



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE
Karen Ross, Secretary

April 26, 2013

TO: CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)
INTERESTED PARTIES

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

Date: Wednesday, May 8, 2013
10:00 a.m. – 2:00 p.m.

Location: California Department of Food and Agriculture
2800 Gateway Oaks Drive, Room 267
Sacramento, CA 95833

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>.

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.

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

Sincerely,

for Steve Patton
Branch Chief

Enclosures

cc: Gary Leslie



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

**Wednesday, May 8, 2013
10:00 a.m. – 2:00 p.m.**

**California Department of Food and Agriculture
2800 Gateway Oaks Drive, Room 267
Sacramento, CA 95833**

1. Introductions/Roll Call
2. Review & Approval of January 24, 2013 Meeting Minutes (Attachment A) (Action Item)
3. California Department of Public Health Update – Patrick Kennelly
4. State Organic Program Reports
 - i. Vacancies and Terms
 - ii. Revenue from Registration (Attachment B)
 - iii. New Registrations (Attachment C)
 - iv. Complaints (Attachment D)
 - v. Appeals (Attachment E)
 - vi. Residue Analysis (Attachment F)
 - vii. State Organic Program FY 2013/14 Budget (Attachment G) (Action Item)
 - viii. Database Implementation
5. National Organic Standards Board Update – John Foster
6. New Items
7. Public Comments
8. Next Meeting/Agenda Items
9. 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 Susan Shelton at (916) 900-5030. Requests for reasonable accommodation should be made no later than three (3) days before the meeting.

ORGANIC PROGRAM BUDGET

	2011/2012 ACTUAL	2012/2013 APPROVED BUDGET	2012/2013 PROJECTED	2013/14 PROPOSED
Page 1 of 1				
SALARIES	\$ 282,190	\$ 376,431	\$ 341,753	\$ 354,651
BENEFITS	\$ 108,974	\$ 152,967	\$ 114,847	\$ 121,847
TOTAL PERSONNEL SERVICES	\$ 391,164	\$ 529,398	\$ 456,600	\$ 476,498
OPERATING EXPENSES				
GENERAL EXPENSES (Supplies)	\$ 6,475	\$ 8,500	\$ 8,000	\$ 8,500
PRINTING	\$ 2	\$ 2,500	\$ 2,000	\$ 2,500
COMMUNICATION (Cell/Telephone)	\$ 477	\$ 500	\$ 500	\$ 500
POSTAGE	\$ 7,061	\$ 12,000	\$ 8,000	\$ 8,000
TRAVEL IN-STATE & OUT-OF-STATE	\$ 19,868	\$ 45,000	\$ 35,000	\$ 35,000
TRAINING	\$ 910	\$ 2,000	\$ 2,000	\$ 2,000
FACILITIES OPERATION (Rent/DGS)	\$ 15,756	\$ 22,000	\$ 20,339	\$ 22,000
INFORMATION TECHNOLOGY	\$ 5,620	\$ 10,000	\$ 220,000	\$ 10,000
PAYMENT TO COUNTIES	\$ 278,598	\$ 366,630	\$ 290,000	\$ 400,830
CDFA LAB	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
CONSULTATION & LEGAL (int/ext)	\$ 254,447	\$ 100,000	\$ 100,000	\$ 200,000
DIRECT CHARGES (rent, branch supplies & personnel)	\$ 79,508	\$ 173,000	\$ 90,000	\$ 85,000
TOTAL OPERATING EXPENSES	\$ 728,722	\$ 802,130	\$ 835,839	\$ 834,330
OVERHEAD COST				
STATE PRO-RATA	\$ 37,254	\$ 40,000	\$ 38,000	\$ 40,000
INDIRECT DEPARTMENT	\$ 74,186	\$ 75,000	\$ 74,703	\$ 75,000
INDIRECT DIVISION	\$ 33,259	\$ 55,000	\$ 35,284	\$ 40,000
TOTAL OVERHEAD	\$ 144,699	\$ 170,000	\$ 147,987	\$ 155,000
UNALLOCATED (BUDGET ADJUSTMENTS)				
TOTAL OPERATING COSTS	\$ 873,421	\$ 972,130	\$ 983,826	\$ 989,330
TOTAL PROGRAM COSTS	\$ 1,264,585	\$ 1,325,515	\$ 1,440,426	\$ 1,465,828
DIRECT CHARGE RECOVERY	(47,544.95)	-	-	-
GAS TAX RECOVERY	(16,288.00)	(16,000.00)	(16,288.00)	(16,000.00)
NET PROGRAM COST	\$ 1,200,751.71	\$ 1,309,515.00	\$ 1,424,138	\$ 1,449,828
PROJECTED REVENUES	\$ 1,234,437	\$ 1,320,368	\$ 1,200,000	\$ 1,400,000

