



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)**

May 7, 2019

Meeting Minutes

2800 Gateway Oaks Dr., Sacramento, CA

MEMBERS PRESENT

Karen Archipley – Chair
Jeremy Johnson – Vice-
Chair
Vernon Peterson
David Will
Garff Hathcock
Steve Beck
Mindee Jeffery
Michael Menes
Jane Reick
Benjamin Diesl
Kaley Grimland
Phillip LaRocca
Alexis Randolph

MEMBERS ABSENT

Randy Skidgel
Jennifer Shawgo
Jaclyn Bowen
Zen Honeycutt
Stacey Carlsen
Chad Sokol
John McKeon

INTERESTED PARTIES

Peter Nell – California Certified Organic
Farmers (CCOF)
Noah Lakritz – CCOF
Sean Feder – CCOF
Jessica Denning – Moms Across
America

CDFA

Steve Patton
Carla Sanchez
Marcee Yount
Danny Lee
Scott Renteria
Thomas Osborn
Mayze Fowler-
Riggs
Andrea Cano
Leslie Fernandez
Pam Rodriguez

ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL

The meeting was called to order at 10:05 a.m. by Karen Archipley, Chair, and self-introductions were made. Roll was called by Thomas Osborn, and a quorum was established.

ITEM 2: PUBLIC COMMENTS

Alexis Randolph had a public comment for the Committee. Randolph expressed concern that Idaho has misinterpreted the National Organic Program (NOP) Origin of Livestock rule to allow livestock to cycle between organic and conventional status. Randolph recommended that the Secretary of CDFA write a letter to the NOP, expressing opposition to this interpretation of the Origin of Livestock Rule. David Will suggested that this issue be brought to the attention of the NOP directly. Steve Patton, Inspection and Compliance Branch Chief, explained that the NOP is responsible for overseeing organic operations in all states. Because of this, the NOP is the most appropriate entity to whom concerns regarding organic production in states other than California should be brought. Patton went on to clarify that the public comment period is designed to provide an opportunity for individuals who are not members of COPAC to address the Committee, and that motions shall only be made on items which are present on the meeting agenda. It was suggested that CDFA sponsor workshops, in order to educate industry on Origin of Livestock Rule requirements.

Jessica Denning, Moms Across America, also had a public comment for the Committee. Denning expressed concern regarding potential glyphosate contamination in organic produce. She went on to present data from the Environmental Protection Agency (EPA) concerning pesticide industry sales and usage. Denning also provided all those in attendance with a proposal for glyphosate testing in organic products. It was decided by the Committee that this topic would be revisited later in the meeting.

David Will suggested that a stakeholder working group teleconference be scheduled in advance of the September COPAC meeting, for the purpose of discussing issues facing organic dairy producers.

ITEM 3: REVIEW AND APPROVAL OF JANUARY 24, 2019 MEETING MINUTES

Karen Archipley requested a motion to approve the January 24, 2019 Meeting Minutes as submitted.

MOTION: Garff Hathcock moved to approve the January 24, 2019 Meeting Minutes as submitted. Steve Beck seconded the motion. The motion passed unanimously, with Mindee Jeffery abstaining.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATES

Jane Reick, California Department of Public Health (CDPH) Food and Drug Branch, Organic Program, provided the CDPH update. Reick presented data on the CDPH Food and Drug Branch, Organic Program Fiscal Year (FY) 2018-19 Fund Condition. The Program has projected revenue of \$1,066,575, and projected expenditures of \$602,794. Reick went on to state that the CDPH Organic Program has announced a job posting for an Organic Program Specialist. This position is designated as a peace officer, and will be responsible for investigating complaints of organic fraud in processed products.

A period of discussion ensued, pertaining to peace officer licensing requirements. Jane Reick clarified that any candidate hired to fill the position must already be a licensed peace officer, or must enroll and complete police academy training in order to obtain a license.

ITEM 5: STATE ORGANIC PROGRAM UPDATES

i. Vacancies and Terms

Thomas Osborn provided the Vacancies and Terms Report. Current vacancies include: one processor; one technical representative; one consumer representative; two producer alternates; one wholesale distributor alternate; two processor alternates; one environmental representative alternate; one accredited certifier representative alternate; and two technical representative alternates. Osborn provided the names of members who will be eligible for reappointment, as well as those who are terming out, as of October 31, 2019.

ii. Communications Update

Danny Lee informed those in attendance that the National Organic Standards Board (NOSB) held a meeting the prior month. The State Organic Program (SOP) has requested to be included in a working group, organized to address concerns regarding enforcement on imported organic products. Lee also informed the Committee that there are vacancies on the NOSB, and encouraged individuals interested in appointment to apply. CDFA staff are in communications with the NOP and educational institutions, to organize industry workshops pertaining to Origin of Livestock Rule requirements.

Lee went on to state that the United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) is in the process of collecting 2018 acreage survey data. Phillip LaRocca and David Will have volunteered to test a new NASS questionnaire for organic producers.

