



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE
A. G. Kawamura, Secretary

August 4, 2010

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: Wednesday, August 25, 2010
9:00 a.m. – 4:00p.m.

Locations: CA Department of Food and Agriculture
Inspection and Compliance Branch
560 J Street, Room 395
Sacramento, CA

The conference room is located inside the Downtown Plaza. Find the elevators across from the Golden One Credit Union on the plaza level. Take the elevator to the third floor. Room 395.

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

Sincerely,



David Carlson, Senior Special Investigator
California Organic Program
Inspection and Compliance Branch
Inspection Services

Enclosure(s)



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

Wednesday, August 25, 2010
9:00 a.m. – 4:00 p.m.

Inspection and Compliance Branch
560 J Street, Room 395
Sacramento, CA

1. Introductions
2. Review and Approval of April 30, 2010 Meeting Minutes (Attachment A)
3. Public Comments
4. AB 856 Update – Asif Maan
5. 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. Legislative Update
6. California Department of Public Health Update – Patrick Kennelly
7. COPAC Vacancies/Nominations (Attachment F)
8. National Organic Standards Board Update – Steve DeMuri and John Foster
9. Organic Beef Finishing – Larry Hirahara
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 David Carlson at (916) 445-2180. Requests for reasonable accommodation should be made no later than three (3) days before the meeting.

To: California Organic Products Advisory Committee (COPAC)

Subject: **COPAC Appointment Summaries**

The following individuals have expressed an interest in participating on the COPAC. Below are brief descriptions of the individuals and the positions they are interested in.

Producer Representatives (Three vacancies)

Ms. Carmela Beck from Watsonville is seeking her first appointment as a producer or wholesale distributor member. Ms. Beck has been in the industry for six years and currently works for Driscoll Strawberry Associates, Inc. Ms. Beck is associated with the Organic Center and is an Organic Farming Research Foundation (OFRF) supporter. Ms. Beck was also an apprentice in 2006 at the UCSC CASFS Farm and Garden Program.

* **Mr. David Will** from Arcadia is seeking his third appointment. Mr. Will works for Chino Valley Ranchers in egg production and previously worked for the California Egg Commission as Director of Education. Mr. Will has been involved in the industry for over ten years and is associated with California Certified Organic Farmers (CCOF), GNT Affairs, and the Organic Trade Association (OTA).

* **Mr. Garff Hathcock** from Orange is seeking his second appointment. Mr. Hathcock is the manager of organic operations with Corona College Heights Orange and Lemon Association and has been involved in the industry for approximately 25 years. Mr. Hathcock is associated with Great Oriental, Villa Park Orchards, Made in Nature, Albert's Organics, New World Marketing, Produce Marketing Association, United Ag, OTA, and Sawco Water Company.

* **Mr. John Foster** from San Juan Bautista is seeking his second appointment. Mr. Foster is currently the Senior Manager of Organic Integrity for the 34,000-acre producer, Earth Bound Farms. Mr. Foster has previously worked for Oregon Tilth, Quality Assurance International, and has been on contract with several other certification agents. Mr. Foster previously served as an organic teacher at Cabrillo College in Aptos and has been involved in the industry for 20 years.

Wholesale Distributor (One vacancy)

* **Ms. Melody Meyer** from Soquel works for Albert's organics. Ms. Meyers served one term as an alternate and is seeking her second appointment as a full member. Ms. Meyer has previously served as the COPAC Chair and has been involved in the industry for over 30 years.

Processor Representatives (One vacancy)

Mr. Mandeep Saini from Chino Hills is seeking his first appointment as a processor member. Mr. Saini is a research and development manager at Farmer John Meat, LLC, and has been involved in the industry for over nine years. Mr. Saini has been

* **These individuals have expressed interest in serving on the COPAC, but have not submitted all of the necessary paperwork as of August 4, 2010.**

associated with National Meat Association and the Institute of Food Technologies (IFT).

Mr. John Ashby from Davis previously served one term as an alternate member and is now seeking his second appointment as a full member. Mr. Ashby has been involved in the industry for over 15 years. Mr. Ashby is currently associated with IFT, Organic Trade Association (OTA), Organic Materials Review Institute (OMRI), and has published over 15 organic articles.

