



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
September 16, 2015 Meeting Minutes
4137 Branch Center Dr., Sacramento, CA 95827**

MEMBERS PRESENT

Carol Arnold
Joyce Chan
Marie-Alise de Marco
Fred Ellrott
Kurt Floren
Guido Forsini
Ronald Phillips
Diana Rodgers
David Runsten

MEMBERS ABSENT

Mark Anderson
Charles Barth
Clyde Steese

INTERESTED PARTIES

Erin Herbst- San Mateo County

CDFA

Steve Patton
Brian Cote
Marcee Yount
John Pedigo
Laurel Rudolph

ITEM 1: ROLL CALL/INTRODUCTIONS

The meeting was called to order at 10:05 a.m. by Mr. Fred Ellrott, Chairperson. Roll was called, and a quorum was established.

ITEM 2: PUBLIC COMMENTS

There were no public comments

ITEM 3: APPROVAL OF MAY 26, 2015 MEETING MINUTES

MOTION: Mr. Ronald Phillips moved to approve the May 26, 2015, Meeting Minutes as submitted. Mr. Kurt Floren seconded the motion. Six member voted to approve, those members were: Carol Arnold, Joyce Chan, Marie-Alise de Marco, Fred Ellrott, Kurt Floren, and Ronald Phillips. David Runsten abstained, and Guido Forsini and Diana Rodgers were unable to vote due to late arrivals. The motion passed with a majority vote.

ITEM 4: CDFA REPORTS

a. County Contracts

Mr. Brian Cote discussed the County Contracts. For the 2015/16 Fiscal year (FY), a total of \$504,000 has been allocated to counties for inspection. Out of the \$504,000, a total of \$350,400 has been allocated for market inspections and a total of \$153,600 has been allocated for production site visits. These figures were a result of California Department of Food and Agriculture (CDFA) looking at the number of Certified Farmers' Market's (CFM) per county and the amount of production sites each county also had. Those numbers were assessed and based on the amount of added enforcement being done at the market sites.

b. Fund Condition

Mr. Cote discussed the fund condition as of July 31, 2015. The program revenue for the first month of the 2015/16 FY is \$164,300. The ending balance as of July 31, 2015 is \$998,877. In the first eight months of 2015 the program collected more than \$760,000 in revenue, \$580,000 more than collected in 2014 (\$185,000). The rise in revenue is due to the fee increase paid by market operators.

A question was raised regarding how CDFA was making sure vendors at the markets were paying their \$2.00 remittance fee. Mr. Steve Patton stated that the additions to the remittance forms account for every vendor at the market, both certified and non-certified, with that information they are able to know how many producers were at each market. The Department is looking into increasing enforcement for this issue, but right now they are on par with our original fiscal projections for the fee increase.

c. Enforcement Update

Mr. John Pedigo discussed the enforcement activities. During the 2014/15 FY there were 1,006 Non-Compliances written, 86 Notice of Proposed Action's issued, over \$60,000 in fines issued, and 9 suspensions.

Mr. Pedigo also reported that there are currently 98 Community Supported Agriculture registrants.

Mr. Pedigo announced that the Database subcommittee will be meeting in the beginning of November, a date has not yet been determined. He also reported that there were two vacancies on the Subcommittee, and asked if any additional Advisory Committee members would like to volunteer. Joyce Chan volunteered to fill a vacant seat.

d. Regulatory Update

Mr. Cote discussed the regulatory update. The proposed regulation changes were sent to CDFA's legal department. Once the legal department gives their final approval, the regulation packet will be sent over to the Office of Administrative Law (OAL) for their initial review, and to start the 45 day comment period.

ITEM 5: FOOD SAFETY MODERNIZATION ACT (FSMA) DISCUSSION

Mr. Patton discussed the Food Safety Modernization Act (FSMA). On October 31, 2015, the FSMA rules will be released. The rules are expected to establish standards for growing, harvesting, packing, and holding produce on domestic and foreign farms.

The rules will not cover farms under \$25,000 in sales of produce. Small farms with sales between \$25,000 and \$250,000 will have four years from the effective date of the final rule to comply. Farms with sales between \$250,000 and \$500,000 will have three years to comply, and those farms who have sales above \$500,000 will have two years to comply with the rule.

The FDA has asked multiple State Departments to help implement the new rules. The FDA and CDFA will work together to implement the rules with the resources available.

California is currently in the process of implementing a California Good Agricultural Practices Audit (CGAP), based on the FSMA rule. This Audit will be voluntary.

ITEM 6: NEW BUSINESS

Mr. Ellrott asked if any of the Committee members had any last comments or questions:

There were some questions regarding the sign requirement size and a clear-cut definition of the term "conspicuous". Mr. Patton answered that there are no size requirements in the regulations, just that each sign must be conspicuously seen and that a market manager may implement a size requirement for his or her market.

There was some discussion regarding penalties and suspensions for repeat violators at the markets. If a producer receives multiple suspensions, should those suspensions be served congruently or successive? There is currently nothing in statute or regulation that addresses the issue. The Committee asked if there was something that they could do to add clarification to the regulations. Mr. Patton mentioned that the CDFA legal department should be consulted before the issue can be discussed further by the Committee.

Because of the additional information required, the multiple suspension topic will be put on hold and added to next meeting's agenda.

There was also some discussion regarding load lists. It was mentioned that some are recording the amount a producer sold and some are recording what the producer brought. Mr. Patton reminded the committee that whatever the producer brings to the market is considered for sale. Some of the committee members said that they would eventually like to see the Certified Producers Certificate standardized and be the basis for the load lists. They would also like to see that measurement for units of produce at the markets become standardized, for example; heads of lettuce being counted per head, not per box.

ITEM 7: NEXT MEETING

The next meeting will be held on Tuesday March 8, 2016, during the Small Farm Conference.

ITEM 8: ADJOURNMENT

The meeting was adjourned at 12:58 p.m. by Mr. Ellrott, Chairperson.

Respectfully submitted by:

Brian Cote

Brian Cote, Program Supervisor
Certified Farmers' Market Program
Inspection and Compliance Branch
Inspection Services