



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
September 30, 2019**

Dee Hardison Sports Center, 2400 Jefferson Street Torrance, CA 90501

MEMBERS PRESENT

Ann Filmer
Ben Palazzolo
David Runsten
Ed Williams
James Murez
Joyce Chan
Karen Schott
Kurt Floren
Paul Stonebarger
Phillip Rhodes
Portia Bramble
Ronald Phillips
Susan Hutchinson

MEMBERS ABSENT

Casey Anderson
Lulu Meyer
Oscar De Leon
Suzanne Jester
Tyler Thayer
Amelia Moore

INTERESTED PARTIES

Bonnie Wheeler – San Diego County
Diana Rodgers – Mar Vista Certified
Farmers' Market
Katherine Takata – LA County

CDFA

Brandi Alston
Dominic Hickman
Jennifer Leidolf
Marcee Yount
Maria Tenorio Alfred
Steve Patton
Thomas Osborn

ITEM 1: CALL TO ORDER – INTRODUCTIONS/ROLL CALL

The meeting was called to order by Joyce Chan, Chairperson at 10:00 AM. Introductions were made. Roll was called by Thomas Osborn. A quorum was established.

ITEM 2: RONALD PHILLIPS RESOLUTION

Marcee Yount presented Ronald Phillips with a Resolution in recognition of Phillips many years of service to the CFMAC. Yount thanked Phillips for years of commitment to the CFMAC and the California Direct Marketing Program.

Phillips thanked the Committee for the opportunity to serve throughout the years and wished the Committee well in its future efforts.

ITEM 3: PUBLIC COMMENTS

David Runsten informed the Committee that the next Small Farm Conference will be February 27 – 29, 2020 at the Cuesta College, North County Campus, in Paso Robles.

Portia Bramble informed the Committee that there will be Certified Farmers' Market manager training at the upcoming Small Farm Conference.

ITEM 4: ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Maria Tenorio Alfred opened the floor to nominations for Chairperson.

Discussion ensued regarding nominating a new Chairperson for the CFMAC.

MOTION: James Murez moved to nominate Karen Schott for Chairperson. Joyce Chan seconded the motion. The motion passed unanimously.

Tenorio Alfred opened the floor to nominations for Vice-Chairperson

MOTION: Ronald Phillips moved to nominate Ben Palazzolo for Vice-Chairperson. Joyce Chan seconded the motion.

MOTION: James Murez moved to nominate Joyce Chan for Vice-Chairperson. Karen Schott seconded the motion.

VOTE: A vote for Vice-Chairperson was taken. Paul Stonebarger, Joyce Chan, David Runsten, Phillip Rhodes, and Ronald Phillips voted for Ben Palazzolo. James Murez, Kurt Floren, Susan Hutchinson, and Karen Schott voted for Joyce Chan. Votes for Ben Palazzolo won by five to four. Ben Palazzolo is the new Vice-Chairperson.

Ben Palazzolo was not present during this vote, as he arrived at 11:30AM.

Tenorio Alfred turned over the meeting to Karen Schott, Chairperson.

ITEM 5: REVIEW AND APPROVAL OF FEBRUARY 21, 2019 MEETING MINUTES

Chairperson Schott requested a motion to approve the February 21, 2019 meeting minutes as submitted.

MOTION: Kurt Floren moved to approve the February 21, 2019 meeting minutes as submitted. David Runsten seconded the motion. The motion passed unanimously.

ITEM 6: PROGRAM UPDATES

i. Fund Condition

Tenorio Alfred provided the Fund Condition Update. Tenorio Alfred stated that at the beginning of Fiscal Year (FY) 2018/19, the beginning fund balance was \$1,955,529. As of June 30, 2019, total revenue was \$1,503,766, total expenditures were \$1,529,361, with an ending balance of \$1,881,038. Tenorio Alfred noted that the expenditures include \$76,580 in database charges, and that due to all state departments converting to a new accounting system, the Financial Information System for California (Fi\$Cal), the indirect charges are a projection, not a finalized number.

Tenorio Alfred explained that expenditures appear to be more than revenue in the 2018/19 FY in part because of the costs of new database efforts; however, expenditures will decrease when the FY 2018/19 county agreements are disencumbered.

A brief discussion ensued in which Tenorio Alfred and Steve Patton described the necessity of having a reserve fund for the program of at least one year of expenses.

