



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE

MEETING NOTICE

Thursday, January 28, 2021

10:00 am – 2:00 pm

The meeting will be conducted via Zoom only

Zoom Meeting ID: 160 048 6248

Passcode: m01282021!

Dial-in Phone Number: 833-568-8864 (passcode: 8049529072)

Link: <https://www.zoomgov.com/j/1600486248?pwd=amphYIFqMUpaSDRNNiILekphZis1Zz09>

Please keep your personal device on mute during the meeting to avoid background noise and wait to be called by the Chair before speaking. Please identify yourself before speaking.

Committee Members

Karen Archipley, Chair

Phillip LaRocca, Vice Chair

Jeremy Johnson

Wendy Reynolds

Andrew Smith

Kaley Grimland

Blake Alexandre

Jamie Nessel

John McKeon, Alternate

Michelle Perro

Benjamin Diesl

Rosalie Burkett

Jaclyn Bowen

Sean Feder

Public Participation

Members of the public are encouraged to provide comment to the California Organic Products Advisory Committee (Committee) and may suggest items to be placed on the agenda for discussion at the next Committee meeting. While the Committee values the participation of the public, the Committee Chairman reserves the right to limit the time for public comment per speaker, as needed, in order to proceed with the agenda.

Americans with Disabilities Act

All Advisory Board or Committee meetings must be accessible to the physically disabled. Any person needing a disability-related accommodation or modification in order to attend or participate in any Advisory Board or Committee meeting may request assistance by contacting Mitchell King located at 2800 Gateway Oaks Drive, Sacramento, California 95833 or by emailing Mitchell.King@cdfa.ca.gov or calling (916) 900-5210.

Meeting Notices and Agendas may be found at: <http://cdfa.ca.gov/is/uploader/postings/hearings/>



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE**

MEETING AGENDA

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Items

- (1) CALL TO ORDER-INTRODUCTIONS/ROLL CALL
- (2) ELECTION OF OFFICERS
- (3) PUBLIC COMMENTS – Limited to items not on the agenda
- (4) REVIEW AND APPROVAL OF SEPTEMBER 17, 2020 MEETING MINUTES
- (5) CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATES
- (6) LEGAL PRESENTATION – Kara Breevaart, Michele Dias, CDFA Legal Office
 - i. COPAC Authority
- (7) ORGANIC SLAUGHTERHOUSE UPDATE
- (8) STATE ORGANIC PROGRAM UPDATES
 - i. Vacancies and Terms
 - ii. California Agricultural Statistics Review
 - iii. Compliance and Enforcement/Appeals Summary
 - iv. Complaints Activity Report
 - v. Complaint Summary Log
 - vi. Pesticide Residue Report/Updates

- vii. Impacts of COVID-19 and Wildfires
- viii. Revenue from Registration/New Registrations
- ix. SOP Fund Condition

(9) NEXT MEETING/AGENDA ITEMS

(10) ADJOURNMENT

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Department Contact: Mitchell King, Branch Analyst
2800 Gateway Oaks Drive, Suite 100
Sacramento, California 95833
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**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)**

September 17, 2020

Meeting Minutes

Teleconference

MEMBERS PRESENT

Karen Archipley – Chair
Phillip LaRocca – Vice Chair
Benjamin Diesl
Jeremy Johnson
Jamie Nessel
Michael Menes
Kaley Grimland
John McKeon
Rosalie Burkett
Wendy Reynolds
Sean Feder

MEMBERS ABSENT

Blake Alexandre
Alexis Randolph

INTERESTED PARTIES

Jane Sooby, California Certified
Organic Farmers (CCOF)
Nick Woodrum, California
Department of Public Health
(CDPH)
Daniel Karavan, CDPH
Jane Reick, CDPH

CDFA

Marcee Yount
Scott Renteria
Mayze Fowler-Riggs
Danny Lee
Pam Rodriguez
Andrea Cano
Steve Patton
Michele Dias
Kara Breevaart
Natalie Krout-Greenberg
Martin Burger
Carla Sanchez

ITEM 1: CALL TO ORDER

The meeting was called to order at 10:05 a.m. by Karen Archipley, Chair.

ITEM 2: INTRODUCTIONS

Introductions were made.