David Will noted that the CDFA SOP had been recognized by the NOSB for their exemplary work in organic enforcement. Alexis Randolph encouraged SOP staff to participate in Working Group meetings with representatives with other states, in order to share knowledge and insight with smaller programs.

Lee also provided an update on SOP outreach and communication. Lee explained that websites for all California State Agencies must be Americans with Disabilities Act (ADA) compliant by July 1, 2019. This requirement also applies to all public documents hosted on the CDFA website. A preview of the new SOP test webpage was presented to the Committee. The new SOP website will contain a separate page for information pertaining to COPAC. Lee went on to state that the SOP is in the process of drafting informational fact-sheets on COPAC, cottage foods, and frequently asked questions.

iii. Compliance and Enforcement/Appeals Summary

Scott Renteria presented the Compliance and Enforcement/Appeals Summary. There were a total of 1081 inspections in the 2018/19 FY through April 17, 2019, with the majority of them conducted at Certified Farmers' Markets. There were a total of 203 samples collected; 181 of those samples were from routine surveillance inspections conducted by contracted counties and CDFA. Of the 181 routine samples, 19 samples detected residues within tolerance levels, and six were above tolerance levels. There were 22 investigative samples collected during the 2018/19 FY, five samples detected residue within tolerance levels, and zero samples detected residue above tolerance levels. There were a total of two appeals received. Renteria noted that the SOP anticipates listing inspections performed at restaurants as a distinct classification, on future inspections summaries.

iv. Revenue from Registration/New Registrations

Scott Renteria provided the Committee with a summary of SOP revenue collected. For the 2018/19 FY, \$1,148,108 has been collected in registration fees.

Renteria also provided an overview of new registrant demographics. The total number of new registrations for the 2018 calendar year was 505. The majority of the new registrants are producers, followed by handlers, and then processors. The SOP had a total of 4,263 total registrants in 2018.

v. Complaints Detailed Report

Scott Renteria provided an overview of the complaint activity for the 2018/19 Fiscal Year (FY). As of April 17, 2019, the SOP has received 64 complaints in total. Of the complaints that the SOP received: 26 were investigated by CDFA and County Agricultural Commissioner staff, 20 were referred to CDPH; 14 were referred to Accredited Certifying Agents; two were referred to the National Organic Program (NOP), and two were referred to the Organic Input Material Program.

vi. Pesticide Residue Report/Updates

Scott Renteria reiterated data pertaining to pesticide residue detected on surveillance samples and investigative samples collected by SOP staff. A period of discussion pertaining to the ability of the SOP to investigate sources of drift contamination ensued.

ITEM 6: GMO TEST PILOT PROGRAM UPDATE

Danny Lee provided the Genetically Modified Organism (GMO) Test Pilot Program update. Lee explained that the GMO pilot project is currently in phase two, and is focused on livestock feed. Thirty samples have been collected for testing, consisting of corn, soy, canola, wheat, and alfalfa pellets. Lee explained that the low positive results indicate GMO presence is most likely from cross-contamination, and not from use of GMO seeds. The NOP has not established tolerance levels for GMOs, although the European Union and Verified Non-GMO Project both use 0.9% as the tolerance limit for GMO content in organic produce. Steve Patton stated that the SOP works under the authority and standards of the NOP, and does not have the ability to establish its own tolerance thresholds.

Steve Beck stated that a 0.0% GMO tolerance is unfeasible for growers, due to issues surrounding cross-pollination from airborne pollen. Alexis Randolph stressed the importance of determining whether GMO presence is intentional, or due to unintended contamination. Mindee Jeffery suggested that CDFA continue to collect data through the pilot project, while encouraging the NOP to establish a tolerance threshold for enforcement.

MOTION: Vernon Peterson moved to recommend, to the Secretary of the California Department of Food and Agriculture, that the California Organic Products Advisory Committee recognizes the problem of Genetically Modified Organism contaminated products, and recommends that the National Organic Program adopt a tolerance level of 0.9%. Steve Beck seconded the Motion. Vernon Peterson, Steve Beck, and Karen Archipley voted in favor of the motion. Garff Hathcock, David Will, Jeremy Johnson, Mindee Jeffery, Michael Menes, and Alexis Randolph voted in opposition to the motion. The motion failed, with three in favor, six opposed, and no abstentions.

ITEM 7: BREAK

Due to time constraints, the Chair recommended that Agenda Items 9 and 10 be moved ahead of Agenda Item 8. There were no objections.

ITEM 9: FY 2019/20 PROPOSED BUDGET REVIEW AND APPROVAL

Danny Lee presented the FY 2019/20 Proposed Budget. The total proposed SOP budget is \$2,102,207, with projected revenue of \$1,595,501. Total personnel services expenses are \$892,096, total Operating Expenses and Equipment are \$996,120, and total Departmental expenses are \$331,154.

