

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
FERTILIZER INSPECTION ADVISORY BOARD MEETING (FIAB)
AB 856 Subcommittee
Sacramento, California
November 12, 2010
MINUTES**

MEMBERS

Matthew Cotton
Neil Edgar
Robert Horowitz
Claudia Reid
Michael Brautovich
Jake Evans
Katherine Borchard
Doug Graham
John Peterson
Rachel Oster
John Salmonson, Chair

CDFA

Asif Maan
Amadou Ba
Avnee Jivabhai
Dale Rice
Luz Roa
Wei Wu
Nick Young
Nirmal Saini
Elaine Wong

INTERESTED PARTIES

Steve Beckley
Deborah Stemwedel
Renee Pinel
Nick Lapis
Meghan Butler
Chris Totten
Red Loy
Dave Baldwin
Gerry Willey
Rebecca Menezes
Justin Comages
Nancy Tami
Ivonne Sanchez
Kim Dietz
Irene Sanchez
Robert Iliff
Glenn Bohling

CALL TO ORDER

Chairman John Salmonson called the meeting to order at 9:30 a.m. A quorum was established. Mr. Bill Wolf and Mr. Sandy Simon were unable to attend.

INTRODUCTIONS AND ANNOUNCEMENTS

Mr. Salmonson welcomed everyone to the meeting. Self-introductions were made.

MINUTES OF THE LAST BOARD MEETING

Mr. Salmonson asked the AB 856 Subcommittee members to review the minutes from the October 21, 2010 meeting. Mr. Robert Horowitz clarified that the opposition vote noted in the last meeting minutes is his regarding the redundancy of having it in the law and in the regulations.

MOTION: A motion was made by Mr. Doug Graham to accept the minutes with the change as discussed. Mr. John Peterson seconded the motion. The motion passed with one abstention by Ms. Claudia Reid, since she did not have enough time to review the minutes.

ON SITE INSPECTION CHECKLIST FINAL REVIEW

Mr. Nick Young noted that there were significant changes to the on-site inspection checklist. Mr. Matthew Cotton questioned if the testing method "Test Methods for Evaluation of Compost and Composting (TMECC)" was clarified. Dr. Asif Maan noted that staff is in the process of determining this information. Mr. Young reviewed the changes to the checklist. Discussion ensued about sampling and nitrogen levels allowed by various entities. Ms. Deborah Stemwedel noted that she believes the inspection process should be over a 12 month audit period rather than a single on-site inspection. Discussion ensued about the verbiage of a question regarding nitrogen levels and it was determined that CDFA will change the document to read "3% or higher." Mr. Salmonson reminded the group that they have one year to make any changes or adjustments to the checklist as needed.

Mr. Matthew Cotton noted that composters are not satisfied with the document; therefore he is not comfortable with approving it without adopting nutrient guarantees testing methods that are specific to compost such as TMECC.

Mr. Peterson asked why the Association of Official Analytical Chemists testing methods aren't okay for compost. Discussion ensued about the various testing methods and whether or not they are appropriate for all organic input materials, including compost. Ms. Elaine Wong noted that TMECC methods are similar to other standard methods and are not specific to compost. Ms. Kim Dietz requested more time to review the document. Mr. Peterson volunteered to chair a working group with the CDFA lab and compost lab specialists to determine the differences and preferences for testing methods for compost. Mr. Horowitz noted that the regulations do allow the department to use other testing methods when necessary.

MOTION: A motion was made by Mr. Neil Edgar to accept the document as a working document through the course of the year with some side-by-side tests to compare differences between standard testing and TMECC testing methods. Ms. Reid seconded the motion. The motion passed unanimously.

Mr. Salmonson suggested the subcommittee meet quarterly and requested the technical group for testing methods prepare recommendations for the FIAB.

CUSTOM BLENDS REPORTING RECOMMENDATIONS

Dr. Amadou Ba presented a handout of the OIM Custom Blend Survey Form that will be used for one year to capture pertinent information about custom blends including the following: name of blender, order date, shipment date, total weight, blend identification, registered OIM, customer provided OIM, and all other OIM. The group discussed frequency of submitting this form in order to make it more efficient. They considered having blenders submit these documents quarterly with the first submission date being April 2011. This would provide the department with the information necessary to determine how to handle custom blends. Ms. Dietz questioned if this will be confidential or proprietary. Dr. Ba noted that there is less information on here than on a label. Discussion ensued about whether or not this document contains formulation information. The group determined that if the document is marked "confidential", then there will not be any issues. Ms. Oster noted to add "all" in front of "registered OIM" to read "all registered OIM" and add "Preliminary Quarterly One Year

Survey” or something to that affect, in the title. Ms. Luz Roa noted that the group discussed having a cover sheet describing what the form is and the dates and methods for submission.

MOTION: A motion was made by Mr. Robert Horowitz to accept the OIM Custom Blend Survey Form with the additions mentioned above. Mr. Matthew Cotton seconded the motion. The motion passed unanimously.

DRAFT REGULATIONS / CIVIL PENALTY MATRIX FINAL REVIEW

Dr. Ba noted changes made to the draft regulation and the penalty matrix at the last meeting. Mr. Horowitz questioned the difference between some of the violations regarding unlabeled products. Mr. Young clarified that one refers to the entire format of the label and the others refer to more specific cases.

Mr. Salmonson noted that the 30-day compliance policy should be waived for some of the serious violations because they should not be tolerated. Dr. Ba explained that the 30-day policy is in the law to provide due process. Dr. Ba noted that the verbiage that was voted to be put back into the regulations at the last meeting has been reinserted and he does not see any issues with the definitions in Section 2300.1. He noted section 2303.1 (a) does not align right now based on the recommendations of the technical group. Mr. Horowitz recommended deleting the whole section. Discussion ensued about this whole section and whether or not it is necessary to have it in the regulations.

MOTION: A motion was made by Mr. John Peterson to accept the changes in the regulations and the removal of Section 2303.1. Mr. Doug Graham seconded the motion. The motion passed unanimously.

SUMMARY OF AB 856 RECOMMENDATIONS

Dr. Maan provided the group with an overview of the background of AB 856, potential implementation issues, working group recommendations, and the next steps.

ADDITIONAL ITEMS / NEXT MEETING

MOTION: A motion was made by Mr. John Peterson to adjourn the meeting. Ms. Claudia Reid seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:51 a.m.

Respectfully submitted by:



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

11/28/10
Date