California Department of Food and Agriculture
State Organic Program

APPEALS STATUS REPORT

As of: March 31, 2013

Report Categories	Number
Total Appeals Logged	28
Total Active Appeals	7
Appeals Resolved	21
Active Appeals Over 120 days	6

Active appeals referred to DOJ	3
Active appeals being reviewed by CDFA	4

California Department of Food and Agriculture
State Organic Program Complaint Report
12/01/2012 through 03/01/2013

Attachment D

Complaint # or ID	Date Received by SOP	Complaint Type	Allegations / Summary	Referral Date	Referred/Assigned To	Status of Complaint	Resolution Date	Resolution	Days to Resolution
211-13	2/5/2012	consumer	Toor Dal, labeled with a USDA Organic seal, was purchased at a Cash and Carry in Sunnyvale, CA, and is believed to have been grown and packed in India	27-Feb-13	NOP	Referred			
210-13	2/11/2013	CAC	County alleges that the operation's gross sales have exceeded \$5,000 annually at local certified farmers' markets.	11-Feb-13	CAC	Under Investigation			
209-13	1/17/2013	public	Harry's Berries is selling berries labeled organic at certified farmers markets without certification and/or registration. Stated to complainant that they choose not to participate in certification.	6-Feb-13	CAC	Closed	19-Feb-13	Secured state registration, in process of certification.	103
207-13	1/18/2013	public	Complainant alleges that an operation is packing conventional broccoli as organic.	18-Jan-13	ACA	Referred, Open			
206-12	12/12/2012	public	Sample analysis report for organic tomatoes showed detections of two pesticides at the following levels from Organic Tomatoes: Oxamyl at .049ppm and Lambda Cyhalothrin at .051ppm (above 5% of the EPA tolerance)	12-Dec-12	CAC	Closed	4-Feb-13	Closed. Notice of Noncompliance issued. Corrective actions received and verified.	54
205-12	12/4/2012	public	The complaint alleges that pomegranates are being fraudulently labeled and sold as organic.	07-Dec-12	CAC	Under Investigation			
204-12	12/3/2012	NOP	Complaint alleges that two operations falsified an organic certificate.	06-Dec-12	CDPH	Referred, Open			
203-12	11/15/2012	public	Mr. Chin alleges that Noonan Farms is selling potatoes, grown on land that did not meet requirements of certification, as organic.	11-Feb-12	ACA	Referred, open			
202-12	10/11/2012	other	DPR pulled a sample of organic bananas from Chiquita Banana LLC, with trace amounts of Imazalil at .315 ppm and is over the allowable 5% of the EPA tolerance of 3.0 ppm	22-Oct-12	NOP	Referred			
196-12	9/20/2012	SOP	A sample of Heirloom Tomatoes was taken at a Raleys Center by DPR and tests showed residues of Cypermethrin at .036ppm which is above the five percent minimum of the EPA tolerance of .20	21-Sep-12	CAC/SOP	Closed	26-Sep-12	Unable to determine source of contamination, no additional product to test.	6
190-12	8/13/2012	public	Complaint alleges that Magill Ranch has sold feed misrepresented as Certified USDA Organic.	19-Sep-12	NOP	Referred			
188-12	8/10/2012	public	Complaint alleges that Organik Trme Kiwifruit is treated with a prohibited substance (methyl bromide) upon importation from Chile to California.	19-Sep-12	NOP	Referred			
187-12	8/14/2012	NOP	Selling organic product with a fraudulent certificate. Not certified or registered with the SOP. Herbs being shipped from Baja	16-Aug-12	NOP	Referred			
185-12	8/3/2012	public	Misleading use of the term "Certified Organic" made with certified organic ingredients for processed products that are not certified organic	10-Aug-12	CDPH	Referred, Open			
184-12	8/2/2012	public	Claiming "Certified Organic" without being able to show proof of certification.	02-Aug-12	NOP	Referred			
183-12	7/30/2012	public	Purchasing conventional sweet potatoes and re-labeling as organic for sale.	30-Jul-12	ACA	Referred, Open			

Complaints Reported - 7
Active Complaints -13
Active Complaints Over 120 Days - B

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

	Dairy and Livestock		Handler/ Wholesale		Retail Store	Commission Merchant		2011/2012	
	Producer					Monthly Total	Monthly Total	Monthly Total	Monthly Total
July	31	3	2	0	0	0	0	36	27
August	29	1	4	1	0	0	0	35	55
September	34	0	4	1	0	0	0	39	36
October	27	2	6	0	0	1	0	36	33
November	15	0	3	0	0	0	0	18	30
December	14	1	2	1	1	1	0	19	20
January	35	0	3	0	0	0	0	38	25
February	30	0	4	0	0	0	0	34	25
March	5	0	0	1	0	0	0	6	47
April									39
May									57
June									42
FY Total	220	7	28	4	2	2	0	261	436

