



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

January 20, 2012

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, February 2, 2012
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

Enclosure(s)

cc: Ed Williams



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

Thursday, February 2, 2012
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 10, 2011 Meeting Minutes (Attachment A) (Action Item)
5. Review and Approval of September 28, 2011 Meeting Minutes (Attachment B) (Action Item)
6. California Department of Public Health Update – Patrick Kennelly
7. State Organic Program Update
 - i. Revenue from Registration (Attachment C)
 - ii. New Registrations (Attachment D)
 - iii. Complaint Report (Attachment E)
 - iv. Appeals Report (Attachment F)
 - v. Spot Inspection Report (Attachment G)
8. National Organic Standards Board Update – Steve DeMuri and John Foster
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 Brian Cote at (916) 900-5194. Requests for reasonable accommodation should be made no later than three (3) days before the meeting.

Date	County of Inspection	Spot Inspection Category					Violations
		Producer	Handler	Retailer	CFM	Other	
8/20/2011	Santa Clara				X		No violations identified.
8/20/2011	Santa Clara				X		No violations identified.
8/20/2011	Santa Clara				X		No violations identified.
8/20/2011	Santa Clara				X		No violations identified.
8/24/2011	Santa Barbara	X					Title 7, Code of Federal Regulations Section 205.272
8/30/2011	Orange				X		No violations identified.
8/30/2011	Orange				X		No violations identified.
8/31/2011	Mendocino	X					No violations identified.
9/1/2011	Lake	X					No violations identified.
9/1/2011	Lake	X					No violations identified.
9/7/2011	Mendocino	X					No violations identified.
9/7/2011	Sonoma	X					No violations identified.
9/8/2011	Santa Clara				X		Title 3, California Code of Regulations Section 1392.4(h)
9/8/2011	Santa Clara				X		No violations identified.
9/9/2011	Sonoma	X					No violations identified.
9/12/2011	Mendocino	X					No violations identified.
9/15/2011	Sonoma	X					No violations identified.
9/15/2011	Sonoma	X					No violations identified.
9/16/2011	Sonoma	X					No violations identified.
9/17/2011	Los Angeles				X		Title 3, California Code of Regulations Section 1392.4(h)
9/19/2011	Mendocino	X					No violations identified.
9/19/2011	Sonoma	X					No violations identified.
9/19/2011	Lake	X					No violations identified.
9/20/2011	Sonoma	X					No violations identified.
9/20/2011	Sonoma	X					No violations identified.
9/20/2011	Sonoma	X					No violations identified.
9/21/2011	Santa Clara				X		No violations identified.
9/21/2011	Santa Clara				X		No violations identified.
9/21/2011	Santa Clara				X		No violations identified.
9/21/2011	Santa Clara				X		No violations identified.
9/21/2011	Sonoma	X					No violations identified.
9/22/2011	Santa Clara				X		No violations identified.
9/22/2011	Santa Clara				X		Title 7, Code of Federal Regulations Section 205.300(a)
9/22/2011	Santa Clara				X		Food and Agricultural Code Section 46013.1(d)
9/22/2011	Santa Clara				X		Title 3, California Code of Regulations Section 1392.4(h)
9/22/2011	Santa Clara				X		No violations identified.
9/22/2011	Santa Clara				X		No violations identified.