A period of discussion concerning fund reserve levels ensued. Marcee Yount explained that the SOP has a spending authority of \$2,200,000, and that organic registration fees are set in statute. Danny Lee led a discussion concerning enforcement contracts maintained between the SOP and County Agricultural Commissioners.

Karen Archipley requested a motion to approve the FY 2019/20 Proposed Budget as submitted.

MOTION: Alexis Randolph moved to approve the FY 2019/20 Proposed Budget as submitted. Michael Menes seconded the motion. The motion passed unanimously, with no abstentions.

ITEM 10: PROCESSOR SUBCOMMITTEE UPDATE

Jeremy Johnson presented the Processor Subcommittee update. The Processor Subcommittee met on March 28, 2019, to discuss CDPH Organic Program Budget and Expenses, streamlining registration process, and opportunities for outreach and education. Johnson invited those in attendance to attend future meetings of the Processor Subcommittee.

ITEM 8: GLYPHOSATE SUBCOMMITTEE UPDATE

Kaley Grimland presented the Glyphosate Subcommittee update. A summary of the Glyphosate Subcommittee meeting was distributed to all in attendance. Grimland explained that the Subcommittee meeting had included a presentation from glyphosate subject matter experts. The Subcommittee was in general agreement that there is a need for additional education to COPAC and the public pertaining to glyphosate, but there was no consensus regarding a testing pilot project. The Subcommittee suggested that CDFA invite representatives, from the California Department of Pesticide Regulation (DPR), CDFA Center for Analytical Chemistry (CDFA Lab), and County Agricultural Commissioners, to provide information on pesticide regulations and procedures. The Subcommittee had also identified a need to educate the public on ongoing measures taken to ensure organic integrity, and how to identify certified organic labels in retail locations.

Michael Menes thanked Grimland for her work, and reiterated the need to establish testing methodology and procedures before a pilot project can move forward. Menes recommended that the Subcommittee continue to educate COPAC, consumers, and the public on matters pertaining to glyphosate. Steve Beck stated that glyphosate testing carries a higher risk of false positives than other pesticide residue tests. Beck also reminded the Committee that the SOP does not have jurisdiction over pesticides used in conventional production. Mindee Jeffery also recommended that DPR, CDFA Lab, and County Agricultural Commissioner staff provide a presentation to COPAC at a future meeting. Phillip LaRocca concurred with Jeffery's recommendation, and reiterated the need for outreach and education to farmers.

Jessica Denning stated that home glyphosate test kits are available to consumers, and requested that COPAC be proactive in their response to potential glyphosate contamination in organic products. Vernon Peterson stated that glyphosate is a prohibited substance in organic farming, and any presence of glyphosate in organic produce is due to an outside source.

Jeremy Johnson concurred that organic agriculture is demonstrating proactivity by classifying glyphosate as a prohibited substance. Danny Lee reiterated the need to identify specific priority commodities for testing, as well as establishing testing parameters and methodology.

MOTION: Jeremy Johnson moved to recommend that representatives from the California Department of Pesticide Regulation and CDFA Center for Analytical Chemistry (CDFA Lab) present information to COPAC at the September 2019 meeting, for the purpose of educating COPAC on glyphosate. Garff Hathcock seconded the motion. The motion passed unanimously, with Mindee Jeffery abstaining.

ITEM 11: CALCANNABIS SUBCOMMITTEE UPDATE

Phillip LaRocca provided the CalCannabis Subcommittee update. LaRocca explained that the CDFA CalCannabis Cultivation Licensing Division is mandated by statute to develop an organic equivalent status for cannabis by 2020, with enforcement coming into effect by 2021. The Subcommittee is participating in a CalCannabis Comparable Organic Working Group, to provide organic grower and processor perspectives on the development of an organic equivalent status program.

ITEM 12: PUBLIC COMMENTS

Phillip LaRocca noted that the Center for Food Safety and the Organic Trade Association are engaged in active lawsuits against the NOP, pertaining to the removal of the Organic Livestock and Poultry Practices Rule.

ITEM 13: NEXT MEETING/AGENDA ITEMS

The next meeting will take place on September 26, 2019, in Sonoma, at the Sonoma County Farm Bureau.

Karen Archipley asked if committee members had items to be considered for inclusion on the next meeting agenda.

Alexis Randolph requested that a discussion on the Origin of Livestock Rule be included on the next meeting agenda.

Karen Archipley requested that a discussion on organic hemp be included on the next meeting agenda.

Vernon Peterson requested that a discussion on the status of certifiers registering on behalf of clients be included on the next meeting agenda.

Karen Archipley requested that a discussion on glyphosate be included on the next meeting agenda.

ITEM 14: ADJOURNMENT

The meeting was adjourned at 2:05 p.m. by Karen Archipley, Chair.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Danny Lee", written over a horizontal line.

Danny Lee, Supervising Special Investigator
State Organic Program