Retail Representative (One vacancy)

* **Ms. Lauree Bradley** from Monrovia is seeking her fourth appointment. Ms. Bradley manages the organic and regulatory affairs program at Trader Joe's and has been involved in the industry for over twelve years.

Consumer Representatives (One vacancy)

* **Ms. Julie Spadow** from Roseville is a stay-at-home mom, and is seeking her third appointment. As a mother of three children, Ms. Spadow is an ardent supporter of organics.

Mr. Thomas Azwell from Berkeley is seeking his first appointment as either an alternate environmental representative or an alternate consumer member. Mr. Azwell works for the University of California, Davis and has been involved in the industry for ten years. Mr. Azwell has been associated with the University of California Cooperative Extension since 2006.

Alternate Wholesale Representatives (One vacancy)

* **Ms. Wendy Larson** is seeking her first appointment as either an alternate wholesale representative or as a processor representative. Ms. Larson is a general manager for an organic almond processing and marketing cooperative and has been involved in the industry for twelve years.

Alternate Processor Member (One vacancy)

* **Mr. Troy Aykan** is seeking his first appointment as an alternate processor member. Mr. Aykan works for Hain Celestial Group, Regulatory/Legal department. He has a B.S. in Food Processing Engineering, a M.S. in Food Science and Nutrition, and a Juris Doctorate. Mr. Aykan teaches part time at Cal Poly Pomona, "FST 322 Food Laws and Regulations" and has been in the industry for six years.

Alternate Consumer Representative (One vacancy)

* **Ms. Mary Cramer** is seeking her first appointment as an alternate consumer member. Ms. Cramer is a former California egg producer. Ms. Cramer is interested serving on the COPAC since the egg industry is growing in the organic egg marketplace.

* **These individuals have expressed interest in serving on the COPAC, but have not submitted all necessary paperwork.**

Alternate Technical Representative (One vacancy)

No interested parties.

Alternate Environmental Representative (One vacancy)

* **Dr. Timothy OKeefe** is seeking his first appointment as an alternate environmental representative. Dr. OKeefe has been involved in the industry for eight years and is associated with Organic Certifiers in Ventura, California. Dr. OKeefe has a Ph.D. in Biology, a B.S. in Forest Products, an M.A. in Psychology, and a M.F. from Syracuse University.

* These individuals have expressed interest in serving on the COPAC, but have not submitted all necessary paperwork.

California Department of Food and Agriculture
State Organic Program

APPEALS STATUS REPORT

As of August 4, 2010

Report Categories	Number
Total Appeals Logged	13
Active Appeals	2
Appeals Resolved	9
Appeals Withdrawn	2
Active Appeals Over 120 Days	2*

* These appeals have been forwarded to the California Attorney General's Office and are scheduled for hearing.

ATTACHMENT D

State Organic Program Complaint Report
Through 7/1/2010

Complaint Log ID	Date Received by SOP	Complaint Source	Allegations / Summary	Referred To	Status of Complaint	Res. Date	Resolution	Days to Res.
99-10	5/10/2010	ACA	Misrepresentation of bagged oranges displayed in fiber bins with an invalid certification advertisement.	CAC	Produce manager informed of retail practice requirements and reviewed produce section of store. Closed.	5/26/10	CAC met with retail produce manager and identified misleading, unclear advertisements, operation corrected product and advertisement locations. CAC will continue to review for compliance.	16
98-10	4/30/2010	Competitor	Misleading labeling, advertising the use of organic pesticides on nonorganic plants.	CAC	Awaiting response from NOP. Operation has ceased the use of labels until a final decision is rendered.		Open.	
97-10	4/18/2010	CAC	Sales of unregistered organic products at CFM, while certified and not listing all commodities on CFM certificate.	CAC	Closed.	5/10/10	CAC issued N.O.V. on 4/18/10. Operation has taken corrective actions and no illegal advertisements of organic products were noted by the inspector.	22
96-10	4/5/2010	Public	Organic claims without valid organic registration.	SOP	Under investigation.		Open.	
95-10	4/5/2010	Public	Advertisement and sales of organic products without state registration or certification.	SOP	Under investigation.		Open.	
94-10	4/5/2010	CAC	No valid state organic registration. Additional label claim on clamshell tomatoes, "BEYOND ORGANIC".	CAC	Under investigation.		Open.	
93-10	4/1/2010	Competitor	Use of prohibited substances for the production of organic fertilizers.	SOP	Complaint under investigation by SOP and CDFA Feed, Fertilizer, Livestock Drugs, and Egg Regulatory Services (FFLDRS).		Open.	

