



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)**

December 6, 2021

Teleconference

Meeting Minutes

MEMBERS PRESENT

Ben Palazzolo
Cynthia Ojeda
Diana Martinez
Ed Williams
James Murez
Joyce Chan – Vice Chair
Karen Wetzel Schott -
Chair
Kurt Floren
Oscar De Leon
Phillip Rhodes
Portia Bramble
Tyler Thayer

MEMBERS ABSENT

Carla Rosin
Lulu Meyer
Suzi Grady

CDFA

Brandi Alston
Jennifer Leidolf
Marcee Yount
Chris Cox
Steve Patton
Thomas Osborn
Bernadette Miller
Raza Muzaffar

INTERESTED PARTIES

Carrie Mitchell, Merced
County
Doug Hayden, California
Farmers' Market
Association
Mario Gutierrez, Kings
County
Shayla Neufield,
Monterey County

ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL

The meeting was called to order by Karen Schott, Chair, at 10:03 AM. Roll was called by Thomas Osborn, a quorum was established, and self-introductions were made.

ITEM 2: PUBLIC COMMENTS

Doug Hayden, California Farmers' Markets Association, expressed concern regarding CDFA's interpretation and enforcement of Food and Agricultural Code (FAC) Section 47000.5 and California Code of Regulations (CCR) § 1392.2 Sections (j), (k), and (m). Hayden stated that under CDFA's interpretation of statute, minimally processed products made by farmers are not permitted to be sold in the Certified Agricultural Products section of Certified Farmers' Markets (CFMs). Hayden encouraged the CFMAC to establish a Regulations Subcommittee to facilitate dialog on this topic between industry and CDFA. Hayden also requested that the CFMAC meet once every two months, rather than the current biannual meeting schedule.

Phillip Rhodes requested that the CFMAC discuss rules pertaining to selling commodities grown on recently purchased properties at CFMs.

ITEM 3: REVIEW OF OCTOBER 4, 2021 MEETING MINUTES

Chair Schott asked for a Motion to approve the October 4, 2021 Meeting Minutes.

MOTION: Cynthia Ojeda moved to approve the October 4, 2021 Meeting Minutes as presented. Tyler Thayer seconded the motion. A vote by roll call was taken. The motion passed unanimously, with Diana Martinez abstaining.

James Murez noted that a requested demonstration of his existing database system, which had been scheduled to take place during the November 1, 2021 Database Subcommittee meeting, did not end up taking place.

ITEM 4: DATABASE SUBCOMMITTEE REPORT

Murez provided the Database Subcommittee Report. Murez explained that the \$500,000 originally authorized by the CFMAC for the development of the Direct Marketing Program's database system has been deemed insufficient to complete the project. The Database Subcommittee met on November 1, 2021 to formulate questions to put forth to the CDFA Office of Information Technology Services (OITS), regarding the current status of the project, as well as commitments for development timelines and transparency.

ITEM 5: DATABASE PROJECT REVIEW

Chris Cox, CDFA OITS Chief Information Officer, provided a video demonstration of current database functionality to the CFMAC. Cox clarified that any additional funding for the database development project would be significantly less than the \$500,000 originally discussed.

A Project Milestone Schedule was also presented. Cox explained that future database development progress has been broken up into three phases. Each phase consists of a set of deliverable components, along with scheduled start and finish dates. Phase 1 is scheduled to be completed on February 3, 2022, with Phase 2 scheduled for April 4, 2022, and Phase 3 scheduled for May 13, 2022. Cox went on to provide additional detail regarding OITS' software development, testing, and approval processes. Cox offered to attend the next scheduled CFMAC meeting, to provide status updates on the project milestones presented earlier.

A period of discussion pertaining to database capabilities, development processes, and functionality ensued. Several members expressed the desire for a system to be implemented that could alert CDFA, County Agricultural Commissioners, and market managers of potential fraud. Several members also requested a greater degree of communication between CDFA staff and CFMAC members regarding the development process. Murez and several other members requested that a Database

Subcommittee meeting be held in advance of the CFMAC's Spring 2022 budget meeting.

ITEM 6: REINSTATING PESTICIDE PILOT PROJECT FUNDING

Cynthia Ojeda stated that pesticide residue testing is an important enforcement tool for maintaining integrity in the CFM industry. Ojeda requested that the Direct Marketing Program include a line item for the Pesticide Pilot Project in its Fiscal Year (FY) 2022-23 budget. Ed Williams concurred that the pesticide testing is a valuable tool for County Agricultural Commissioners and added that a budget amount of between \$30,000 to \$50,000 would likely be an appropriate funding level.