Patton expressed that CDFA Information Technology (IT) staff have been working on modernizing IT operations which will likely increase costs across programs over time. James Murez asked Patton if it would be possible for IT to build a projection of the costs to the program for the Committee to review. Patton further explained that much of the IT work is in its beginning stages. Kurt Floren agreed with Murez that hearing more details from IT on what their roadmap looks like will be beneficial.

ii. Enforcement Updates

Tenorio Alfred provided the Enforcement Updates. Tenorio Alfred referred the Committee to two charts providing details on Enforcement. There were 918 Notices of Noncompliance issued statewide, and 69 Notices of Proposed Action (NOPA). NOPAs represented 8% of the Notices of Noncompliance issued. 32% of the NOPAs were issued for selling products not of own production. CDFA staff conducted approximately 300 market inspections statewide and 22 county trainings in FY 2018/19. It is estimated there was at least 1,200 market inspections conducted throughout the State. Steve Patton explained that counties are now very strict with enforcement of selling product not of own production.

A brief discussion ensued regarding some form of outreach to reduce the number of violations. Murez suggested the use of proactive outreach via methods like online videos explaining the rules and the potential penalties for violating them. Patton informed Murez that the majority of County Agricultural Commissioner's inform certified producers of the rules they must follow while selling at certified farmers' markets. Portia Bramble suggested that a part of this effort could also be revisions to the manuals for Certified Farmers' Market Managers, as they could be a resource to help educate farmers.

iii. MOU with Egg Safety Quality Management Program

Tenorio Alfred explained the Memorandum of Understanding (MOU) with the Egg Safety Quality Management Program (ESQM) was signed on September 20, 2019. Direct Marketing staff will now be inspecting eggs during routine market inspections, at markets that do not have contracts with the ESQM. These efforts will focus on ensuring the seller is registered with ESQM, label and placard compliance, and education for the producers on laws and regulations for ESQM. It is estimated that there will be about 100 inspections conducted each FY.

Chairperson Schott asked for an update on Virulent Newcastle Disease (VND). Ed Williams informed Chairperson Schott that as of the meeting there had been no new detections of VND in the month prior to the meeting.

iv. Proposed Regulations

Tenorio Alfred informed the Committee that CDFA's Legal Office has given the program initial approval for the proposed regulations. Tenorio Alfred stated that once the proposed regulations are filed with the Office of Administrative Law, there will be a 45-day public comment period, and the CFMAC will be notified.

David Runsten asked if the Committee will be able to tell what changes were made to the regulations since they were initially released a few years ago. Tenorio Alfred informed Runsten that the Initial Statement of Reasons that will be published with the proposed regulation text will show the changes from the current regulations and explain why the changes are being proposed. Tenorio Alfred explained that once regulations are approved by the Office of Administrative Law, they will become effective the following quarter.

v. Database Updates

Tenorio Alfred informed the Committee that the Program has continued to work with IT staff on the Database project. There have been several meetings to detail the processes involved. Tenorio Alfred iterated that at the close of FY 2018/19, \$76,580 was spent.

Murez asked when the Committee can expect to see a product from IT. Steve Patton informed Murez that there is no definite date available for a deliverable product. Patton further stated that it may be beneficial to have IT staff meet personally with the Committee so that the Committee can impart on IT the importance of the Database project.

ITEM 7: PESTICIDE TESTING PILOT PROJECT

Williams presented the Pesticide Testing Pilot Project to the Committee. Williams proposed that this be modeled after the State Organic Program's (SOP) Pesticide Residue Testing Program. These tests can detect the presence of 600 different chemicals and pesticides and would assist the Direct Marketing Program in determining if products being sold by certified producers at certified farmers' markets are of their own production, by determining if sellers are using pesticides or chemicals that they have not reported. The Program could contract with CDFA's Center for Analytical Chemistry to conduct such tests, as the SOP does. Williams suggested that this project begin with 50 samples from both the field and markets.

Chairperson Schott asked Williams if this pilot project is only for organic products. Williams clarified that this project would be testing for conventional products.

Discussion ensued regarding what the details and reach of the Pesticide Testing Pilot Project could look like in the future, and how this project would fit into the Direct Marketing Program's budget. There was an emphasis from Floren, Patton, and Williams that this is starting as a pilot project, not a permanent commitment and is currently only a proposal.