State Organic Program Complaint Report
Through 7/1/2010

Complaint Log ID	Date Received by SOP	Complaint Source	Allegations / Summary	Referred To	Status of Complaint	Res. Date	Resolution	Days to Res.
92-10	4/1/2010	Competitor	Company is manufacturing fertilizers labeled as organic that contain prohibited synthetic substances.	CDFR FFLDRS	Under investigation.		Open.	
91-10	3/23/2010	CAC	A producer is advertising and selling as organic at a farmers' market without certification or registration.	CAC	Under investigation.		Open.	
90-10	3/12/2010	CAC	A representative of a CSA alleges that a company is selling apples through a CSA as certified organic without registration or certification.	CAC	Closed.	5/27/10	Operation was contacted and notified of NOP and SOP registration and certification requirements. On 5/27/10, operation removed all advertising and promotion relating to organics.	76
89-10	3/2/2010	Other	Distribution, sales and repacking of organic shell eggs without certification or registration.	SOP and CAC	Operation is currently registered with SOP and shell egg program. ACA is resolving SOP certification questions (ACA not registered with SOP).		Open.	
88-10	2/19/2010	Public	Misuse of the Organic label, by uncertified, unregistered operation.	SOP	Under investigation by ACA.		Open.	
85-10	2/1/2010	Public	Cattle handler sold animals as organically produced without proper certification or registration with SOP. Two lots of dairy cattle sold, one to a California dairy and one to a Texas dairy. The number of animals involved was not specified.	ACA and SOP	Investigation closed.	4/15/10	ACA resolved allegations with the operation and issued formal notice of resolution on 3/15/10, copy forwarded to SOP on 4/15/10	73

ATTACHMENT D

State Organic Program Complaint Report
Through 7/1/2010

Complaint Log ID	Date Received by SOP	Complaint Source	Allegations / Summary	Referred To	Status of Complaint	Res. Date	Resolution	Days to Res.
84-10	1/26/2010	Public	Illegal use of USDA Organic seal and sales of non-certified, unregistered organic commodities at a farmers' market.	CAC	Investigation closed.	5/22/10	Operator was notified by CAC of posting requirements of organic registration; operator has current registration on file. No violations identified.	116
83-09	1/4/2010	ACA	Illegal use and misrepresentation of ACA logo and advertising of alleged organic almonds and almond products.	CAC	Operation, ACA, and CAC working to resolve certification		Open.	
81-09	12/17/2009	Consumer	Advertising and sale of 100% organic processed flax seed snacks which contain a prohibited substance, Bragg liquid Aminos.	CDPH and ACA	Under investigation. 03/15/10, Corrective actions being taken by operation, certifier will follow up, verify, and report to SOP when completed. Letter of intent and corrective action submitted to ACA 04/26/10 for review and approval.		Awaiting final report from ACA.	
76-09	10/27/2009	Consumer	Misrepresenting conventional produce as organic at a farmers' market	CAC	Operator issued N.O.V. on 10/31/09, product remarked, operator notified of registration requirements and penalty for non compliance. Follow up in progress		Awaiting final report.	
73-09	9/23/2009	CAC	Advertisements for organic beef, operation not registered or certified	CAC	Under investigation. Will continue to monitor surrounding counties for activity.		Open.	
56-09	7/6/2009	Consumer	Dying castor bean plants, complainant suspects herbicide spray used.	CAC	Under investigation. Still waiting for completed NOPA and PAA submitted last draft on 6/28 returned to CAC for corrections on 7/7/10		Open.	
48-09	5/18/2009	Consumer	Organic operation spraying weed killer, events occurred on or about 4/19/09	CAC	See above, same operation.		Open.	

