



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)  
March 8, 2016 Meeting Minutes  
2001 Point West Way, Sacramento, CA 95815**

**MEMBERS PRESENT**

Joyce Chan  
Marie-Alise de Marco  
Fred Ellrott  
Kurt Floren  
Ronald Phillips  
Diana Rodgers  
David Runsten  
Mark Anderson  
Charles Barth  
Clyde Steese

**MEMBERS ABSENT**

Carol Arnold

**INTERESTED PARTIES**

Erin Herbst- San Mateo County  
Dan Best- Certified Farmers' Markets of Sacramento  
Peter Healy- Ag. Institute of Marin  
Victor Westman- Ag. Institute of Marin  
Karen Melvin- San Diego County  
Priscilla Lane- Sonoma County  
Allen Harthorn- Harpos Organics  
Kayla Hayden- California Farmers Market Association  
Gene Mangini- Contra Costa County

**CDFFA**

Steve Patton  
Brian Cote  
Marcee Yount  
John Pedigo  
Laurel Rudolph  
Danielle Chapman  
Brandi Alston  
Gabriel Benavides  
Rick Jensen  
Natalie Krout-Greenberg

**ITEM 1: ROLL CALL/INTRODUCTIONS**

The meeting was called to order at 1:05 p.m. by Mr. Fred Ellrott, Chairperson. Roll was called, and a quorum was established.

**ITEM 2: ELECTIONS**

Mr. Brian Cote opened the floor for elections.

**MOTION:** Ms. Joyce Chan moved to nominate Fred Ellrott as Chairperson. Diana Rodgers seconded the motion. The motion passed unanimously, with no abstentions.

Mr. Fred Ellrott then opened the floor for nominations for Vice-Chair.

**MOTION:** Ms. Diana Rodgers moved to nominate Joyce Chan for Vice-Chair. Mr. Mark Anderson seconded the motion. The motion passed unanimously, with no abstentions.

**ITEM 3: PUBLIC COMMENTS**

There were no public comments

**ITEM 4: APPROVAL OF SEPTEMBER 16, 2015 MEETING MINUTES**

Mr. Ellrott asked for a motion to approved the September 16, 2015 Meeting Minutes.

**MOTION:** Mr. Ron Phillips moved to approve the September 16, 2015 Meeting Minutes. Mr. Clyde Steese seconded the motion. The motion passed unanimously, with no abstentions.

**ITEM 5: CDFA REPORTS**

a. Fund Condition

Mr. Cote provided the Fund Condition Report. As of January 31, 2016, the beginning balance was \$866,587, with the total revenue of \$933,146. Total expenditures were \$367,553 with an ending balance of \$1,432,179.

b. Proposed Budget

Mr. Cote discussed the 2016/17 Fiscal Year (FY) proposed budget. With the new personnel to the Certified Farmers' Market (CFM) program, the projected personnel services will increase to \$568,899, and the projected operation expenses are \$799,800. The total projected program budget will be \$1,635,482.

The total projected revenue for the 2016/17 FY is \$1,420,569.

Mr. Ellrott asked for a motion to approve the 2016/17 FY Proposed Budget.

**MOTION:** Mr. David Runsten moved to approve the 2016/17 Fiscal Year Proposed Budget. Ms. Diana Rodgers seconded the motion. The motion passed unanimously, with no abstentions.

c. Regulatory/Legislation Update

Mr. Cote discussed the regulatory update. The 45 day comment period from the current CFM regulatory changes closed on December 7, 2015. The program is currently responding to 188 comments and will summarize and respond to each comment as part of the final regulation packet to be sent over to the Office of Administrative Law.

Assembly Bill 2324 (Eggman) as introduced on February 18, 2016, was discussed. Mr. Cote discussed the four main points of this bill: 1. requires CDFA to keeps costs

incurred by farmers and market operators at a minimum when adopting regulations; 2. requires vendors of agricultural products sold at a certified farmers' markets to keep specified sale records for at least six months, and would require a vendor to make those records available upon request of an enforcement officer within 72 hours; 3. requires market operators, upon request of an enforcement officer, to make a record of all fresh fruit, vegetable, and nuts offered for sale by the vendor, and to have that information available within 72 hours of the request; 4. County Agricultural Commissioners must submit a digital copy of certifications to the Department, those certifications then must be posted online. AB 2324 would also make several technical changes to the Direct Marketing chapter in the Food and Agriculture Code.

d. Enforcement Update

Mr. Cote discussed the enforcement update. There were 142 complaints regarding farmers' markets this year. The majority of the complaints concerned production site verification, all but one complaint have been assigned to the counties to investigate. There were 52 notices of proposed action written, and over \$42,000 in fines have been issued. There have been 10 suspensions, ranging from one to 18 months.

e. Concurrent and Successive Suspensions

Mr. Cote touched on the previous discussion regarding imposing suspensions concurrently or successively for repeat violators. Mr. Cote spoke with CDFA's legal office after the last meeting and determined that there is no authority to issue a successive suspensions. The counties only have the authority to issue a suspension for no more than 18 months. If a notice of proposed action is issued with a suspension while an individual is in the appeals process, the second suspension will be served in addition to the first.

**ITEM 6: NEXT MEETING DATE/FUTURE AGENDA ITEMS:**

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

There were some questions regarding the new Food Safety Modernization Act (FSMA) rules. Mr. Steve Patton explained that the FSMA regulations have been released. The Food and Drug Administration (FDA) has received funds for the program and wants to first use those funds for education and outreach. The FDA will start working with the produce industry to develop models for training to make certain the industry is knowledgeable of the new rules. It is not yet clear which agency will be in charge of enforcement.

It was decided that the next meeting will be in September, 2016, the date is yet to be determined.

**ITEM 7: ADJOURNMENT**

The meeting was adjourned at 2:35 p.m. by Mr. Ellrott, Chairperson.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "Brian Cote", is written over a horizontal line.

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