Marcee Yount suggested that the CFMAC reexamine the prospect of committing additional funding to the Pesticide Pilot Project at a later date, following completion of the Direct Marketing Program's annual Mid-Year Projection budget drill.

MOTION: Ben Palazzolo moved to recommend that reinstatement of pesticide pilot project funding be included as an agenda item for the next Certified Farmers' Market Advisory Committee meeting, with additional information provided regarding the necessary budget, and with CDFA Center for Analytical Chemistry staff present for cost analysis and project input. James Murez seconded the motion. A vote by roll call was taken. The motion passed unanimously, with no abstentions.

ITEM 7: DAIRY AND MEAT PRODUCTS IN THE AGRICULTURAL SECTION OF CERTIFIED FARMERS' MARKETS

Williams explained that it is the responsibility of the CFM market operator to verify that products being sold are of the Certified Producers' own production, including dairy and meat products. County Agricultural Commissioners and CDFA staff are responsible for enforcing California statute and regulations pertaining to CFMs. Steve Patton added that market managers can create market rules which go beyond the minimum requirements set forth by the FAC and CCR.

Williams went on to explain that it has been determined that CDFA Direct Marketing and County Agricultural Commissioner staff do not have the authority to enforce animal health or production issues under CFM law. Rather, these areas are under the jurisdiction of the CDFA Animal Health and Food Safety Services Division. Williams suggested that the CDFA Legal Office examine whether the CDFA Inspection Services Branch or Animal Health and Food Safety Services Division is responsible for enforcing CFM laws pertaining to dairy and meat products sold at CFMs.

ITEM 8: OUTREACH SUBCOMMITTEE

As the CFMAC member who had requested this topic was not present at the meeting, Chair Schott moved forward to the next agenda item.

ITEM 9: HYBRID MEETINGS

Murez asked CDFA staff in attendance for updates regarding the possibility of holding future CFMAC meetings in a hybrid virtual and in-person format. Patton informed those in attendance that CDFA is exploring the option of allowing advisory committee meetings to take place using a hybrid model. Patton explained that any hybrid meetings would still be subject to the requirements of the Bagley-Keene Open Meeting Act, such as the requirement that online participants have the ability to speak and address the committee.

Inspection Services Division anticipates that it will soon begin internal testing of remote meeting technology, such as an OWL 360-degree camera and microphone array, as a way to host hybrid meetings while still ensuring public access.

ITEM 10: REGULATIONS SUBCOMMITTEE

Hayden stated that under CDFA's interpretation of statute, minimally processed products made by farmers are not permitted to be sold in the certified agricultural product section of CFMs. Hayden encouraged the CFMAC to establish a Regulations Subcommittee to facilitate dialog on this topic between industry and CDFA.

Patton explained that current Direct Marketing laws do not differentiate between minimally and highly processed products. Changes to the FAC would require a statutory change by the California State Legislature. Patton went on to explain that the CCR contains definitions for what constitutes a Certified Agricultural Product. Agricultural products that have been processed are considered to be Noncertifiable Agricultural Products and may not be sold in the Certified Agricultural Product section of the market.

Kurt Floren added that products sold at CFMs must be traceable back to a specific farm. This is not possible on processed products such as tortilla chips or bread, wherein several ingredients are combined and altered. Floren stated that there is no reasonable mechanism by which an inspector could trace a processed product back to a specific farm.

MOTION: James Murez moved to recommend that the CFMAC form a Regulations Subcommittee to further discuss what processed products should or should not be in the Certified Agricultural Products section of Certified Farmers' Markets. Tyler Thayer seconded the motion. A vote by roll call was conducted. The motion passed, with Karen Schott voting to oppose.

The Regulations Subcommittee will consist of the following members: Doug Hayden, Tyler Thayer, Phillip Rhodes, Kurt Floren, Diana Martinez, and Portia Bramble.

ITEM 11: NEXT MEETING/AGENDA ITEMS

It was requested that a Regulations Subcommittee Report, Database Subcommittee Report, and discussion of Dairy and Meat Products in the Agricultural Products Section of Certified Farmers' Markets be present on the next meeting agenda.

Yount explained that the CFMAC's Spring budget meeting is typically held in early March. The final dates for the Regulations Subcommittee, Database Subcommittee, and full CFMAC meetings will be decided upon via Doodle Poll.

ITEM 12: ADJOURNMENT

The meeting was adjourned at 1:11 PM by Chair Schott.

Respectfully submitted by:



for
Jennifer Leidolf, Program Supervisor
Direct Marketing Program
Inspection and Compliance Branch
Inspection Services