2010 CDFA New Registrations

	Farm	Dairy and Livestock	Poultry	Wholesale	Retail Store	Commission Merchant	Custom Contract	2010 Registrations by Month	2009 Registrations by Month
Chart for tracking of new registrations									
January	13	0	0	0	0	0	0	13	21
February	8	0	0	3	0	0	0	11	25
March	14	0	0	2	0	0	0	16	34
April	9	0	0	4	0	0	0	13	38
May	24	0	0	2	1	1	0	28	49
June	21	0	0	2	0	0	0	23	27
July	0	0	0	0	0	0	0	0	
August	0	0	0	0	0	0	0	0	
September	0	0	0	0	0	0	0	0	
October	0	0	0	0	0	0	0	0	
November	0	0	0	0	0	0	0	0	
December	0	0	0	0	0	0	0	0	
2010 Total to Date	89	0	0	13	1	1	0	104	194
2009 Total	320	0	0	18	1	1	0	340	

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	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Projected
2011/12													0	
2010/11													0	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	1,047,779
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	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)**

Meeting Minutes

1220 N Street, Main Auditorium, Sacramento, CA 95814

April 30, 2010

MEMBERS PRESENT

Blake Alexandre
Garff Hathcock
David Will
Dave Martinelli
Larry Hirahara
John Foster
Melody Meyer
John Ashby
Lauree Bradley
Ann King Filmer
Sean Swezey
Karen Klonsky
Thomas Chapman (in
place of Steve DeMuri)
Julie Spadow
Aaron Turner
Patrick Kennelly
Stacy Carlsen
Ione Conlan
Sandra Schmaier
Brian McElroy

INTERESTED PARTIES

Claudia Reid, CCOF
Jaclyn Bowen, QAI
Peggy Miars, CCOF
Patricia Matteson, CDPR
Bill Wolf, Wolf, DiMatteo, and Associates
Ray Green
Richard H. Mathews, NOP Solutions, Inc.
Jenny Lester Moffitt, Dixon Ridge Farms
Robin Allan, CCOF
Katherine Borchard, ASCO
Gerry Willey, ASCO
Kristen Willey, ASCO
Jennifer Green, Albert's Organics
Jody Biergiel, CCOF
Jake Lewin, CCOF

CDFA

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

MEMBERS ABSENT

Steve DeMuri

ITEM 1: INTRODUCTIONS

The committee was called to order at 9:00 a.m. by Mr. John Ashby. A quorum was established and introductions were made. Mr. Chapman was a voting alternate at this meeting in place of Mr. Steve Demuri.

MOTION: Mr. Dave Martinelli moved to rearrange the agenda to allow the committee to discuss item five first. Mr. John Foster seconded. The motion passed unanimously.

ITEM 2: REVIEW AND APPROVAL OF JANUARY 21, 2010 MEETING MINUTES

Ms. Melody Meyer stated that on page four of the January 21, 2010 meeting minutes, there was a motion for the State Organic Program (SOP) to inform all Accredited

Certifying Agents (ACAs) of the listening sessions dates and times. It was confirmed that all ACAs were notified of the listening sessions via U.S. mail and email.

Mr. Ashby stated that on page six of the January 21, 2010 meeting minutes, a motion was made for the California Organic Products Advisory Committee (COPAC) to write a letter to Governor Arnold Schwarzenegger stating that COPAC was dissatisfied with the decision to veto Assembly Bill (AB) 557 (Caballero) (2009). Mr. Ashby stated that COPAC is tasked, under statute, with advising the Secretary of the California Department of Food and Agriculture (CDFA) with respect to his or her responsibilities under the California Organic Products Act of 2003. Consequently, Mr. Ashby may write a personal letter to Governor Schwarzenegger iterating his disapproval with the veto or a letter to the CDFA Secretary outlining COPAC's disapproval of the veto. Mr. Ashby stated he prepared a draft letter iterating COPAC's disapproval of the veto of AB 557 to Secretary A.G. Kawamura.

Dr. Sean Swezey stated in item six of the January 21, 2010 meeting minutes, the database committee did not meet. Dr. Swezey stated he has spoken with Mr. Foster via email about continuing the database discussion. Mr. Dave Carlson stated he spoke with Dr. Karen Klonsky about what information the committee wanted to capture in the database. Dr. Swezey encouraged the committee to make modest goals in regard to the database project. It is the committee's goal to have the database sorted by program, the public section of the database sorted by total acres and crop, and have it posted online. Mr. Paul Collins stated he would like to be provided with a report that details what information the committee wants to capture for the new database. Dr. Swezey stated if discussion ensues, it would be helpful if he and Mr. Stacy Carlsen were copied. Mr. Garff Hathcock stated it would be helpful to have the database sorted by county, by crop, and by acreage. Ms. Meyer recommended putting together an action plan with definable goals and realistic timelines that the committee can evaluate.

