friday, November 16, 2010. The Fertilizer Inspection Advisory Board will meet and vote on the recommendation from the subcommittee. In mid-December; the Feed, Fertilizer, Livestock Drug, and Egg Regulatory Services will commence the regulatory process including the 45-day comment period and waiting period.

vi. 2009/10 Fund Condition

Mr. Carlson stated that there was \$586,194 in expenditures. When spot inspections commence, expenditures will increase. Mr. Martinelli asked if there are any outstanding encumbrances. Mr. Jensen stated that the database and the county contracts amounts will be disencumbered. This is for FY 2009/2010 and that FY is now closed.

Ms. Reid asked if the issue about how much every program has to have in reserve could be explained. Mr. Jensen stated that the department is bound to have a minimum of 25 percent of their budget amount in reserves. Mr. Jensen stated that this is not a realistic number in terms of trying to close a program down and move or lay off staff from civil service. Mr. Jensen stated that it is a very lengthy process and that a fifty percent reserve is more fiscally appropriate. However, this program still has a significant reserve going forward; the Program will be watching closely.

Mr. Foster asked what the basic plan is for the SOP's pesticide residue program. Will this be a function of the Office of Inspector General (OIG) audit? Mr. Carlson stated that the SOP was doing residue sampling previously. Mr. Foster asked if there is an opportunity to use that information to coincide with NOP's focus that is coming next year in order to not duplicate expensive tests.

Dr. Swezey stated that in the next fiscal planning period, more expenditure's should go toward pesticide residue testing.

ITEM 8: PREVIOUS BUSINESS

Mr. Foster provided the committee with a National Organic Standards Board (NOSB) update highlighting that the biggest issue relevant to the NOSB is corn steep liquor. The NOP asked the NOSB to decide whether it is considered synthetic or non-synthetic. There was a great deal of debate around the crops committee; the majority voted to withdraw the recommendation to consider it synthetic. Mr. Foster stated that the April 2011 meeting will be in Seattle. Another issue regards certain yeasts that are now considered to be agricultural; this issue has been worked on for approximately six years. Discussion ensued regarding NOSB updates.

ITEM 9: NEW ITEMS

Mr. Ashby stated that the NOP came out with new guidance documents; if you want to view them, email him and he will send them to you.

ITEM 10: NEXT MEETING/AGENDA ITEMS

The next meeting will be on January 27, 2010 at the Asilomar Conference Grounds in Pacific Grove from 1:00 p.m. - 3:00 p.m.

Future agenda items include: coordinating/combining the various residue testing protocols that will be in California, database updates, posting of complaint resolutions discussion, and NOSB updates.

ITEM 11: ADJOURNMENT

The meeting was adjourned at 12:07 p.m. by Mr. Ashby, Chair.

Respectfully submitted by:

David Carlson, Senior Special Investigator
California State Organic Program
Inspection Services