Chart for tracking of new registrations

Organic Program Revenue from Registrations by Month and Year

Attachment B Page 1 of 1

Fiscal Year	July	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Projected
2012/13	101,726	103,086	83,453	104,624	82,164	104,805	166,992	150,979	140,604				1,038,432	1,200,000
2011/12	81,971	110,009	80,663	72,537	79,154	91,605	153,257	127,506	245,856	93,555	88,455	102,796	1,327,364	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	1,125,500
2009/10	72,788	79,512	67,856	63,285	55,128	96,998	120,063	93,642	74,998	90,254	55,807	83,036	953,367	1,047,779
2008/09	72,875	73,910	63,563	64,835	71,398	102,695	127,727	94,913	78,774	78,316	83,492	79,279	991,777	970,098
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)**

January 24, 2013

Meeting Minutes

800 Asilomar Blvd., Pacific Grove, CA 93950

MEMBERS PRESENT

Garff Hathcock, Chairman
Melody Meyer, Vice-Chair
Steve Demuri
Blake Alexandre
Thomas Azwell
Stacy Carlsen
Mary Anne Hanthorn
Sean Swezey
Karen Klonsky
Michelle Dennis
Pat Kennelly
Ione Conlan
Jenny Lester Moffitt
John Ashby
Steven Sherman
John Foster

MEMBERS ABSENT

Lauree Bradley
David Will
Sandra Schmaier
Thomas Chapman
Mindee Jeffery

INTERESTED PARTIES

Ray Green, Go Green Consulting
Alexis Randolph, QAI
Heather Weightman, Ocean Beach
People's Organic Food Co-op
Brise Tencer, CCOF
Cathy Calfo, CCOF
Robin Allan Foster, CCOF
Carmela Beck, Driscoll's
Shayla Neufeld, Monterey County
Helena Roberts, Santa Clara County
Ellen Roggemann, McEvoy Ranch

CDFA

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

ITEM 1: INTRODUCTIONS

The Committee was called to order at 1:01 p.m. by Ms. Melody Meyer, Chairperson. Roll was called, a quorum was established, and self introductions were made.

ITEM 2: ELECTION OF OFFICERS

The floor was opened for nominations.

MOTION: Ms. Melody Meyer nominated Mr. Garff Hathcock as Chairman. Mr. John Ashby seconded the motion. The motion passed unanimously and Mr. Hathcock was appointed Chairman of the COPAC.

MOTION: Ms. Karen Klonsky nominated Ms. Meyer as Vice-Chairman. Ms. Ione Conlan seconded the motion. The motion passed unanimously and Ms. Meyer was appointed Vice-Chairman of the COPAC.

ITEM 3: PUBLIC COMMENTS

This agenda item was moved to the end of the meeting.

ITEM 4: REVIEW AND APPROVAL OF MAY 9, 2012 MEETING MINUTES

MOTION: Ms. Meyer moved to approve the May 9, 2012 Meeting Minutes with the correction that Jenny Lester Moffitt was in attendance. Mr. Blake Alexandre seconded the motion. The motion passed unanimously.

ITEM 5: REVIEW AND APPROVAL OF SEPTEMBER 12, 2012 MEETING MINUTES

MOTION: Mr. Alexandre moved to approve the September 12, 2012 Meeting Minutes with the correction that Sean Swezey was in attendance. Ms. Meyer seconded the motion. The motion passed unanimously.

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

Mr. Patrick Kennelly provided a CDPH update. He reported that 2,037 registrants are currently registered with CDPH, an increase of approximately 150 registrants from the prior year. Since the last reporting period, CDPH has received 11 complaints. There is a mixture of both unsubstantiated and substantiated complaints. The nature of the complaints include: labeling; representation; use of prohibited substances; misbranded products; and falsified organic certification documents.

ITEM 7: STATE ORGANIC PROGRAM UPDATE

I. Vacancy Announcements

Ms. Sarah Cardoni provided a vacancy report. Vacancies include: five producer alternates; one wholesale distributor alternate; one processor alternate; one environmental representative alternate; one technical representative alternate; and one consumer representative alternate.

II. Revenue from Registration

Mr. David Carlson provided an overview of the SOP revenue from registration by month and year. The projection is that the program will collect roughly \$1.3 million dollars in revenue from registration by the end of the fiscal year.

III. New Registrations

Mr. Carlson provided an overview of new registrant demographics. From July 2012 through December 2012 there have been 183 new registrants, 18 less than the prior year. The vast majority of the new registrants are producers, followed by handlers, dairy and livestock, retail operations, and commission merchants, respectively. Projected number of registrants for FY 2012/13 is 436 registrants.