MOTION: Mr. Blake Alexandre moved to approve the January 21, 2010 meeting minutes as submitted. Ms. Meyer seconded. The motion passed unanimously.

ITEM 3: STATE ORGANIC PROGRAM UPDATE

1. Revenue from Registrations

Mr. Carlson provided the committee with an overview of revenue from registrations and registration renewals for fiscal year (FY) 2009/10. Mr. Carlson explained that registration revenue is down approximately \$23,150, compared with the same point in the last FY. Current projections suggest that revenue from registrations will reach approximately \$970,000 for FY 2009/10.

2. New Registrations

Mr. Carlson provided COPAC with an overview of new registrations for FY 2009/10 stating that currently through March 2010 there were forty new registrants.

Mr. Larry Hirahara inquired if it is possible to show why people did not renew. Dr. Klonsky explained that according to her previous survey, a significant number of registrants that left the SOP went out of business completely. The survey was conducted prior to water restrictions.

3. SOP 2009/10 Fund Condition

Mr. Carlson provided COPAC with an overview of total expenditures versus total revenue, highlighting that the SOP had a balance of approximately \$2 million in July 2009; in February 2010 it was \$2.38 million. A significant portion of the balance will be used for funding the organic database and increased enforcement. Discussion ensued regarding the fund condition.

4. Organic Program Budget

Mr. Hirahara inquired if the organic database is part of a bigger database. Mr. Jensen stated the database is specific for the SOP; other programs are developing their own databases.

Mr. Thomas Chapman questioned how the laboratory costs are calculated. Mr. Jensen stated that the SOP has a contract with the Department's Center for Analytical Chemistry and they charge a flat fee of \$5,000 monthly. Discussion ensued regarding the SOP budget.

MOTION: Ms. Meyer moved to recommend approval for the FY 2010/11 proposed budget as submitted. Dr. Sean Swezey seconded. The motion passed unanimously.

* The committee took a five minute break from 10:35 a.m. to 10:40 a.m.

5. Complaint Report

Mr. Paul Collins provided COPAC with an overview of enforcement activity for FY 2009/10 through April 1, 2010, stating that there has been a total of 28 complaints; 16 complaints are currently open and five complaints have been open over 180 days. Discussion ensued regarding the complaint report.

6. Appeals Report

Mr. Collins provided an update on organic appeals. Mr. Collins explained that the appeals report follows the report format that the National Organic Program (NOP) has published; it is a brief report that gives the activity of the appeals.

7. Appeals Procedure

Mr. Collins provided an outline of the appeals procedures as requested at the January 21, 2010 COPAC meeting. Mr. Collins presentation included excerpts from the SOP's Quality Systems Manual and an appeals timeline/flowchart for illustration purposes.

Ms. Lauree Bradley inquired when the appeal process would be utilized. Mr. Collins iterated that the appeals procedure has been in operation for several months.

Mr. Aaron Turner inquired how counties are notified of the appeal process. Mr. Collins stated that when an operation receives a notice of proposed action, the appeal process is detailed. Counties have also received the SOP's Quality Systems Manual, which details the appeals procedures. Mediation Procedures

Mr. Collins stated that the mediation procedure is a reiteration of the California Code of Regulations; there are two time frames involved. The first is the same thirty days as the appeal. Once the mediation process has concluded, there is a thirty day period to write a formal statement that the issue has been resolved. Mr. Collins stated in reviewing the regulation, there is no set time limit for resolving the disputes; the objective is to achieve an acceptable solution for all parties involved in a timely manner.

Ms. Bradley inquired when the mediation procedure documents were drafted. Mr. Brian Cote stated the initial publication of the Quality Systems Manual (QSM) was on November 30, 2009 and the documents were updated on December 17, 2009.

Mr. Turner asked if these will be controlled documents. Mr. Collins stated that the Quality Systems Manual is a controlled document.