Date	County of Inspection	Spot Inspection Category					Violations
		Producer	Handler	Retailer	CFM	Other	
9/22/2011	Santa Clara				X		No violations identified.
9/22/2011	Santa Clara				X		No violations identified.
9/22/2011	Santa Clara				X		No violations identified.
9/25/2011	Los Angeles				X		No violations identified.
9/25/2011	Los Angeles				X		No violations identified.
9/25/2011	Los Angeles				X		No violations identified.
9/25/2011	Los Angeles				X		Title 3, California Code of Regulations Section 1392.4(h)
9/26/2011	Los Angeles				X		Title 3, California Code of Regulations Section 1392.4(h)
9/26/2011	Sonoma	X					No violations identified.
9/26/2011	Sonoma	X					No violations identified.
9/27/2011	Sonoma	X					No violations identified.
9/27/2011	Sonoma	X					No violations identified.
9/28/2011	Lake	X					No violations identified.
9/28/2011	Sonoma	X					No violations identified.
9/29/2011	Mendocino	X					No violations identified.
9/29/2011	Sonoma	X					No violations identified.
9/29/2011	Sonoma	X					No violations identified.
9/28/2011	Sonoma	X					No violations identified.
10/3/2011	Sonoma	X					No violations identified.
10/4/2011	Sonoma				X		No violations identified.
10/6/2011	Sonoma	X					No violations identified.
10/7/2011	Los Angeles				X		Title 3, California Code of Regulations Section 1392.4(h)
10/10/2011	Sonoma	X					No violations identified.
10/10/2011	Sonoma	X					No violations identified.
10/11/2011	Sonoma	X					No violations identified.
10/13/2011	Sonoma		X				No violations identified.
10/14/2011	Sonoma	X					No violations identified.
10/15/2011	Santa Clara				X		No violations identified.
10/15/2011	Santa Clara				X		No violations identified.
10/15/2011	Santa Clara				X		No violations identified.
10/15/2011	Santa Clara				X		No violations identified.
10/16/2011	Santa Clara				X		Title 3, California Code of Regulations Section 1392.4(h)
10/16/2011	Santa Clara				X		No violations identified.
10/16/2011	Santa Clara				X		No violations identified.
10/16/2011	Santa Clara				X		Title 3, California Code of Regulations Section 1392.4(h)
10/19/2011	Santa Barbara	X					No violations identified.
10/19/2011	San Luis Obispo				X		Title 3, California Code of Regulations Section 1392.4(h)

Date	County of Inspection	Spot Inspection Category				Violations
		Producer	Handler	Retailer	CFM	
11/16/2011	Santa Cruz				X	No violations identified.
11/18/2011	Orange				X	No violations identified.
11/18/2011	Orange				X	No violations identified.
11/21/2011	Lake	X				No violations identified.
11/29/2011	Orange				X	Food and Agricultural Code Section 46013.1(d)(1)
12/1/2011	Orange				X	Title 3, California Code of Regulations Section 1392.4(h)
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	Orange				X	No violations identified.
12/3/2011	San Diego				X	No violations identified.
12/4/2011	Santa Clara				X	Title 3, California Code of Regulations Section 1392.4(h)
12/4/2011	Santa Clara				X	Title 3, California Code of Regulations Section 1392.4(h)
12/4/2011	Santa Clara				X	Title 3, California Code of Regulations Section 1392.4(h)
12/4/2011	Santa Clara				X	Title 3, California Code of Regulations Section 1392.4(h)
12/6/2011	San Luis Obispo	X	X			No violations identified.

Spot inspections performed during FY 2011/12 through 12/31/2011: 201

Spot inspections performed by SOP during FY 2011/12 through 12/31/2011: 13

Harmonized spot inspections conducted by SOP and counties during FY 2011/12 through 12/31/2011: 21

California Department of Food and Agriculture
State Organic Program

APPEALS STATUS REPORT

As of: December 31, 2011

Report Categories	Number
Total Appeals Logged	17
Total Active Appeals	2
Appeals Resolved	15
Active Appeals Over 120 Days	1

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

California Department of Food and Agriculture
State Organic Program Complaint Report
Through 12/31/2011

Attachment E

Complaint Log ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days to Resolution
162-11	12/20/2011	Anonymous	Organic operation is using prohibited substances on organic crops at various sites in several counties. Material is being sourced from Mexico and other states.	12/22/2011	SOP	Under investigation.			Ongoing
161-11	12/14/2011	Public	Complainant alleges that an operation is making organic claims in the description of their processed product without registration or certification.	12/16/2011	CDPH	Referred to CDPH.			Ongoing
160-11	12/14/2011	CAC	Complainant alleges that the operation is selling conventional Mandarin citrus as organic.	12/15/2011	CAC	Under investigation.			Ongoing
159-11	10/11/2011	ACA	Complainant alleges that one of the operation's processed products states "with organic sugar" on the front panel.	10/19/2011	CDPH	Referred to CDPH.			Ongoing
158-11	11/22/2011	ACA	Complainant is alleging that the operation is affixing organic labels to processed products without organic certification or registration.	12/16/2011	CDPH	Referred to CDPH.			Ongoing
157-11	11/22/2011	Public	Complainant alleges that the operation is contaminating surrounding properties and waterways with prohibited substances. In addition, the complainant alleges failure to follow recognized organic practices for stone fruit orchard crops.	11/22/2011	SOP	Under investigation.			Ongoing
156-11	11/17/2011	Anonymous	Complainant alleges that the operation is fraudulently labeling conventional dry beans and grains.	11/17/2011	CAC	Closed.	11/29/2011	No violations identified. Investigation closed	12
155-11	11/3/2011	Public	Complainant witnessed the application of an unidentified substance on an organic parcel.	11/3/2011	CAC	Under investigation.			Ongoing