ITEM 3: ROLL CALL

Roll was called by Mitchell King, and a quorum was established. King also indicated that Sean Feder would serve as a voting member in the absence of Alexis Randolph.

ITEM 4: PUBLIC COMMENTS

There were no public comments.

ITEM 5: REVIEW OF MEETING MINUTES

- i. January 23, 2020 Meeting Minutes

MOTION: Phillip LaRocca moved to approve the January 23, 2020 Meeting Minutes as presented. Jaclyn Bowen seconded the motion. A vote by roll call was taken. The motion passed unanimously.

ii. May 7, 2020 Meeting Minutes

MOTION: Phillip LaRocca moved to approve the May 7, 2020 Meeting Minutes as presented. Jaclyn Bowen seconded the motion. A vote by roll call was taken. The motion passed unanimously.

ITEM 6: LEGAL PRESENTATION – CDFA LEGAL OFFICE

i. COPAC Authority

Kara Breevaart of the CDFA Legal Office provided an overview of the authority of COPAC as established under the Food and Agricultural Code section 46003. Breevaart stated that the role of COPAC is advisory only and COPAC does not have authority to take independent action. Chair Archipley asked Breevaart to clarify whether COPAC's role is only to advise the Secretary and not take action such as sending letters to the National Organic Standards Board for example. Michele Dias of the CDFA Legal Office explained that what Chair Archipley described could be considered advocacy, which is beyond the authority of COPAC as defined in statute. Dias explained that if any advocacy letter is going to be sent, it should come from CDFA; either the Secretary or someone delegated to write on the Secretary's behalf.

There was discussion between Jeremy Johnson, Dias, and Breevaart regarding the activities of COPAC and its requests that the Secretary take action on certain items. Dias further clarified and reiterated the role of COPAC and its limitations as defined in statute.

ii. Bagley-Keene

Breevaart gave an overview of the Bagley-Keene Act, its requirements, and its effect on COPAC as an advisory committee. This included defining open meetings versus closed meetings and what qualifies as a committee meeting under the Bagley-Keene Act. Breevaart noted that there are restrictions on what COPAC members can discuss outside of a noticed public meeting and reiterated that while members are allowed to talk with one another outside of meetings, they must bear in mind the requirements of the Bagley-Keene Act and refrain from discussing agenda items. There was also discussion between Dias, Breevaart, and Chair Archipley regarding retention of files and the Public Records Act.

iii. Conflict-of-Interest

Breevaart provided information on conflict-of-interest concerns to COPAC. Breevaart referenced the California Political Reform Act and the Fair Political Practices Act, while reiterating the importance of these sunshine laws to protect the interests of the public. Breevaart also conveyed that members of COPAC are subject to these laws in their roles on the advisory committee and focused on conflict-of-interest and disqualification standards. Breevaart noted that there does not need to be an actual showing of bias to

trigger disqualification. Breevaart referenced California Government Code sections 87100 and 87103 to define the standards of conflict-of-interest for public officials.

ITEM 7: ORGANIC INPUT MATERIALS REGISTRATION PROCESS

Natalie Krout-Greenberg and Dr. Martin Burger provided information to COPAC on the CDFA Organic Input Materials Registration Process. Krout-Greenberg provided background on CDFA's experiences and knowledge reviewing fertilizers containing ammoniacal nitrogen for use in the organic industry.

Dr. Burger discussed the process for reviewing organic input material applications for liquid products with nitrogen concentrations three percent or higher. Dr. Burger noted that the novelty of the products discussed is that the nitrogen is in an ammonia form. Dr. Burger stated that CDFA has registered two novel liquid ammonia products and is reviewing more. According to Dr. Burger, these materials are evaluated for compliance with National Organic Program (NOP) guidelines, including the ingredients and the manufacturing process, with the manufacturing review including an inspection of the manufacturing facility. Dr. Burger also explained that CDFA works with faculty from the University of California to review manufacturing processes.

Dr. Burger went on to explain the various steps in reviewing products, including product contents and manufacturing process. Dr. Burger also stated that CDFA maintains a dialogue with other Material Review Organizations (MROs) regarding liquid ammonia products and that there is currently no conflict among MROs regarding these products.