8. Memorandum of Understanding

Mr. Rick Jensen announced that CDFA and the California Department of Public Health (CDPH) recently signed a memorandum of understanding (MOU). The MOU establishes that appeals will be filed, handled, and reviewed by CDFA regardless of whether the operator is a processor, producer, or retailer. Mr. Kennelly stated that the CDPH and CDFA decided some of the activities would best fit under CDFA, such as appeals. CDPH will reimburse CDFA for any costs associated with appeals filed in accordance with the NOP regulations.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATE – PATRICK KENNELLY

Mr. Patrick Kennelly provided COPAC with an overview of the organic processed product registration program report from CDPH's Food and Drug Branch, including a list of registrants by county; there were 1,609 registrants with CDPH.

Mr. Kennelly provided COPAC with an overview of the complaint log stating that all complaints for 2009 have been closed. Mr. Kennelly stated that CDPH operates a toll free complaint line and emails can be sent from the CDPH website into the Food and Drug Branch. Mr. Kennelly explained that CDPH's complaints have to be completed within 90 days; most complaints are closed in the 45-60 day range.

Ms. Meyer asked if there are outstanding or unresolved complaints not listed. Mr. Kennelly stated that there are no outstanding complaints. CDPH has not received any complaints for 2010.

Mr. Chapman asked if COPAC can receive a report of CDPH's complaint procedures. Mr. Kennelly stated CDPH's complaint procedures should be available online within the next few weeks.

ITEM 5: OFFICE OF INSPECTOR GENERAL REPORT – MILES MCEVOY AND MARK BRADLEY

Mr. Mark Bradley provided COPAC with an overview of NOP's findings from the audit of the State Organic Program (SOP). Mr. Bradley stated that the review went well, and the NOP was pleased with what was found. The audit was conducted in December 2009. The NOP's regulations require that the SOP be notified of their decision within six months. A report was issued on February 5, 2010. Additional information was provided by the SOP on March 3, 2010, April 1, 2010 and April 22, 2010. Mr. Bradley stated there were eight findings of the audit and changes have been required. Many of the changes were administrative; all changes have been adequately addressed. There were four recommendations made as well; all recommendations have been addressed to the NOP's satisfaction. Mr. Bradley stated that the final report has not yet been issued. The USDA, Office of Inspector General wanted all issues to be addressed prior to issuing the final report.

Mr. Miles McEvoy, Deputy Administrator, National Organic Program stated that significant improvements to the SOP have been made, and the additional requirements will be formalized. Mr. Foster inquired if there is a timeframe for the NOP to follow-up with the SOP regarding the audit. Mr. Bradley stated that it will be within this calendar year. Ms. Meyer thanked Mr. McEvoy and Mr. Bradley for attending the COPAC meeting and encouraged them to attend future meetings. Discussion ensued regarding the audit of the SOP.

ITEM 6: NATIONAL ORGANIC STANDARDS BOARD UPDATE – STEVE DEMURI AND JOHN FOSTER

Mr. Foster provided an overview of issues discussed at the National Organic Standards Board (NOSB) meeting including: accessory nutrients, corn steep liquor, wine, nanotechnology, and definitions of synthetic and non-synthetic. There were many other presenters about different issues including non-profits. The second day the NOSB consisted of presentations of recommendations, crops, and handling livestock. Many

issues will be voted on within the next few months and other issues will be voted on in November 2010.

Ms. Meyer thanked Mr. Foster and encouraged him to continue his efforts on the NOSB.

* The committee took a 45 minute lunch break from 12:15 p.m. to 1:00 p.m.

ITEM 7: APPROVAL OF SOP REGULATORY PACKAGE

Mr. Brian Cote provided the COPAC with an overview of the responses from the listening sessions. The SOP conducted three public listening sessions in regard to CDFA's proposed regulations. The listening sessions were held at the following locations.

- February 9, 2010, California Department of Food and Agriculture (CDFA), 1220 N Street, Sacramento, CA 95814, Main Auditorium, 9:00 a.m. to 12:00 p.m.
- February 17, 2010, Monterey Agricultural Commissioner's Office, 1428 Abbott Street, Agricultural Center Conference Room, Salinas, CA 93901, 9:00 a.m. to 12:00 p.m.
- March 3, 2010, Los Angeles Agricultural Commissioner's Office, 11012 So. Garfield Avenue, South Gate, CA 90280, 9:00 a.m. to 12:00 p.m.

The listening sessions were designed to solicit public and industry input in regard to the Department's proposed regulations. Once the Department initiates the formal rulemaking process, there will be a 45-day comment period prior to the promulgation of the proposed regulations.