California Department of Food and Agriculture
 State Organic Program Complaint Report
 Through 12/31/2011

Complaint Log ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days to Resolution
154-11	11/2/2011	Competitor	Complainant alleges that an operation is selling product with organic claims on their POS display card without organic certification or registration.	11/2/2011	SOP	Closed	11/4/2011	The SOP determined that the operation is not in violation.	2
153-11	8/24/2011	Public	Complainant alleges that company is unfairly claiming salts as "certified organic" and instructing customers that they may repackage and label products as certified organic.	8/24/2011	SOP/CDPH	Referred to CDPH.			Ongoing
152-11	8/24/2011	CAC	A pesticide use report was submitted documenting the application of prohibited substances after an organic applicant obtained registration.	8/25/2011	SOP-CAC	Closed.	10/3/2011	Notice of revocation issued, account deactivated, case closed.	40
151-11	8/8/2011	Public	Complainant alleges that an organic certificate was provided that had the addressee information changed.	8/8/2011	NOP	Under investigation.			Ongoing
150-11	8/2/2011	ACA	Complainant alleges misrepresentation of product as certified organic, misuse of certifier's seal, and failure to maintain SOP registration.	8/2/2011	ACA	Monitoring activity.	8/11/2011	Cease and desist order issued. Regulations and compliance information provided along with registration and certification information.	9
149-11	7/29/2011	Public	Complainant alleges contamination of organic land and crops by non organic Bermuda grass straw.	7/29/2011	CAC	Closed.	8/10/2011	No organic violation determined.	12

California Department of Food and Agriculture
State Organic Program Complaint Report
Through 12/31/2011

Attachment E

Complaint Log ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred To	Status of Complaint	Resolution Date	Resolution	Days to Resolution
148-11	7/29/2011	CAC	Complainant alleges that the operation is fraudulently advertising as certified organic at certified farmers' markets, and is selling organic products in excess of \$5,000 without certification.	7/29/2011	CAC	Closed.	10/26/2011	Based upon the information collected, the county determined that there was not enough evidence to pursue action. The operation's activity is being monitored.	118
147-11	7/11/2011	Public	Complainant alleges that an egg distributor is misrepresenting eggs.	7/11/2011	CAC	No violations found during facility inspection. Closed.	8/5/2011	Operation secured organic registration as handler.	26
146-11	6/28/2011	Public	Complainant alleges that the operation is manufacturing animal feed supplements that are labeled and sold as organic in violation of NOP requirements.	6/21/2011	SOP	Closed.	7/18/2011	Cease and desist letter issued. Registration and certification recommendation given. The operation's activity is being monitored.	20
145-11	7/7/2011	Public	Complainant alleges that the operation is selling organic products at a CFM with signage advertising that they are certified by a specific certifier. The complainant alleges that the operation is not certified by is selling conventional product fraudulently labeled as organic. According to the complainant, the market operator conveyed that all of the products offered for sale at their certified farmers' market stand are organic.	7/7/2011	SOP	Closed	10/26/2011	Notice of noncompliance issued 7/13/2011. Determined that the operation is certified by a different certifying agent and neglected to update their CFM signage. Continued monitoring confirmed that the operator changed signage at all CFMs.	153

Complaints Reported: 18

Active Complaints: 9

Active Complaints Over 120 Days: 1

2011/2012 Fiscal Year (FY) CDFA Organic Program New Registrations

Producer	Dairy and Livestock	Handler/ Wholesale	Retail Store	Commission Merchant	2011/2012 Monthly Total	2010/2011 Monthly Total
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Chart for tracking of new registrations

July	21	1	5	0	0	27	52
August	49	1	4	0	1	55	42
September	29	0	6	1	0	36	35
October	27	0	6	0	0	33	31
November	22	2	3	1	2	30	31
December	16	0	3	0	1	20	23
January							33
February							31
March							57
April							69
May							41
June							58
FY Total	164	4	27	2	4	201	503

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	81,971	110,099	80,663	72,537	79,154	82,804							507,228	1,173,264
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, Suite 100, Sacramento, CA 95833

September 28, 2011

MEMBERS PRESENT

John Ashby, Chair
Garff Hathcock, Vice Chair
Sean Swezey
Michelle Dennis
Steve DeMuri
Dave Martinelli
Thomas Chapman
Lauree Bradley
David Will
Jenny Lester Moffitt

