



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
Meeting Minutes
Sacramento, California
January 20, 2010**

MEMBERS PRESENT

Gene Etheridge
William Lewis
Fred Ellrott
Leah Smith
Greta Dunlap
Rick Landon
Nancy Pleibel
Kurt Floren
Amelia Saltsman
Dale Whitney (in place of John Silveira)

MEMBERS ABSENT

Russell Hall
Jennifer McColm
Jacquelyn Byers
Karen Wetzel Schott
Pompea Smith
John Silveira

CDFA

Susan Shelton
Steve Patton
Maria Hicks

ITEM 1: ROLL CALL

The meeting was called to order at 10:02 a.m. by chairperson. Roll was called; a quorum was not established. Mr. Fred Ellrott arrived at 10:30 a.m.

A.) Introduction of Guests- Introductions of guests were made.

B.) Election of Officers- This item was not discussed due to a quorum not being established.

ITEM 2: APPROVAL OF October 14, 2009 MEETING MINUTES

This item was not discussed due to a quorum not being established.

ITEM 3: APPROVAL OF AGENDA

This item was not discussed due to a quorum not being established.

ITEM 4: CDFA REPORTS

A.) Enforcement Progress- Mr. Patton stated that nine markets were inspected. Mr. Patton reported that 16 violations were issued to market managers and out of 110

producers, thirty noncompliances were issued. Mr. Patton stated that the program reviewed the methodology in which market violations were previously administered (one notice of violation per producer, even in the event that multiple code sections had been violated). Mr. Patton stated that a violation will now be written for each code section violated. Discussion ensued regarding violations and noncompliances.

Mr. Patton reported that the State Organic Program (SOP) will be holding three listening sessions to discuss proposed regulations. The dates, times, and locations are: February 9, 2010, California Department of Food and Agriculture (CDFA), 1220 N Street, Sacramento, CA 95814, Main Auditorium, 9:00 a.m. to 12:00 p.m., February 17, 2010, Monterey Agricultural Commissioner's Office, 1428 Abbott Street, Agricultural Center Conference Room, Salinas, CA, 93901, 9:00 a.m. to 12:00 p.m., and March 3, 2010, Los Angeles Agricultural Commissioner's Office, 11012 So. Garfield Avenue, South Gate, CA, 90280, 9:00 a.m. to 12:00 p.m.

Mr. Patton stated that the Inspection and Compliance Branch will be cross training some of their staff to do farmers' market inspections allowing inspectors to conduct organic, standardization, and certified farmers' market inspections. Mr. Patton stated that it is anticipated that cross training will have been completed by the end of this fall.

Mr. Patton stated that the suspension and fine lists are posted every third quarter with the remittance forms; the suspension and fine list did not get posted (this third quarter) because there were no changes. Mr. Patton reminded the county agricultural commissioner's offices that they must provide CDFA with follow-ups of the final dispositions of the violations, and that CDFA is often unable to post the violations because they are unaware if the thirty days is up for the right to appeal to the State.

Ms. Nancy Pleibel asked how long the appeal process takes. Mr. Patton stated that there are different levels of appeals, and provided the committee with a brief overview of the appeal process.

Ms. Susan Shelton provided the CFMAC with a working draft of the noncompliance worksheet. The noncompliance worksheet may be utilized by all counties. Mr. Patton asked the committee if this worksheet would be helpful to market managers. The consensus from the CFMAC was that it would be useful, and it would also be helpful to add a column for the location of the violation and who issued the violation. It was recommended that the noncompliance worksheet be posted on the CDFA website.

ITEM 5: REGULATORY SUBCOMMITTEE RECOMMENDATIONS

A.) Penalty Matrix- Mr. Patton provided the committee with an overview of the subcommittee's progress from the December 16, 2009 regulatory subcommittee meeting. Mr. Patton stated that the remittance form was changed to ensure that CDFA

has knowledge of who was at what market; this will assist CDFA inspectors when they conduct their audits for load lists. Mr. Kurt Floren explained how the penalty matrix will work and the fines that would be charged for the three violation types: minor, moderate, and serious. Discussion ensued regarding the penalty matrix.