ITEM 8: CORRESPONDENCE

Breevaart discussed how communications received from the public should be handled by committee members. Two letters from the public on specific organic issues had been sent only to specific members of COPAC. Breevaart stated that any letter that is received by multiple members of COPAC must also be provided to the entire committee in order to satisfy the requirements of the Bagley-Keene Act. Breevaart noted that any member of the public can send letters to committee members, but that members must forward any letters they receive to the Committee Liaison immediately upon receipt. Dias stated that individual committee members should not respond to letters sent to them.

Dias and Breevaart reiterated that responses to letters must come from COPAC as a whole or from the State Organic Program (SOP), and that the responsibility of members who have received letters is to forward them to the Committee Liaison and the SOP.

ITEM 9: ORGANIC SLAUGHTER FACILITIES UPDATE

Thea Rittenhouse provided an update on Organic Slaughter Facilities. Rittenhouse also provided information on the Farmer Equity Report and efforts to include socially disadvantaged farmers and ranchers into CDFA's work.

ITEM 10: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATES

Wendy Reynolds of the California Department of Public Health (CDPH) provided an update. Reynolds began by answering a question from COPAC regarding testing of processed products. Reynolds stated that it is potentially possible for CDPH to contract with CDFA to perform pesticide residue testing of processed products, but that CDPH would need to know the scope of the desired testing, the financial impact, and whether a contract could be created with CDFA in order to do so. Reynolds also provided updates regarding how complaints are processed by CDPH.

Reynolds provided information on complaints received by CDPH during Fiscal Year (FY) 2019/20. CDPH received 26 complaints during FY 2019/20, 14 of which were from CDFA's SOP, while six were directly to CDPH, with the remaining six from the NOP. Reynolds informed the Committee that four complaints were from regulators, one was from a certifier, nine were from consumers, three came from competitors, and nine were of unknown origin. Of the complaints, 23 were for human food, one was for pet food, and two were for personal care items. Reynolds then described the outcomes of the complaints. Fifteen of the complaints were pending, three were substantiated, six were unsubstantiated, and two were partially substantiated.

Reynolds then described CDPH's active complaints from 2017 to present. There are a total of 48 active complaints with 37 open for over 120 days; one open for more than 90 days but less than 120 days; seven open for more than 60 days but less than 90 days; one open for more than 30 days but less than 60 days; and two open for less than 30 days. Reynolds clarified that these complaints can remain open due to pending investigations; CDPH could be waiting for information, the investigation could be complete with the report pending, or that the review of the report has not been completed. Reynolds noted that the most frequent allegations include being uncertified, unregistered, improper use of the U.S. Department of Food and Agriculture Organic Seal, and misbranding.

Nick Woodrum and Daniel Karavan provided information on the CDPH Food and Drug Branch to the Committee. This included a review of the organization of the Food and Drug Branch, its expenditures, and accounting processes.

i. Food Safety Fund Update

Woodrum provided information on the CDPH Food Safety Fund. Woodrum explained that the Food Safety Fund is used for 13 separate programs within CDPH, including the CDPH Organic Program, and that this constrains what can be done with the monies from the Fund.

There was a period of discussion between Jeremy Johnson and Woodrum regarding whether the Food Safety Fund is strictly allocated from the State Budget or if there were programs within CDPH that contribute fees to the Fund. Woodrum noted that there is no specific budget given to the 13 individual programs under the Food Safety Fund, and that all of the money for these activities stems from the Food Safety Fund. Jane Reick of CDPH, Woodrum, and Johnson then discussed the possibility of fee schedules being adjusted to eliminate the surplus of funds seen from the organic industry. Reick explained that fees are set in statute and CDPH does not have the authority on its own to adjust the fees.

ii. Funds Collected from Organic Registration

Karavan provided an update on Funds Collected from Organic Registration. The information Karavan presented provided a monthly overview of revenue from organic registrations from July of FY 2016/17 through to July of FY 2020/21. According to Karavan, there was a dip in revenue during the initial stages of the COVID-19 pandemic, with revenue dropping 28 percent in April, 10 percent in May, and 24 percent in June of FY 2019/20. Revenue did appear to rebound in July of FY 2020/21 with an increase of 72 percent over the previous month. Karavan stated that it is not currently known what the real impact of COVID-19 is on revenue because there have been both upward and downward trends.