MEMBERS ABSENT

Steven Sherman (excused)
Sandra Schmaier (excused)
Ione Conlan (excused)
Patrick Kennelly (excused)
Melody Meyer (excused)
John Foster (excused)
Ann King Filmer (excused)
Larry Hirahara (excused)
Karen Klonsky (excused)
Janice Woodhouse
Michael Sencer
Thomas Azwell
Martin Guarena
Stacy Carlsen
Blake Alexandre

CDFA

Steve Patton
David Carlson
Paul Collins
Brian Cote
Sarah Cardoni

INTERESTED PARTIES

Tracey Cleveland, Napa County Agricultural Commissioner's Office
Naomi Grissom, Napa County Agricultural Commissioner's Office
Lance Bingham, Napa County Agricultural Commissioner's Office
Steve Beckley, Organic Fertilizer Association of California
Patricia Metteson, CA Dept. of Pesticide Regulation
Jaclyn Bowen, Quality Assurance International
Lars Crail, USDA National Organic Program
Sonia Ortega, National Science Foundation
Brandy Gamoning, Hidden Villa Ranch
Ray Green, Go Green Consulting
Aaron Turner, Oregon Tilth

ITEM 1: INTRODUCTIONS

The Committee was called to order at 10:00 a.m. by Mr. John Ashby, Chairperson. Introductions were made, roll was called, and a quorum was not established.

ITEM 2: PUBLIC COMMENTS

Mr. Ray Green stated that accredited certification agents (ACA) could be creating possible issues for growers in respect to operations that change their ACA. He stated that in one instance, an operation applied for organic certification with a new ACA and failed to complete their annual renewal and pay fees to their previous ACA.

Consequently, the previous ACA immediately issued a notice of proposed action for failure to renew certification and pay fees. The operation wrote a letter to the ACA stating that they were surrendering certification due to the ACA change. The letter was ignored and the operation was issued a final suspension, which caused issues with their new ACA.

Mr. Lars Crail responded that the National Organic Program's manual contains guidance material in regard to operations that voluntarily surrender their certificate and then apply with another certifier. Mr. Crail stated that typically, an operation should not surrender their certificate until they are issued certification from their new certifier.

ITEM 3: REVIEW AND APPROVAL OF MAY 10, 2011 MEETING MINUTES

Since a quorum was not established, the May 10, 2011 meeting minutes were not approved.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATE

This agenda item was discussed during ITEM 5: STATE ORGANIC PROGRAM UPDATE.

ITEM 5: STATE ORGANIC PROGRAM UPDATE

Mr. David Carlson stated that the federal Organic Certification Cost Share Program has issued \$621,000 for the 2010/11 fiscal year (FY) period and that applications for reimbursement will be accepted through November 30, 2011. The 2011/12 FY Cost Share Reimbursement period will commence on October 1, 2011 through September 30, 2012.

Mr. Carson provided an update on the SOP database. He stated that vendor proposals were reviewed and a vendor was chosen. After a final review of the proposal, the vendor will begin developing the new database in November 2011.

I. Revenue From Registration

Mr. Carlson provided the Revenue from Registration Report. The SOP received \$1,123,264 in revenue for the 2010/11 FY.

II. New Registrations

Mr. Carlson provided the New Registrations Report. The SOP received 503 new registrations for the 2010/11 FY; an increase of 236 more registrations than the 2009/10 FY.

III. Complaint Report

Mr. Paul Collins provided the Complaint Report. For the 2010/11 FY, 46 complaints were filed. Of the complaints: eight are being investigated by the SOP; 13 were referred to the California Department of Public Health (CDPH); 15 were assigned to county agricultural commissioners; seven were assigned to ACAs; and three were referred to the National Organic Program (NOP). Violations identified include: failure to register with the SOP and/or obtain organic certification; false organic claims; mislabeling and/or misbranding; selling misrepresented conventional product as organic; and the use of prohibited practices or prohibited substances.

Mr. Paul Collins provided the CDPH Report on behalf of Mr. Patrick Kennelly. He stated that registration remains level at 1,830 registrants. For the period of January 1, 2011, through September 23, 2011, CDPH received a total of 15 complaints. Of these complaints, eight were substantiated and corrective action was taken; six were unsubstantiated; and one is pending resolution.