IV. Complaint Report

Mr. Brian Cote provided an overview of the complaint report. From July 1, 2012, through December 1, 2012, the SOP received a total of 27 complaints. There are currently 12 active complaint reports, with five active for 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 December 1, 2012, the SOP has received 26 appeals. Of the 26 appeals received, 18 have been resolved. Out of the twelve active appeals, four have been active for over 120 days. Seven of the active appeals are currently being reviewed by CDFA's Hearing Officer and the other was referred to the Department of Justice.

VI. Spot Inspection Report

Mr. Cote provided the organic spot inspection activity report. For the reporting period July 2012 through December 2012, approximately 333 spot inspections were conducted, resulting in 31 violations. The majority of the violations were found at CFMs.

Mr. Swezey inquired on the frequency of residue analysis testing during spot inspections. Mr. Cote stated that the SOP is contracted with CDFA's Center for Analytic Chemistry Branch for a set number of tests per fiscal year. SOP staff work with County Agricultural Commissioner's to identify and collect the samples.

Mr. Stacy Carlsen stated that the California Department of Pesticide Regulation (CDPR) is now detecting residue samples in parts per trillion and this could create a dilemma. The reporting of that data to the public is going to generate an additional layer of concern or discussions on this topic. He stated that CDPR is working on a guideline policy on how they will interpret the lowest levels in terms of enforcement.

MOTION: Mr. John Ashby moved to form a subcommittee that will look at issues of sensitive residue analysis, such as enforcement, how the National Organic Program (NOP) is responding to the issue, and to come up with a recommendation. Ms. Meyer seconded the motion. Members are: Mr. Swezey; Mr. Carlsen; Mr. Ashby; Ms. Michelle Dennis; and Ms. Jenny Lester Moffitt. The motion passed unanimously.

VII. Residue Analysis Report

This agenda item was discussed concurrently with the spot inspection report.

VIII. Database Implementation

Mr. Cote discussed the progress of the SOP's transition to an online database and accounting system. The online database is slated to go live in March 2013. SOP staff will be training with county agricultural commissioners and accredited certifying agents on the transition into the new online system.

ITEM 3: PUBLIC COMMENTS

Ms. Alexis Randolph, Quality Assurance International (QAI), stated that there is a need and desire for a certifier position on the COPAC. In regard to the residue analysis testing and reporting, it is imperative that the SOP and the NOP are consistent in the enforcement levels that are set.

Mr. Rick Jensen stated that CDFA will be hosting two outreach sessions for the United States Food and Drug Administration (FDA) on the Food Safety Modernization Act (FSMA). The sessions will be held in Tulare and Woodland in April 2013. To assist small farmers, the Department has secured a special crop block grant and has developed a small farm good agricultural practices (GAP) training program. This program has developed a GAP handbook that was translated into seven different languages, as well as hosted multiple training sessions throughout the state.

Ms. Conlan stated that organic farmers feel that there is too harsh of competition with conventional farmers at certified farmers' markets (CFM). Furthermore, they feel there is unfair competition between small local organic producers and producers of larger operations who travel long distances to multiple CFMs. Mr. Cote responded that the CFM Advisory Committee would be a good avenue to direct these concerns.

ITEM 8: PENALTY MATRIX SUBCOMMITTEE

Mr. Cote provided the committee with a brief introduction of the penalty matrix topic. He stated that a student intern assisted in drafting a penalty matrix based on NOP's penalty matrix by identifying sections of the Food and Agricultural Code (FAC) in which a violation would result in a penalty. A subcommittee needs to be formed to review the draft penalty matrix and make a recommendation on a completed penalty matrix.

MOTION: Ms. Meyer moved to form a subcommittee to review a penalty matrix and to provide a recommendation to the COPAC. Mr. Ashby seconded the motion. Members are: Mr. Hathcock; Mr. Carlsen; Ms. Meyer; Mr. Steven Sherman; Ms. Alexis Randolph, QAI; and Ms. Robin Allan Foster, California Certified Organic Farmers (CCOF). The motion passed unanimously.

ITEM 9: NATIONAL ORGANIC PROGRAM STANDARDS BOARD UPDATE

This item was not discussed.

ITEM 10: NEW ITEMS

There were no new items discussed.

ITEM 11: NEXT MEETING

The next meeting will be held in May 2013 in Sacramento.

ITEM 12: ADJOURNMENT

The meeting was adjourned at 2:58 p.m. by Mr. Hathcock, Chairperson.

Respectfully submitted by:

Steve Patton, Branch Chief
Inspection and Compliance
Inspection Services