MOTION: James Murez moved to recommend to the Secretary that the Direct Marketing Program gather cost information from the Center for Analytical Chemistry and Ed Williams explore if there is any data regarding this type of project to present to the Committee at the Spring CFMAC meeting. Paul Stonebarger seconded the motion. The motion passed; Ronald Phillips opposed; there were no abstentions.

ITEM 8: PRODUCE SAFETY RULE UPDATES

Patton gave the Committee an update on the Produce Safety Rule. Inspections are ongoing and will continue. The Food and Drug Administration (FDA) will renew their contract with the state for inspections in 2021. Patton stated that CDFA is looking to hire staff in order to increase the number of inspections conducted. Patton also told the Committee that small farm inspections will begin in 2020 and that CDFA is conducting education and outreach efforts including multiple workshops. CDFA is also looking to conduct training in non-English languages.

ITEM 9: CERTIFIED PRODUCERS SELLING ON BEHALF OF OTHER CERTIFIED PRODUCERS

Patton provided the Committee with the history of certified producers being able to be represented by two other certified producers during their 12-month certificate period. This allowance was made for producers to help each other out by selling each other's products, and to get more of a variety of products into markets.

Palazzolo discussed challenges related to certified producers selling on behalf of other certified producers. The biggest concern is how to ensure that produce that is being sold on behalf of another certified producer is of their own production, and not being bought and resold.

Patton stated that CDFA's intent was for certified producers to sell different commodities for the other producer, instead of the same commodity. Patton informed the Committee that the proposed regulations will not allow primary products on a secondary certificate to be sold on the same day.

ITEM 10: CERTIFIABLE AGRICULTURAL PRODUCTS

Bramble stated that there was a request from producers in the San Francisco area to expand the allowance of preservatives to processed products, such as jam. There has been considerable opposition to this expansion from Market Operators.

Williams noted that County Agricultural Commissioners would like to know what types of hemp products can be sold at markets. Williams stated that the issues would be around determining where the line is between a byproduct of hemp and hemp as an agricultural product. Patton agreed that hemp is a crop but reiterated that products made of hemp would not necessarily meet the requirements of an agricultural product to be sold at a certified farmers' markets.

A brief discussion on hemp and Tetrahydrocannabinol (THC) followed. Williams explained that hemp products are tested prior to harvesting to confirm low THC levels. Bramble noted that there is a need for more clarity in regulations regarding hemp products. Ben Palazzolo expressed similar concern due to the lack of standardization on such products. The consensus was that the direct marketing industry needs to be better able to address the questions and concerns regarding the sale of cannabis and hemp products within the State.

ITEM 11: REGULATIONS PERTAINING TO FISH AND MEAT BEING SOLD AT CFMs

Tenorio Alfred informed the Committee that meat products produced in California can be sold in the certified agricultural section of a certified farmers' market, if they are produced by the producer, and not being bought and resold.

Patton informed the Committee that meat production and storage are regulated by the California Department of Public Health (CDPH).

Brief discussion ensued regarding the regulations regarding the sale of fish. Patton also stated that Market Managers must ensure that producers are selling in accordance to the regulations. Williams noted that only farmed fish can be sold at certified farmers' markets.

ITEM 12: FUTURE AGENDA ITEMS

Chairperson Schott requested that IT Consultation regarding the Database project be on the next meeting agenda.

Patton recommended that there be a presentation from someone representing the hemp industry included in the next meeting agenda.

Patton also recommended that further discussion of the Pesticide Testing Pilot Project be included on the next meeting agenda.

Chairperson Schott requested that the Budget be included in the next meeting agenda. Patton informed the Committee that this will depend on the date of the meeting.

Patton requested that a Regulation Update be included in the next meeting agenda.

ITEM 13: NEXT MEETING

The next meeting will be held on February 26, 2020 in Paso Robles, CA, in consultation with the Small Farm Conference.

ITEM 14: ADJOURNMENT

The meeting was adjourned at 11:45 AM by Chairperson Schott.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read 'Maria Tenorio Alfred', with a long horizontal flourish extending to the right.

Maria Tenorio Alfred, Program Supervisor
Direct Marketing Program
Inspection and Compliance Branch
Inspection Services