IV. Appeals Report

Mr. Brian Cote provided the Appeals Report. These records are from 2007 when the appeals regulations were promulgated until present. As of September 8, 2011, the SOP has logged 16 appeals. Of the 16 received, 14 have been resolved. Consequently, the SOP has two active appeals and both have been referred to the Department of Justice.

V. Spot Inspection Report

Mr. Cote provided the Organic Spot Inspection Program Report. The Spot Inspection Program was reauthorized in November 2010. As of June 30, 2011, the SOP and 33 counties conducted 366 spot inspections. Twenty-six spot inspections resulted in the issuance of a notice of noncompliance. Eighteen of the 26 violations were due to a failure to ensure organic registration and/or certification was posted and current at a Certified Farmers' Market. Four violations were due to a failure to maintain records sufficient to determine compliance from three years from the date of creation. Two were due to a failure to ensure that organic and conventional products were not commingled. One was due to a failure to maintain records documenting to whom the organic products were sold, gross sales of the transaction, and the date of transaction. Finally, one was a failure to maintain records of all substances applied to crop, soil, growing medium, growing area, irrigation and post harvest wash or rinse water or seed, the quantity of each substance applied, and the date of each application.

ITEM 6: NATIONAL ORGANIC PROGRAM UPDATE

Mr. Lars Crail provided the NOP Update. He gave an overview of the NOP organizational and personnel changes, key accomplishments, and current and ongoing activities. Key accomplishments include: the NOP handbook; the Quality Systems

Manual; the *NOP Organic Insider*, an e-mail subscription; and updates to the NOP website. Current and ongoing activities include: the Strategic Plan 2010/12 project; annual certifier training in San Antonio, Texas in early 2012; EU equivalency negotiations; and technical talks with South Korea.

ITEM 7: NATIONAL ORGANIC STANDARDS BOARD

Mr. Steve DeMuri provided the NOSB Report. The next NOSB meeting will be held in Savannah, Georgia in November 2011. All committees are working on recommendations to be posted for public comment in October 2011. The Crops Committee has five petition materials in regard to the National List of Approved and Prohibited Substances. The Livestock Committee has three major topics; each of those three has two recommendations. The Handling Committee has seven petition materials that will be considered. The Certification, Accreditation, and Compliance Committee has three recommendations.

Mr. Ashby asked that when commenting on NOSB recommendations, to make each letter specific to one topic, to have a subject header that clearly states the topic, to clearly state the pros and cons of your argument, to submit as a PDF, and to submit as early as possible.

ITEM 8: NEW ITEMS

There were no new items discussed.

ITEM 9: NEXT MEETING/AGENDA ITEMS

The next meeting will be held at the EcoFarm Conference in Asilomar on February 2, 2012.

ITEM 10: ADJOURNMENT

The meeting was adjourned at 11:49 a.m. by Mr. Ashby, Chairperson.

Respectfully submitted by:

David Carlson, Special Investigator
California State Organic Program
Inspection Services



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

Meeting Minutes

560 J Street Sacramento, CA 95814

May 10, 2011

MEMBERS PRESENT

John Ashby, Chair
Garff Hathcock, Vice Chair
Sean Swezey
Michelle Dennis
Patrick Kennelly
Dave Martinelli
John Foster
Karen Klonsky
Melody Meyer
Steve DeMuri
Ann King Filmer
Jenny Lester Moffitt
Blake Alexandre
Ione Conlan
David Will
Thomas Chapman
Lauree Bradley

MEMBERS ABSENT

Larry Hirahara (excused)
Janice Woodhouse (excused)
Michael Sencer (excused)
Thomas Azwell (excused)
Martin Guerena (excused)
Steven Sherman (excused)
Sandra Schmaier (excused)
Stacy Carlsen (excused)

INTERESTED PARTIES

Claudia Reid, CCOF
Steve Beckley, OFAC
Brandy Gamoning, Hidden Villa Ranch
Ray Green

CDFA

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

ITEM 1: INTRODUCTIONS

The Committee was called to order at 10:02 a.m. by Mr. John Ashby, Chairperson. Roll was called, a quorum was established, and introductions were made.

ITEM 2: PUBLIC COMMENTS

Ms. Claudia Reid, California Certified Organic Farmers Association (CCOF), asked a question on behalf of Mr. Aaron Turner, Oregon Tilth. The inquiry was in regard to the status of a flow chart that was requested at the Accredited Certifying Agent (ACA) Roundtable, a seminar held to discuss which type of operations registered with CDFA and the California Department of Public Health (CDPH). Mr. Patton stated that it would soon be completed and published on the State Organic Program's (SOP) website.