Mr. Stacy Carlsen commented that during the listening sessions, he spoke about his opposition to the proposed regulations that would prohibit counties that conduct certifying activities from conducting inspections or investigations of operations that are certified by another ACA. Mr. Carlsen stated that only three counties are ACAs; they took an oath of office and they file a statement of economic interest annually. Mr. Carlsen stated that the proposed regulations would not allow him to investigate an organic producer in his county if it is certified by another ACA. Mr. Carlsen encouraged the COPAC to take a strong look at proposed regulation §1391.3 and remove it from the proposed regulation package. Mr. Carlsen stated that this is contrary to any regulation he has ever seen written in his career. Mr. Carlsen stated that he has never had a conflict of interest and has never been unfair or unethical.

Mr. Jake Lewin, CCOF, stated that he has a lot of respect for Marin County's certification program; however, providing certification activities and enforcement activities puts counties in a difficult position. To some extent, it is a position of the county's own making since the county decided to go into business in competition with a non-governmental agency. It is not appropriate for ACAs to investigate each other. Mr.

Lewin iterated that the NOP has determined that a potential for a conflict of interest exists for county agricultural commissioners that are accredited certifying agents under NOP regulations.

Mr. Jensen stated it is a very difficult and unfortunate situation; the meeting attendees and CDFA have a deep respect for Mr. Carlsen as a commissioner and the work he and all agricultural commissioners' do. CDFA has received notification from the NOP regarding the conflict of interest as described.

MOTION: Mr. Martinelli moved to approve the SOP's regulatory package as submitted. Dr. Ann King Filmer seconded. The motion passed with six abstentions.

ITEM 8: ASSEMBLY BILL 2612

Ms. Reid, CCOF stated the AB 2612 was introduced in response to the California Organic Products Technical Planning Committee's efforts to streamline the registration process. The registration process can only be streamlined through a legislative change since the registration requirements are in the Food and Agricultural Code.

Ms. Reid encouraged the COPAC to write letters as individuals to send a message to Governor Schwarzenegger that we support AB 2612. Ms. Meyer urged the committee to send letters to Ms. Reid in support of AB 2612.

Mr. Cote provided an overview of AB 2612 as amended on April 7, 2010. AB 2612, as amended on April 7, 2010, would:

- Clarify alternates to the COPAC are representatives of the same category as the board member. Six members and their alternates shall be producers, at least one of whom shall be a producer of meat, fowl, fish, dairy products, or eggs. Two members and their alternates shall be processors, one member and his or her alternate shall be environmental representatives, two members and their alternates shall be technical representatives with scientific credentials related to agricultural chemicals, toxicology, or food science, and one member and his or her alternate shall be retail representatives.
- Update references to the State Public Health Officer from the State Director of Health Services.
- Establish that an "exempt handler" means a handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars (\$5,000) or less annually.
- Establish that an "exempt producer" means a production operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars (\$5,000) or less annually.

- Make minor non-substantive changes to references related to registration fees.
- Establish that the CDFA Secretary may require any producer, handler, processor, or other organic registrant to provide the exact dollar amount of gross sales of twenty-five million one dollars (\$25,000,001) or more in lieu of the range specified in the Food and Agricultural Code.
- Establish that the CDFA Secretary may require any producer, handler, processor, or other organic registrant to submit gross sales by commodity and gross sales by acreage.
- Establish that the CDFA Secretary may adopt regulations to the extent reasonably necessary to provide an online system of registration for those required to register with the SOP.

Mr. Jensen stated that COPAC has the ability to make a resolution or a motion to inform the Secretary of its support of AB 2612. Discussion ensued regarding AB 2612.

MOTION: Ms. Meyer moved for this body, as COPAC, to write a letter to the Secretary strongly supporting AB 2612. Mr. Martinelli seconded. The motion passed unanimously.

ITEM 9: PUBLIC COMMENTS

Mr. Brian McElroy stated that he feels that the SOP as implemented is a deterrent to the expansion of California organic industry. According to Mr. McElroy, organic producers pay two sets of fees and complete two sets of documentation which take up a lot of time and paperwork. Mr. McElroy stated that the growers would not mind paying the fees if they did not have to make several trips to the county agricultural commissioner's office. Mr. McElroy stated that there is a perceived risk of double jeopardy; growers feel like they are subject to two regulatory programs. Mr. McElroy asked if it is the intent of the NOP that a SOP would offer the same information as an accredited certifier in order to conduct the SOP activities. Mr. McElroy stated that he is asking the panel to advise CDFA's SOP to cease the registration program as it is being administered.

