

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
FEED INSPECTION ADVISORY BOARD (FIAB) MEETING**

**2800 Gateway Oaks Drive, Room 267
Sacramento, CA 95833
(916) 900-5022**

**April 30, 2013
9:00 AM to 12:00 PM
MINUTES**

MEMBERS

John Walth
Marit Arana
Richard Hoch
Thomas Geary
Thomas Prokop
Tim Riordan

CDFA

Asif Maan
Elaine Wong
Gary Castro
Jenna Areias
Maria Hicks
Mike Davidson
Natalie Krout-
Greenberg
Nirmal Saini
Rick Jensen

INTERESTED PARTIES

Chris Zanobini
Tad Bell
Paul Parreira

INTRODUCTIONS AND ANNOUNCEMENTS

The meeting was called to order at 9:03 a.m. by Chairperson, Mr. Richard Hoch. Self-introductions were made, and a quorum was established. Mr. John Kauffmann, Mr. Michael Koewler, and Mr. Thomas Daly were unable to attend the meeting. Upon Chairperson Hoch's suggestion, and the board's consent, the "Technical Working Group Report" item was moved before "Program Update."

APPROVE DECEMBER 19, 2012 MEETING MINUTES

Chairperson Hoch requested board members review the meeting minutes from the December 19, 2012 board meeting.

MOTION: Mr. Thomas Prokop moved to approve the December 19, 2012 meeting minutes as submitted. Dr. Marit Arana seconded; the motion passed unanimously.

DEPARTMENT / DIVISION / BRANCH UPDATES

Dr. Asif Maan provided the board with branch updates. He highlighted that agricultural use of Nitrogen fertilizers and nitrates in ground water is gaining attention from the regulators and the legislature. The Department, through its Fertilizer Research and

Education Program (FREP), in collaboration with the University of California Agriculture and Natural Resources, is developing a nitrogen management training program for the Certified Crop Advisors (CCAs) to assist the growers with the nitrogen management plans at the farm level.

Mr. Rick Jensen stated the comment period for the produce rule and the preventative rule for the FDA's Food Safety Modernization Act (FSMA) was extended to 120 days. The next rule will most likely be the import rule. Preventative controls for feed will probably have a later effective date than originally anticipated. CDFA held listening sessions for the produce rule and preventative control rule in Woodland and held a listening session solely for the produce rule in Tulare. Areas of concern include the definition of harvest and processing; there may be additional details at the next board meeting. Additionally, the industry would like listening sessions held to allow for comments once all rules are out, so the industry can see how all rules work together.

TECHNICAL WORKING GROUP REPORT

Ms. Krout-Greenberg summarized the steps the working group took to produce the Feed program's vision for the future - post FSMA. Ms. Krout-Greenberg met with field staff in January to discuss succession planning, the future of the program, personnel, and how to uphold the current legislative mandate of the program in order to bridge FSMA into the future model. The actual process started at the end of February through looking at the program field operations and structure, classifications, preliminary budget and fee structure, an optimal sample plan, and the Center for Analytical Chemistry (CAC) lab. Through this process, an optimal plan for the program field operations was developed including three critical areas: Process verification, enforcement and compliance, and outreach/education/training.

Ms. Jenna Areias provided the board with a PowerPoint presentation highlighting the program review process and recommendations by the working group. She reviewed the current program structure of the field operations, and the Safe animal Feed Education (SAFE) program. She stated through the review, it was evident that the Feed program needed to evolve to assist the feed industry in achieving compliance with FSMA, while continuing to carry out the legislative intent of the program. Ms. Areias provided details of the technical working group's 14 recommendations and how they were established. She stated that recommendation 13 and 14 need more analysis and is not formal recommendations from the working group at this point.

Recommendations from the technical working group include:

1. Proposed optimal feed inspection program structure (i.e.: process verification, enforcement and compliance, and outreach/education/training).
2. Staffing levels for field operations: 1 field supervisor, 5 special investigators, and 5 inspectors.
3. Program sampling focus: 1,200 samples; primary focus feed/food safety and secondary focus on label compliance.