ITEM 3: REVIEW AND APPROVAL OF JANUARY 27, 2011 MEETING MINUTES

MOTION: Mr. Garff Hathcock moved to approve the January 27, 2011 Meeting Minutes with the correction that Mr. Blake Alexandre was in attendance. Ms. Melody Meyer seconded. The motion passed unanimously.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATE

Mr. Patrick Kennelly provided the CDPH Report. He stated that there was an increase in complaints received compared to the previous year. Within the last six months, CDPH received a total of ten complaints; three were related to uncertified/unregistered operations; five were related to misbranding; and two dealt with web-related claims rather than product labeling. Of these complaints, four were substantiated and corrective action was taken; two were unsubstantiated; and four are pending resolution.

ITEM 5: STATE ORGANIC PROGRAM UPDATE

Mr. David Carlson announced the SOP's new revocation process put into action since a directive from the United States Department of Agriculture, National Organic Program (NOP). The NOP tasked SOP personnel with reviewing new proposed actions of revocations to ensure sufficient evidence to justify a willful violation and the revocation of certification issued by an ACA.

Ms. Meyer inquired about the funding for the Federal Organic Certification Cost Share Program. Mr. Carlson stated that \$650,000 in funds remain for the fiscal year (FY) 2010/11 period.

I. Revenue From Registration

Mr. Carlson provided the Revenue From Registration Report. From July 2010 through March 2011, the SOP received \$834,929 in revenue. In FY 2009/10 for that particular period, the SOP had approximately \$724,000 in revenue. A difference of approximately \$110,000 compared to the previous FY.

II. New Registrations

Mr. Carlson provided the New Registrations Report. The SOP had received 109 new registrations from January 2011 through March 2011; an increase of 29 more registrations than the same time period last year.

III. Complaint Report

Mr. Paul Collins provided the Complaint Report. There are 22 active complaints; two of which have been active for more than 120 days. There are three closed investigations that consisted of: a producer advertising and selling as organic at certified farmers' markets (CFMs) who ultimately ceased all organic claims and sales; an operation growing wine grapes who decided to remove all organic claims and labeling from their product and websites rather than register and certify their product as organic; and an operation who after receiving their notice of proposed action, appealed, but failed to follow guidelines for the initiation of an appeal; therefore, losing certification.

Ms. Ann King Filmer questioned why CDFA uses a numbering system to differentiate complaints, which does not disclose the name of the operation, as opposed to CDPH who does divulge company names in their complaint report. Mr. Collins stated that it is CDFA's policy to not disclose that information. CDPH reports completed actions and CDFA reports active complaints; therefore, the name of the operation is not identified because complaints are undergoing investigation.

Mr. Sean Swezey asked if any complaints were related to soil amendments. Mr. Collins stated that there were no soil amendment complaints and that the complaints on the report consisted of advertisement and marketing and substance and pesticide issues. Mr. Swezey stated that the reason for the inquiry was because the industry is seeing operations make organic claims for soil amendments and advertising the soil amendment extensively. Mr. Swezey then questioned what the industry should be watching for in regards to the organic claim under the new rules in the use of the word organic on organic soil amendments. Mr. Carlson stated that as a general rule, there should be a seal which states "registered organic input material." Beginning January 1, 2012, soil amendments advertised as approved for organic production must be registered with CDFA.

IV. Appeals Report

Mr. Brian Cote provided the Appeals Report. These records are from 2007 when the appeals regulations were promulgated until present. As of March 31, 2011, the SOP has logged 16 appeals. Of the 16 received, 12 have been resolved. Consequently, the SOP has four active appeals. Two of the four active appeals have been referred to the Department of Justice and two are currently under review by the CDFA hearing officer.

Mr. John Foster inquired about three appeals that are over 120 days. Mr. Cote stated that CDFA refers appeals to the Attorney General's Office and that it takes time for them to build a case and litigate the matter. Ms. Melody Meyer questioned if the operation can continue conducting business during the appeal process. Mr. Cote stated yes, with the caveat that if they are in violation that there could be additional penalties for each additional organic sale during that period.

V. Spot Inspection Report

Mr. Cote provided the Organic Spot Inspection Program Report. The Spot Inspection Program was reauthorized in November 2010. During FY 2010/11, enforcement staff focused on newly registered uncertified operations, existing uncertified operations, and organic producers selling at CFMs. As of March 31, 2011, the SOP conducted 34 spot inspections. Four of the 34 spot inspections resulted in the issuance of a notice of noncompliance. The four notices of noncompliance were issued at CFMs and were primarily related to registration. Two of the four notices of noncompliance issued were corrected and the SOP is currently waiting for proof of correction from the remaining two operations.