B.) Adding Producers List to Remittance Form- Mr. Patton explained that the language was changed on the remittance forms for markets that have multiple certificates. Mr. Patton reported that the terminology on the remittance form now coincides with the terminology used in the regulations. Discussion ensued regarding the terminology on the instruction sheet of the remittance form and having multiple certificates on one remittance form. It was decided that Ms. Dunlap, Mr. Patton, and Mr. Floren work on the language of the remittance form prior to the next CFMAC meeting.

ITEM 6: SPONSOR/OPERATOR

Mr. Patton informed the committee that a portion of the new regulation package ensures that the sponsor acknowledges they will be financially liable. Mr. Floren stated that his understanding upon reading the regulations is that the definition of a certified farmers' market per 1392.2A is "A location approved by the county agricultural commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers". "A certified farmers' market may be "operated by" one or more certified producers by a nonprofit or by a local government agency". Mr. Floren stated that the word "operated by" is repeated throughout this chapter in the regulations which makes him believe that the term operator is a more efficient term than sponsor.

Ms. Leah Smith inquired what the definition of a nonprofit organization is. Mr. Patton responded by stating that there is a criterion for being considered nonprofit. Discussion ensued regarding the criterion of being a nonprofit organization.

ITEM 7: CHAIRMAN'S REPORT

Mr. Etheridge discussed the importance of enforcement in the farmers' markets. Mr. Etheridge inquired how the committee felt about the penalty matrix, and questioned how the average farmer will have access to the penalty matrix. Mr. Patton responded by stating that the penalty matrix will be posted on the CDFA website. It was discussed whether handing out a fact sheet along with the Certified Farmers' Market application would be beneficial to producers and farmers.

Mr. Ellrott commented that he had to sign direct marketing rules when he last renewed his certificate. Mr. Ellrott stated that he believes that lack of knowledge is a part of the enforcement issue.

ITEM 8: COMMITTEE POLICY II (2.8)

Mr. Patton explained that committee policy 2.8 states if a committee member has three unexcused absences the committee can make a recommendation to the Secretary that the member be removed from the committee. This will be a standing agenda item. Discussion ensued regarding the definition of an unexcused absence.

ITEM 9: NEW BUSINESS

Ms. Amelia Saltsman stated that the certified farmers' markets that are in quarantine areas and have been instructed to net their fruits and vegetables are inquiring if there is a possibility for an informational sign to be posted to explain to consumers' why the nets are in place. Mr. Floren responded that the County Agricultural Commissioner's were not aware that this was an issue, and it will be looked into.

Mr. Lewis commented that he has observed certified farmers' markets using fans instead of the netting and was curious if fans are acceptable in lieu of the nets. Mr. Floren stated that it is his understanding that fans are acceptable and are currently being used on a trial basis.

ITEM 10: MEMBER ROUNDTABLE DISCUSSION

Ms. Dunlap stated that the Small Farm Conference will be held on February 28, 2010, March 1, 2010, and March 2, 2010. There will be 100 scholarships given primarily to farmers.

Mr. Ellrott spoke about his concern regarding avocado maturity exemptions. Mr. Ellrott stated that when an avocado exemption has expired, there's often product left. Mr. Patton stated that at the next CFMAC meeting, he will try to have Ms. Donella Boreham, Program Supervisor, Avocado Program attend to clarify as to how this issue is being handled.

Ms. Leah Smith requested that Mr. Etheridge review the parameters of the round table discussion; she enjoyed her first CFMAC meeting, it was a learning experience, and she looks forward to future meetings.

Mr. Patton stated that Ms. Dunlap has termed out of the CFMAC, and he presented her with a resolution signed by the Director and the Undersecretary of CDFA for Ms. Dunlap's dedicated and loyal service for eight years on the CFMAC.

ITEM 11: NEXT MEETING/AGENDA ITEMS

Agenda items to be discussed at the next CFMAC meeting include the load list and the avocado exemption issue.

The next CFMAC meeting will be on April 7, 2010 from 10:00 a.m. to 2:00 p.m. in Sacramento, CA.

ITEM 12: ADJOURNMENT

The meeting was adjourned at 1:42 p.m. by chairperson.

Respectfully submitted by:

Steve Patton, Branch Chief I
Certified Farmers' Market Program
Inspection and Compliance Branch
Inspection Services