Mr. Turner explained that the Organic Products Technical Planning Committee discussed the issue of duplicate forms having to be completed. The California Food and Agricultural Code mandates specific information be collected on registration forms. Mr. Patton stated that changes to the registration process would require legislative changes.

Mr. Lewin, CCOF, announced that he is seeking support from COPAC for his candidacy on the NOSB as a certifier. Mr. Lewin stated that CCOF will be nominating him to that seat. Mr. Lewin iterated that he feels the certifier seat is a critical seat on the NOSB and the decisions affect organic operations and consumers. Mr. Lewin stated that he is driven and understands the issues; this will be the best venue for clarifying issues and

for making a big difference. Mr. Lewin stated he needs a letter of recommendation from COPAC by July 1, 2010. Currently Joe Smiley, based out of Vermont, is in this certifier seat and will be terming out.

Mr. Ashby inquired if COPAC can write a letter to Secretary A.G. Kawamura and copy Mr. Lewin on the letter. Mr. Ashby asked for further clarification on this issue. Mr. Steve Patton explained that COPAC is tasked with providing the CDFA Secretary with advice and recommendations related to the California Organic Products Act of 2003 and this action likely falls outside the purview of the committee. Mr. Patton stated the COPAC members can write individual letters in support of Mr. Lewin's candidacy if they desire.

Mr. Jensen stated that the COPAC can make a motion and then the program would go on record to reflect in the minutes what the consultation is and the program would work to resolve it. If it is determined that the motion exceeds the committees statutory authority, it will not happen.

MOTION: Mr. Alexandre moved that COPAC write a letter in support of Mr. Lewin's candidacy for the certifier seat on the NOSB. Mr. Foster seconded. The motion passed unanimously.

Ms. Peggy Miars, CCOF, thanked the SOP for inviting the NOP to today's meeting and for giving their presentation. Ms. Miars stated that she had a few housekeeping ideas for future COPAC meetings which include: program staff having microphones, giving timeframes on agenda items, and to print the agenda and attachments double-sided. Ms. Miars stated she appreciates the work everyone is doing.

Ms. Reid passed out a CCOF magazine article about the process that CCOF has been using to encourage the SOP to continue making positive changes.

ITEM 10: NEW ITEMS

No new items.

ITEM 11: NEXT MEETING/AGENDA ITEMS

Mr. Ashby stated that he would like to have the spring COPAC meeting at Natural Products Expo West on Thursday, March 10, 2011. Mr. Patton reminded the committee that they currently have a standing commitment to hold a meeting at the Asilomar Conference Grounds in Pacific Grove in January. Mr. Patton stated that having an additional meeting in March may be problematic.

Mr. Ashby requested a new standing agenda item to be in place after introductions are made. The agenda item would inform COPAC which alternates will be voting members in place of the absent members.

Ms. Meyer stated she would like to follow up on the listing of the agricultural inputs, discuss new members of COPAC, nominations, and have an orientation for new members before they come to their first meeting. Ms. Meyer stated she would like the committee to look at notes from the last nomination process to review individuals that had submitted applications. Ms. Meyer and Mr. Ashby will confer about nominations prior to the next COPAC meeting.

The committee requested that public comments be moved to the beginning of the agenda.

Mr. Alexandre requested that all items be labeled either a discussion item or an action item on future agendas. Ms. Meyer stated that Mr. Turner will be keeping track of all action items.

Ms. Reid announced that she has asked to be appointed to the fertilizer inspection stakeholder list for AB 856 implementation on behalf of several experts in her company. Ms. Reid stated that she has an appointment with Dr. Asif Maan to discuss list issues and will email Mr. Jensen or Mr. Ashby for specifics before meeting with Dr. Maan to ensure she has captured the correct information.

Ms. Reid requested a description of the nomination process.

The next meeting will be in August 2010.

ITEM 12: ADJOURNMENT

The meeting was adjourned at 3:03 p.m. by Mr. Ashby, Chairperson.

Respectfully submitted by:

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