



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

**April 10, 2013 Meeting Minutes  
1220 N Street  
Sacramento, CA 95814**

**MEMBERS PRESENT**

Ben Feldman  
Charles Barth  
Dale Whitney  
Diana Rodgers  
Jeffrey Pylman  
Jennifer McColm  
Karen Wetzel Schott  
Leah Smith  
Mark Anderson  
Michael Broadhurst  
Ronald Phillips  
William Lewis

**MEMBERS ABSENT**

Carol Arnold  
Deborah Yashar  
Jacquelyne Byers  
Kurt Floren  
Mary Lou Weiss  
Silvia Prevedelli

**INTERESTED PARTIES**

Fred Ellrott, Certified Producer  
John Silveira, Pacific Coast Farmers'  
Market Association  
Dan Best, California Federation of Certified  
Farmers' Markets

**CDFA**

Steve Patton  
Sarah Cardoni

**ITEM 1: ROLL CALL**

The meeting was called to order at 10:12 a.m. by Ms. Karen Wetzel Schott, Chairperson. Roll was called, introductions were made, and a quorum was established.

**ITEM 2: LEGISLATIVE UPDATE**

Mr. Steve Patton provided an overview of legislative activity concerning the Certified Farmers' Market (CFM) industry. The four bills introduced are Assembly Bill (AB) 38, AB-244, AB-996, and Senate Bill (SB) 599. He stated that the Committee is advisory to the Secretary and has an opportunity to provide its view on proposed legislation, and that the Department will provide its own analysis.

The Committee reviewed and discussed AB-38 The Office of Farm to Fork (2013-2014) introduced by Assembly Member Perez. This bill would create a state-level office to facilitate food access primarily focusing on increasing the amount of agricultural products available to schools and underserved communities in the state.

**MOTION:** Mr. Dale Whitney motioned to support AB-38 in concept as it is currently written, but would like to see CFM mentioned in section 49001. Mr. Ronald Phillips seconded the motion. The motion passed unanimously.

The Committee reviewed and discussed AB-224 Agricultural products: direct marketing: community-supported agriculture (2013-2014) introduced by Assembly Member Gordon. This bill would encourage the Department to assist in community-supported agriculture and would require producers that market whole produce, shell eggs, or

processed foods through single-farm or multi-farm community-supported agriculture programs to register annually with the department as a California direct marketing producer. Moreover, the bill would impose specified requirements relating to the labeling and maintenance of consumer boxes and containers that are used in community-supported agriculture programs to deliver farm products, and would require a registered California direct marketing producer to maintain records of the contents and origin of all of the items included in each consumer box or container in accordance with department regulations.

The Committee felt that the bill lacked a sufficient funding mechanism to create and maintain this registration program. Ms. Leah Smith tabled the discussion.

The Committee reviewed and discussed SB-599 Direct marketing: certified farmers' markets: operator fees (2013-2014) introduced by Senator Evans. This bill would amend Section 47021 of the Food and Agricultural Code (FAC) relating to direct marketing of agricultural products. Existing law requires, until January 1, 2014, that every operator of a CFM remit to the Department a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day. This bill would primarily extend these provisions until January 1, 2018.

The Committee reviewed and discussed AB-996 Agricultural products: direct marketing: certified farmers' markets (2013-2014) introduced by Assembly Member Dickinson. This bill would amend Sections 43100, 47000, 47001, 47002, 47010, 47011, and 47021 of, to add Sections 47000.5, 47001.5, and 47014 to, to add Chapter 9 (commencing with Section 890) to Part 1 of Division 1 of, to add and repeal Section 47021.5 of, to repeal Sections 47004.1 and 47012 of, to repeal Article 2 (commencing with Section 47010) of Chapter 10.5 of Division 17 of, and to repeal and add Sections 47004 and 47020, of the FAC.

The Committee had general agreement of the added sections in Section 1. Chapter 9. Intentionally False, Deceptive, or Misleading Marketing, sections 890, 891, 892, 893, and 894.

The Committee had general agreement of the amendments made in Section 2. 43100. California Grown.

**MOTION:** Ms. Smith moved to not support Section 3. 47000. Direct Marketing (e) imposing a fee assessment of all vendors in the CFM. Mr. Michael Broadhurst seconded the motion. Motion failed – four in favor, four opposed, four abstaining.

**MOTION:** Mr. Whitney moved to not support Section 5. 47001. (d) allowing a CFM operator to contract with County Agricultural Commissioner (CAC) for a special onsite field or storage verification inspection. Ms. Smith seconded the motion. Motion carried – seven in favor, one opposed, four abstaining.

**MOTION:** Mr. Broadhurst moved to not support Section 6. 47001.2. establishing the domestic direct marketing advisory committee. Mr. Phillips seconded the motion. Motion carried – eight in favor, four abstaining.

**MOTION:** Mr. Phillips moved to support Section 7. 47001.5. requiring registration of direct marketing participants. Mr. Whitney seconded the motion. Motion carried – nine in favor, one opposed, two abstaining.

The Committee had general agreement of Section 8. 47002, standard pack exemptions.

**MOTION:** Mr. Broadhurst moved to not support Section 10. 47004. (c) (1) and (2) requiring conspicuous signage. Mr. William Lewis seconded the motion. Motion carried – ten in favor, one opposed, one abstaining.

### **ITEM 3: NEW BUSINESS**

This agenda item was not discussed.

### **ITEM 4: PUBLIC COMMENTS**

Mr. Dan Best, California Federation of Certified Farmers' Markets, expressed his views on AB-996 and provided the Committee with a checklist of proposed amendments to the bill.

Mr. John Silveira, Pacific Coast Farmers' Market Association, discussed the work of the Direct Marketing Ad Hoc Committee, which assessed the role of direct marketing in California agriculture and reviewed opportunities for improving the Department's efforts in facilitating the sale of agricultural products through direct marketing channels, and how it is reflected in what is being proposed in AB-996.

### **ITEM 5: NEXT MEETING/AGENDA ITEMS**

The next meeting will reconvene at 9:00 a.m. on April 17, 2013, by teleconference.

### **ITEM 6: ADJOURNMENT**

The meeting was recessed at 2:00 p.m. by Ms. Wetzel Schott, Chairperson.

Respectfully submitted by:



---

Steve Patton, Branch Chief  
Inspection and Compliance Branch  
Inspection Services