Ms. Klonsky asked what the time period was for the Spot Inspection Report. Mr. Cote stated that the Spot Inspection Program resumed in November 2010 and that county and state staff did not start inspections until January 2011. The time period was from January 1, 2011, through March 31, 2011.

Mr. Swezey requested that the SOP go back to a previous Spot Inspection Report format that showed the county, what operation received the spot inspection, and the date of the inspection. Mr. Patton cautioned the Committee in requesting another report due to the fact that the Committee already receives several reports. He stated that state staff spend a considerable amount of time producing these reports in the absence of a database; time that should be spent on the enforcement that the SOP is charged with to protect the organic integrity. In addition, the SOP asked that all calendar year reports be changed to a FY basis in order to match up monies spent with the spot inspections conducted. The Committee agreed to change current calendar year reports to FY.

Ms. Meyer asked for an update on the database and suggested that it be discussed. Mr. Jensen stated that a request for information was issued by the Information Technology Division (IT) to the SOP. The SOP is in the process of reviewing the request for information which will be returned to IT for distribution and advertisement. This will start the process of evaluating vendors and the solutions collectively.

Ms. Klonsky inquired if any other spot inspections were being conducted beside the spot inspections conducted at CFMs. Mr. Cote stated that in addition to spot inspections being conducted at CFMs, uncertified operations that are newly registered and existing uncertified operations have been targeted for spot inspections. The SOP contracts with counties to conduct spot inspections. The counties are given a minimum number of inspections to be completed by the end of the FY based on the size and number of its registrants. Mr. Jensen stated that the SOP's commitment is to get to every new registrant that is not certified within the first 12 months, in addition to certified operations.

Mr. Cote brought to the Committee's attention that the SOP is in the process of conducting county audits. The SOP has conducted ten county audits. All of the counties audited had current registration forms, checklists, and auditable records. No noncompliances and/or findings were issued. Furthermore, in addition to the training the SOP provided to all counties in July and August 2010, the SOP provided additional training for nine counties. The curriculum was tailored to the requests of the specific county and included topics such as registration, spot inspections, and enforcement procedures. In addition, SOP personnel have shadowed seven counties since the Spot Inspection Program was reauthorized.

ITEM 6: STATE ORGANIC PROGRAM BUDGET APPROVAL

Mr. Carlson provided the State Organic Budget Report and asked the Committee for a recommendation for approval of the proposed budget spending authority of \$1,722,128

for FY 2011/12. He stated that there was an increase for the *Travel In-State and Out-of-State*, the *Information Technology*, and the *Payment to Counties* line items. The increase for the *Travel In-State and Out-of-State* line item is due to increased travel for spot inspections, county training and audits, as well as NOP training. The increase for the *Information Technology* line item is for the database. The *Payment to Counties* line item is due to the increase of spot inspections.

Mr. Carlson provided the Organic Program 2010/11 Fund Condition Report. The SOP anticipates that the operating reserve will decrease due to the reimplementation of the Spot Inspection Program.

Mr. Foster asked about the decline of funds in the fund reserve. He specifically inquired if the projected FY 2012/13 of \$1,186,074 was sufficient in the event of the closing of the Program. Mr. Jensen stated that the program is required to maintain 25 percent, but six months of funds are more adequate in the event of a program closure. Mr. Foster stated that a desirable target for the reserve would be one year and the Committee agreed. Mr. Jensen stated that the projection for the end of FY 2012/13 would be approximately 75 percent.

MOTION: Mr. Alexandre moved to recommend the Secretary of the California Department of Food and Agriculture (CDFA) approve the FY 2011/12 proposed budget as submitted. Ms. Meyer seconded. The motion passed unanimously.

ITEM 7: ASSEMBLY BILL 88 (HUFFMAN) FOOD LABELING: GENETICALLY ENGINEERED FOOD

Ms. Michelle Dennis provided the Committee with an overview of Assembly Bill (AB) 88. She stated that four counties currently have genetically modified organism (GMO) ordinances and that another 16 counties have considered such ordinances. She expressed the concern was not necessarily anti-GMO, but rather the labeling of GMOs for consumer awareness. Ms. Dennis questioned whether the Committee would consider supporting AB 88.