There was discussion between Johnson and Karavan regarding the impact of the staffing changes on revenues. Johnson wanted to know if there had been a delay in processing checks. Johnson asked if CDPH could provide an update at the next COPAC meeting, on the monthly revenue as well as whether there were registrants who delayed their renewal during the beginning of the pandemic. Johnson also asked if it was possible for CDPH to show whether there was an increase in registrants choosing not to renew compared to prior years as a result of the pandemic.

There was further discussion regarding how the funds generated from the organic industry are spent by CDPH to support various programs falling under the Food Safety Fund. There was also discussion of the constraints imposed by the appropriations process.

ITEM 11: STATE ORGANIC PROGRAM UPDATES

i. Vacancies and Terms Report

King provided the Vacancies and Terms Report. King also provided the names of Committee members whose terms were set to expire.

ii. Compliance and Enforcement Summary

Scott Renteria provided the Compliance and Enforcement Summary. Renteria noted that for the 2019/20 FY, CDFA followed up on 131 investigations. Of these, 80 were investigated by CDFA or county staff, 23 were referred to accredited certifying agents; 22 were referred to CDPH; four were referred to the NOP; and two were referred to the Organic Input Materials Program.

Renteria also provided information on inspections conducted during the 2019/20 FY. There were 1,387 inspections conducted in total, 974 were conducted at Certified Farmers' Markets; 233 were conducted at production sites; 84 at handling facilities; seven at processing facilities; 87 at retailers; and two at other locations. Renteria noted that the inspection numbers for the 2019/20 FY were lower than previous years due to the impact of COVID-19 on both state and county operations.

iii. Complaint Activity Report

Renteria provided the Complaint Activity Report for the 2019/20 FY. There were 45 complaints open. Of these, 17 had been open for more than 120 days; 15 were open for over 30 but less than 60 days; seven were open for over 60 but less than 90 days; four were open for over 90 but less than 120 days; and two were open for less than 30 days. CDFA closed 86 complaints during this time period.

iv. Complaint Summary Log

Renteria provided the Complaint Summary Log.

v. Pesticide Sampling Report

Renteria provided the Pesticide Sampling Report. According to Renteria, though the total sampling activity was decreased due to the pandemic, the activity had been on track to exceed prior years before the onset of the pandemic and initial inspection and sampling limitations caused by COVID-19 travel restrictions. The SOP collected 341 samples during the 2019/20 FY. Of these samples, 311 were random surveillance samples; 23 of these detected residues below tolerance levels and 11 detected residues above tolerance levels. SOP also collected 30 investigative samples. Of these, seven detected residues below tolerance levels and two detected residues above tolerance levels. Renteria then provided details on the sampling process itself.

vi. Cost Share Program

Renteria provided information on the Cost Share Program. This led to discussion regarding the changes made to the Cost Share Program by the Farm Services Agency, and reductions in reimbursement amounts.

vii. New Registrations

Mayze Fowler-Riggs provided an update on New Registrations. There was a total of 435 new operations registered with SOP during FY 2019/20. Fowler-Riggs noted that this continues a trend of an increase in registrants.

viii. Impact of COVID-19 on Organic Activities

There was discussion on the impact of COVID-19 on Organic Activities. SOP staff explained that while there was a brief drop in activities such as registrations and inspections during the initial phase of the pandemic, most activities had rebounded as staff learned to navigate the constraints created by the pandemic.

ix. Revenue from Registration

Fowler-Riggs provided an update on Revenue from Registration. During FY 2019/20 there was an increase in registration revenues, with \$1,617,393 collected. Fowler-Riggs did clarify that there was a dip in revenue at the beginning of the COVID-19 pandemic,

but these funds appear to have been recovered between April and June of 2020. Chair Archipley asked Fowler-Riggs if there was any plan to assist those who were affected by wildfires in California. This led to a brief discussion regarding the impacts of both wildfires and COVID-19 on organic operations.

x. Fund Condition Update

Danny Lee provided the Fund Condition Update. Lee stated that as of June 30, 2020, the beginning fund balance for FY 2019/20 was \$3,121,692; the total revenue was \$1,717,851; available cash was \$4,839,543; total expenditures were \$1,411,151; with cash adjustments of \$70,738; for an ending balance of \$3,357,654. Lee explained that expenditures were expected to increase as counties returned to conducting contract work for SOP during the pandemic.