4. Incorporate HACCP-like language (consistent with FSMA) into the Food and Ag code.
5. Move forward with the appropriate mechanisms to adopt American Association of Food Control Officials (AAFCO) definitions and standards, analytical variations, and FSMA regulations.
6. Establish a Technical Advisory Subcommittee to the Feed Inspection Advisory Board.
7. Continue participating in FDA Alliances and trainings.
8. Continue outreach and education to the feed industry through the SAFE program.
9. Use database to enhance information data gathering and transmission (Inspection sampling, audits, and lab reports).
10. Line item to be added within the budget for laboratory equipment replacement; and annual approval of expenditures by the Feed Inspection Advisory Board (\$250,000 per year for the first three years, then to be reevaluated).
11. Program annually report to the board the evaluation of the CAC lab capacity to ensure timely sample analysis workload
12. Program to explore the possibility to divert secondary samples to outside lab sources.
13. Change the fee structure for Livestock Drugs licensing and registration for cost recovery purposes to make a zero balance or contribute to the branch.
14. Promulgate regulations for livestock drugs registration requirements.

Ms. Areias provided the board with the staffing levels and Personnel Year's needed for the optimal Feed, Livestock Drugs, and SAFE program. The current approved fiscal year (FY) 13/14 budget is \$3,512,278. For the optimal program, an increase of \$239,177 is needed for the additional three inspectors; it does not include \$250,000 per year recommended for lab equipment replacement. Additionally, she summarized the implementation plan, which will be completed in three phases.

- Phase 1 (May and October 2013)
 - Special Investigators will complete FDA online coursework
 - Field staff start using database
 - Inspectors will be hired
 - Lab coordinator will start reviewing labels
 - Technical Advisory Subcommittee of the board will be formed to review and advise on new feed ingredients
- Phase 2 will be between (November 2013 and May 2014)
 - Special Investigators will continue training
 - Conduct California Good Manufacturing Practice inspections at all high risk firms
 - Start training for inspectors
 - FSMA compliance handbook
 - Promulgate regulations
- Phase 3 (May to December 2014)
 - Fully implement verification process and activities

- Inspectors continue working on enforcement and livestock drugs activities
- SAFE program will be strictly outreach/education/training

Ms. Areias informed the board the program is trying to obtain a grant from the Food and Drug Administration for approximately \$70,000 to assist with training costs for the Feed and Livestock Drugs field staff. This grant would enable the program to increase the number of food regulatory officials to support food and feed safety.

Discussion ensued on recommendations 13 and 14 regarding changing the livestock drugs fee structure. Mr. Chris Zanobini commented that livestock drugs should be registered and reviewed yearly since it is drug related, versus being registered bi-annually. Mr. Jensen stated that if a new drug is introduced, it will have to be registered right away. Discussion ensued and it was decided the technical working group will further review item 13 and 14 before the next board meeting. Mr. Mike Davidson suggested having a two-tier registration process; one for restricted livestock drugs and one for the general products with a drug claim. Discussion ensued regarding the proposed funding option structures presented by the program.

Dr. Maan suggested that the board meet again to further discuss recommendation 13 and 14 in more detail.

MOTION: Mr. Thomas Prokop moved to approve recommendations 1-12 as a concept and to have the California Grain and Feed Association start working on language to amend section 14291(d), 14325, 14381, and 14903 of the law. Dr. Marit Arana seconded. The motion passed unanimously.

- A break was taken from 10:30 a.m. to 10:45 a.m.

PROGRAM UPDATE

Mr. Gary Castro stated, on December 24, 2012, the program was notified by the CDFA Milk and Dairy branch that milk at three dairies in Riverside County tested positive for Aflatoxin and adulterated cottonseed was suspected as being the source. The program was able to verify this report and traced the cottonseed to a gin in Arizona. Cottonseed products from the Arizona gin were immediately quarantined. The program determined that between 90-110 tons of product was delivered to California. Products were sampled; any product exceeding acceptable Aflatoxin levels was quarantined, and sent to a detoxification facility. The program is working with CDFA's border stations; no additional cottonseed from the Arizona gin has entered California.