Mr. Ashby asked what the intent of AB 88 was. Mr. Cote stated that AB 88 would establish uncodified legislative findings and declarations in regard to the labeling of all genetically engineered fish entering and sold within the State of California. The bill would define genetically engineered fish as a salmon or other finfish whose genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes. In addition, the bill would mandate the labeling of any genetically engineered salmon sold in the State of California and provide that any food is misbranded if the food is a genetically engineered fish or fish product and its labeling does not conspicuously identify the fish or fish product as genetically engineered.

Mr. David Will stated that several groups such as the California Farm Bureau Federation, the California League of Food Processors, the Grocery Manufacturers

Association, and several other groups are opposed to AB 88 and have made public comments to express their opposition.

Ms. Ann King Filmer questioned how AB 88 was tied into COPAC. Mr. Foster stated that it is an opportunity to look out for organic products. Public discourse has been that consumers are not aware of GMOs in their conventional products. If consumers knew that their conventional products had GMOs, they may opt to make other choices favoring organic purchases; therefore, giving COPAC an interest.

Mr. Ashby stated that individual support of AB 88 would be sufficient and that a motion to recommend a position to the CDFA Secretary in regard to this legislation is not necessary at this time.

ITEM 8: NATIONAL ORGANIC STANDARDS BOARD

Mr. Foster provided the National Organic Standards Board (NOSB) Report for the Crops and Livestock Committees. The Crop Committee had several recommendations in regard to the National List of Approved and Prohibited Substances. Tetracycline, a substance used by tree fruit growers primarily in the Pacific Northwest for fireblight control, was recommended by the NOSB for a two-year extension. Various copper materials, alcohols, newspapers for mulch, newspapers as compost input, and plastic mulch were all extended as well. Pheromones were added to the list. Clarification of the use of chlorine in a farm or crop context was modified to run parallel to guidance from the NOP. The petition to add nickel to the list of micronutrients was not recommended; therefore, will not be added. Finally, there was no change to corn steep liquor. The Livestock Committee had no votes regarding animal welfare recommendations for stocking rates, handling, animal transit, or slaughter.

Mr. Steve DeMuri provided the NOSB Report for the Handling Committee. There were three petition items that were considered by the Handling Committee. One was for Attapulgate, a filtering aid in vegetable oil production, was approved for listing as prohibited on the National List. Another petition to list Calcium Acid Pyrophosphate as a leavening agent for organic baked goods was voted down by the Board and not listed. Finally, a petition for the expanded use of Sodium Acid Pyrophosphate, which is already on the National List as a leavening agent, was rejected by the Board as well. Sunset items included: Nonsynthetic items Enzymes and Potassium Iodide; Synthetic items Potassium Iodide, Tocopherols, and Nutrient Vitamins and Minerals.

Mr. DeMuri stated that the next NOSB meeting will be held in Savannah, Georgia in late November 2011. An update regarding agenda items will be given at the next COPAC meeting.

Ms. Meyer inquired about vacancies on the NOSB. Mr. DeMuri stated that there were five vacancies on the NOSB which include: an organic producer; an organic handler; a consumer/public interest representative; a scientist; and an environmentalist.

ITEM 9: NEW ITEMS

Ms. Conlan asked about an orientation for new members. Mr. Ashby stated that there can only be one committee member contacting another committee member at one time or it would be a violation of the Ralph M. Brown Act. Mr. Patton stated that for new members, a packet will be sent out that will include: three past COPAC meeting minutes; the Committee Roster with committee member contact information; the Bagley-Keene Open Meeting Act 2004; and COPAC policies and procedures.

ITEM 10: NEXT MEETING/AGENDA ITEMS

Mr. Patton requested that COPAC hold three meetings per calendar year as opposed to the four meetings that are currently being conducted. Mr. Patton stated that the January meeting is necessary due to public attendance. The meeting in May is essential for the approval of the budget. He then stated that a final meeting for the year should be held in late September or early October. The Committee agreed that the meeting in January was vital. Mr. Ashby stated that the final meeting of the year should be scheduled in accordance to member term expirations so that recommendations for new members can be made. Mr. Swezey asked that meetings be held exclusively on Wednesdays. It was agreed upon by the Committee to hold three meetings per calendar year and to limit the meetings to Wednesdays.

The next meeting will be held in September 2011.

ITEM 11: ADJOURNMENT

The meeting was adjourned at 12:55 p.m. by Mr. Ashby, Chairperson.

Respectfully submitted by:

David Carlson, Special Investigator
California State Organic Program
Inspection Services