Johnson asked Lee if SOP had any flexibility in spending money. Specifically, Johnson wanted to know if SOP could help to offset changes in Cost Share. Lee noted that SOP could not spend money that was not allotted during the budgeting process and that such efforts would require a legislative change.

Steve Patton suggested that COPAC discuss creative opportunities to spend some of the available funds at a future meeting. Patton would like the Committee to propose ideas so that CDFA can determine which of these are feasible for future activities.

ITEM 12: NEXT MEETING/AGENDA ITEMS

The next meeting will take place via Zoom in January 2021. Chair Archipley asked that King send a Doodle poll to confirm the date for the January 2021 meeting.

Chair Archipley asked that there be an agenda item to discuss the impacts of both COVID-19 and wildfires on organic farmers.

LaRocca suggested an agenda item regarding the availability of United States of Department of Agriculture slaughterhouses.

Johnson asked that Woodrum and Reick follow up on the possibility of work to spend some of the revenues or adjust fee schedules as discussed during CDPH's presentation. Johnson also asked if CDPH could show whether there had been an increase in registrants choosing not to renew during the pandemic. Johnson also asked if it was possible to examine waiving fees for a time.

Patton informed the Committee that CDFA will be formally recognizing Stacy Carlsen's service with COPAC at the January meeting.

ITEM 13: ADJOURNMENT

The meeting was adjourned at 1:48 p.m. by Chair Archipley.

Respectfully submitted by:

Danny Lee, Supervising Special Investigator
State Organic Program

Agenda Item 5

Food and Drug Branch - Organic Program

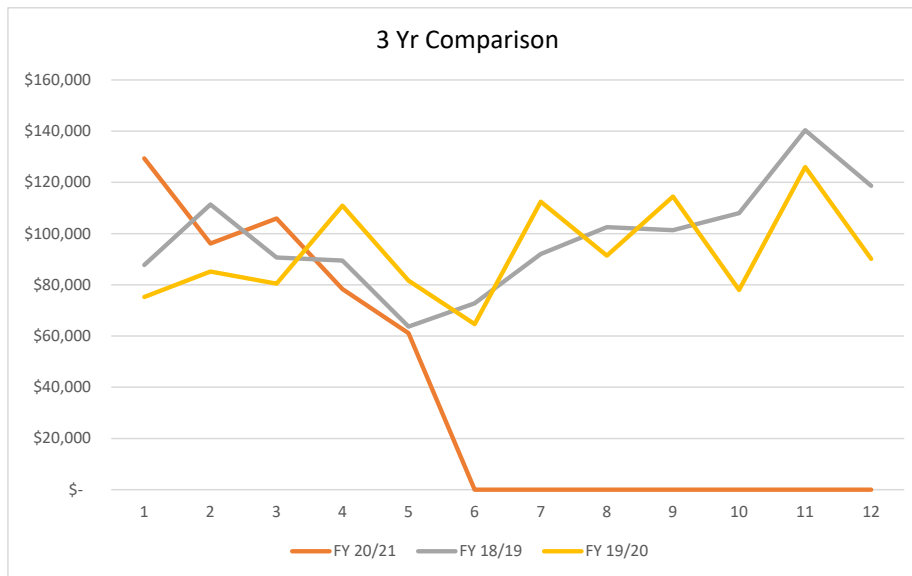
Account	Expenditure Type	2013-14 Actual Expenditures	2014-15 Actual Expenditures	2015-16 Actual Expenditures	2016-17 Actual Expenditures	2017-18 Actual Expenditures	2018-19 Actual Expenditures	2019-20 Actual Expenditures	*2020-21 Projected Expenditures
5100000	Salaries/Wages	\$ 302,333	\$ 279,990	\$ 233,943	\$ 293,865	\$ 198,617	\$ 299,657	\$ 195,661	\$ 251,906
5170000	Staff Benefits	\$ 166,490	\$ 172,487	\$145,613	\$191,029	\$134,584	\$161,394	\$128,570	\$176,961
	Total Salaries/Benefits	\$ 468,823	\$ 452,477	\$379,555	\$484,894	\$333,201	\$461,051	\$324,231	\$428,867
5301400	General Expense	\$ 412	\$ 293	\$382		\$33	\$0	\$1,595	\$1,852
5302100	Printing			\$65	\$35		\$0	\$20	\$0
5304100	Communication	\$ 1,977	\$ 2,297	\$2,782	\$1,361	\$2,043	\$785	\$731	\$593
5304400	Postage			\$486	\$424	\$353	\$779	\$194	\$200
5308700	Vehicle Insurance					\$1,034	\$2,340	\$321	\$372
5320430	Travel: In State	\$ 8,320	\$ 9,702	\$8,568	\$11,235	\$16,731	\$17,649	\$12,376	\$10,829
5320820	Travel: Out of State					-\$449	\$0	-\$472	\$0
5340220	Internal Contracts		\$ 225				\$0	\$28	\$39
5340580	External Contracts				\$4,467	\$10,000	\$19,466	\$10,000	\$110,000
5322400	Training	\$ 316					\$0	\$12	\$0
5301400	Equipment				-\$128	-\$998	\$0	\$1,679	\$1,128
5390800	Vehicle Operations/Gasoline	\$ 2,893	\$ 3,907	\$5,125	\$2,527	\$2,454	\$230	\$0	\$46
5390850	Maintenance Repair Svc/Other Vehicle Ops	\$ 1,286	\$ 1,000	\$3,099	\$1,359	\$1,239	\$121	\$274	\$151
5700000	Other Debt Service			\$44		\$7	\$0	\$0	\$0
	Total Direct Costs	\$ 15,203	\$ 17,424	\$20,549	\$21,280	\$32,446	\$41,370	\$26,757	\$125,211
	Total S/W + Direct Costs	\$ 484,026	\$ 469,901	\$400,105	\$506,174	\$365,648	\$502,421	\$350,988	\$554,078
5324400	Office Svcs	\$ 1,953	\$ 1,945	\$2,068	\$2,270	\$2,169	\$0	\$0	\$2,327
5324350	Tech Svcs/FO Rent	\$ 34,921	\$ 23,411	\$24,579	\$25,525	\$17,934	\$26,475	\$26,485	\$24,440
5342200	EDP Svcs/ITSD Charges	\$ 27,600	\$ 33,681	\$35,977	\$33,237	\$35,144	\$69,503	\$32,615	\$29,108
5340300	Equipment Pool/Legal					\$1,225		\$0	\$0
5342600	Other Debt Svcs/CTR - Div	\$ 19,162	\$ 21,891	\$18,084	\$23,621	\$16,916	\$52,911	\$20,064	\$23,588
5342500	Indirect Dist Cost	\$ 51,460	\$ 49,780	\$39,824	\$71,215	\$45,611	-\$208,995	\$37,979	\$48,033
	Total Indirect Cost	\$ 135,096	\$ 130,707	\$120,532	\$155,868	\$119,000	-\$60,105	\$117,143	\$127,496
	Total	\$ 619,123	\$ 600,608	\$520,636	\$662,043	\$484,647	\$442,315	\$468,131	\$681,575
	Revenue	\$ 799,000	\$ 899,604	\$ 985,498	\$ 1,006,662	\$ 1,080,022	\$ 1,178,578	\$ 1,110,503	\$ 1,147,914