Mr. Castro reported that the California Horse Racing Board (CHRB) detected traces of the drug Zilpaterol in the blood of a number of race horses in northern, central, and southern California. Zilpaterol is a banned substance in race horses. The CHRB indicated that a particular brand of race horse feed was the source. With assistance from the CHRB, the program found packages of horse feed that had trace amounts of Zilpaterol. The program ascertained that only one batch (approximately 25 tons) of feed

was contaminated and requested that the manufacturer recall any feed remaining in the channels of trade. Feed produced after the batch in question was sampled; Zilpaterol was not detected.

Mr. Castro provided the board with an update on the Disposition of Quarantined Corn Grown in the Imperial County Work Plan. The 2013 work plan participants include seven farmers and three feed lots. Signed agreements from all seven farmers and two of the three feedlots have been submitted. The third feedlot will be contacted to confirm their participation in this year's work plan. Under the 2013 work plan, approximately 980 acres of corn (7,000 tons) was planted. Harvested corn will be hauled to a private testing facility (Farwell Grain Lab), in Brawley, for sampling and testing. An aflatoxin quick test will be performed by the lab to determine if the corn may proceed to a feedlot or to a detoxification facility. The quick test method that will be used has been approved by the U. S. Grain Inspection, Packers and Stockyards Administration (GIPSA). Harvest is expected to take place in July.

Mr. Castro provided a status report on submitting Certificates of Movement of Cottonseed Products using the FFLDRS database. The program has refined the database to allow companies that ship cottonseed products into the state to submit their Certificate of Movement of Cottonseed Products electronically. A notice to the industry will be sent out, including instructions on how to utilize this feature of the database. The program is also offering an online tutorial to assist industry with this submission method. Certificates entered using the database will allow the program the ability to monitor cottonseed products entering the State. Discussion ensued regarding cottonseed entering California from Arizona and the methods the Arizona labs uses.

Mr. Davidson stated the program will soon have an intern from the American Registry of Professional Animal Scientists (ARPAS). The intern will compile results from the program's corn sample survey, which will be posted on the branch's webpage. The program has been compiling corn sample results since last fall because of concern that Midwest corn may have high mycotoxin levels. Results from the corn survey thus far have been very good; aflatoxin levels range from very low to none detected.

LEGISLATIVE UPDATE

Mr. Zanobini stated the committee hearing started on April 1, 2013; items are being heard and changes are being made. There will not be any updates until late august.

BOARD VACANCIES

Dr. Maan reported as of April 30, 2013, there are four board vacancies. The vacancies were advertised through a CDFA press release, California Grain and Feed Association industry newsletter, and notice was also sent to feed licensees. The branch received four applications, including three from the current board members and one new applicant. The current chairperson, Mr. Hoch decided not to apply for another term. Mr. Hoch reminded the board that at the last meeting, a process for review of the applicants

was established and three board members were assigned to review the applications and make recommendations to the board. They reviewed the applications and suggested that all four applicants be recommended to the secretary for appointment to the board. Dr. Maan clarified three of the candidates will be appointed for a three-year term and one for a two-year term to realign the board to the original composition in which three terms expire yearly.

MOTION: Mr. Thomas Geary moved to recommend to the secretary the appointment of Mr. John Walth, Mr. Thomas Daly, Mr. Thomas Prokop, and Mr. Paul Parreira. Mr. Tim Riordan seconded; the board voted. The motion passed unanimously.

ADDITIONAL ITEMS / NEXT MEETING

Dr. Maan and Vice Chairperson Mr. Walth presented Chairperson Hoch with a resolution to acknowledge and appreciate his service to CDFA. The resolution was signed by Dr. Maan and Secretary Karen Ross.

The next board meeting will be in Modesto on June 26, 2013. Mr. Thomas Prokop moved to adjourn the meeting at 11:24 a.m.; Mr. Thomas Geary seconded. The chairperson adjourned the meeting.

Respectfully submitted by:



Asif A. Maan, Ph.D., Chief
Feed, Fertilizer and Livestock Drugs Regulatory Services

4/30/13
Date