*Projected Revenue

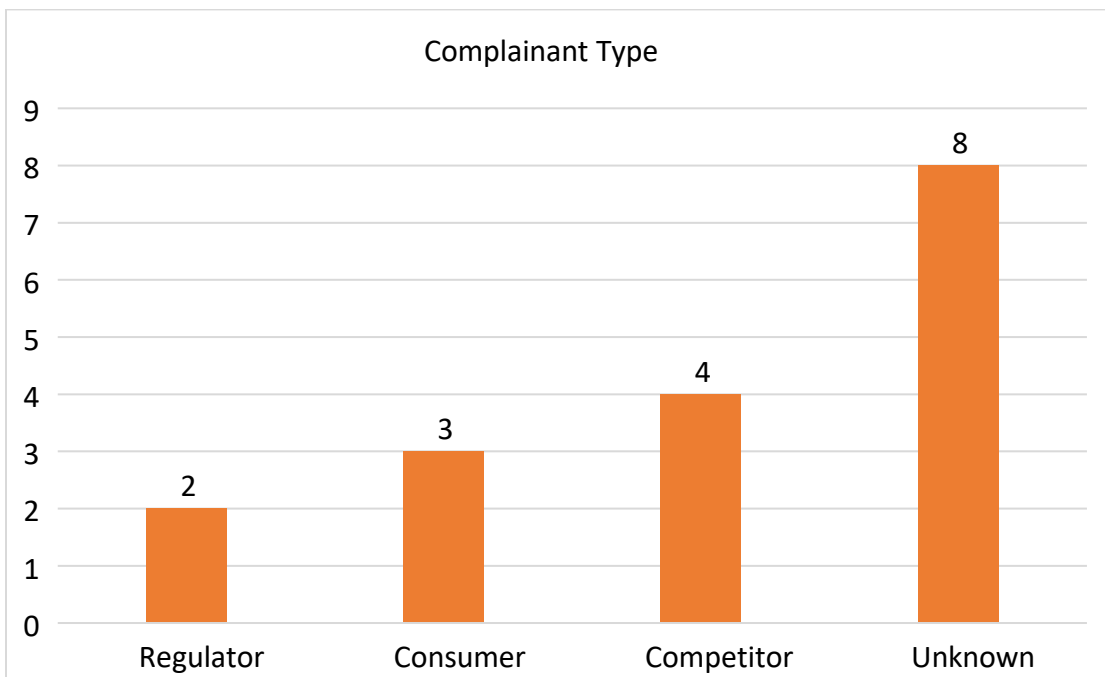
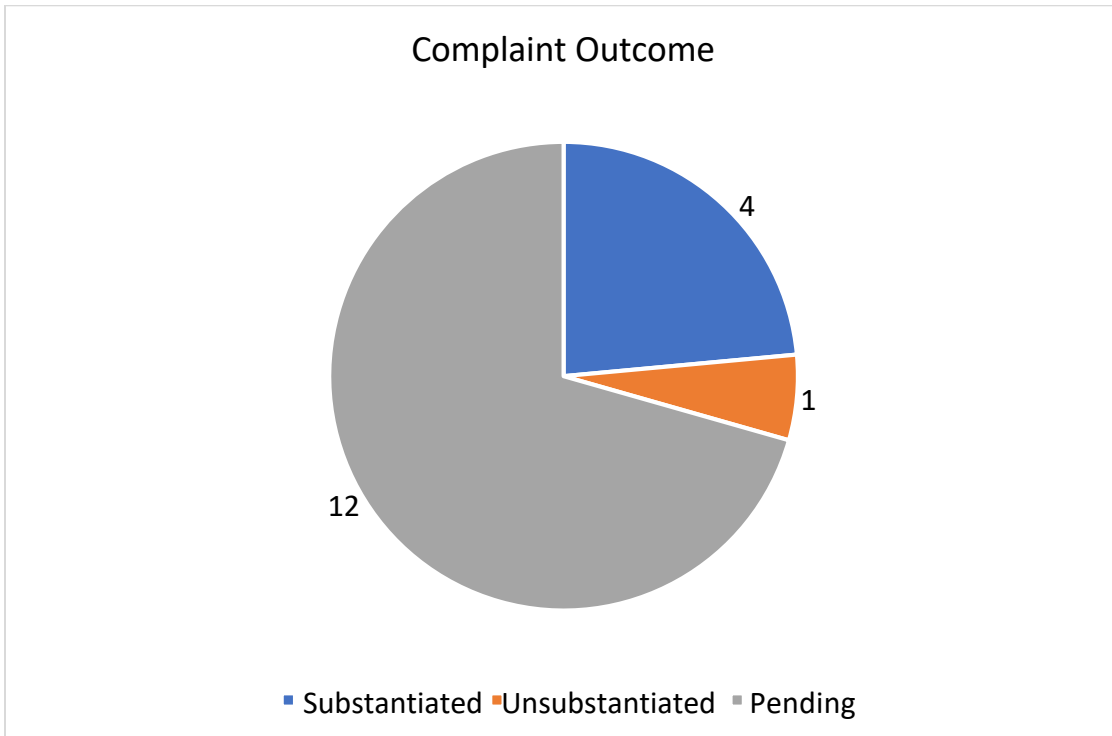
Revenue Collections Fiscal Year
Program: Organic Food

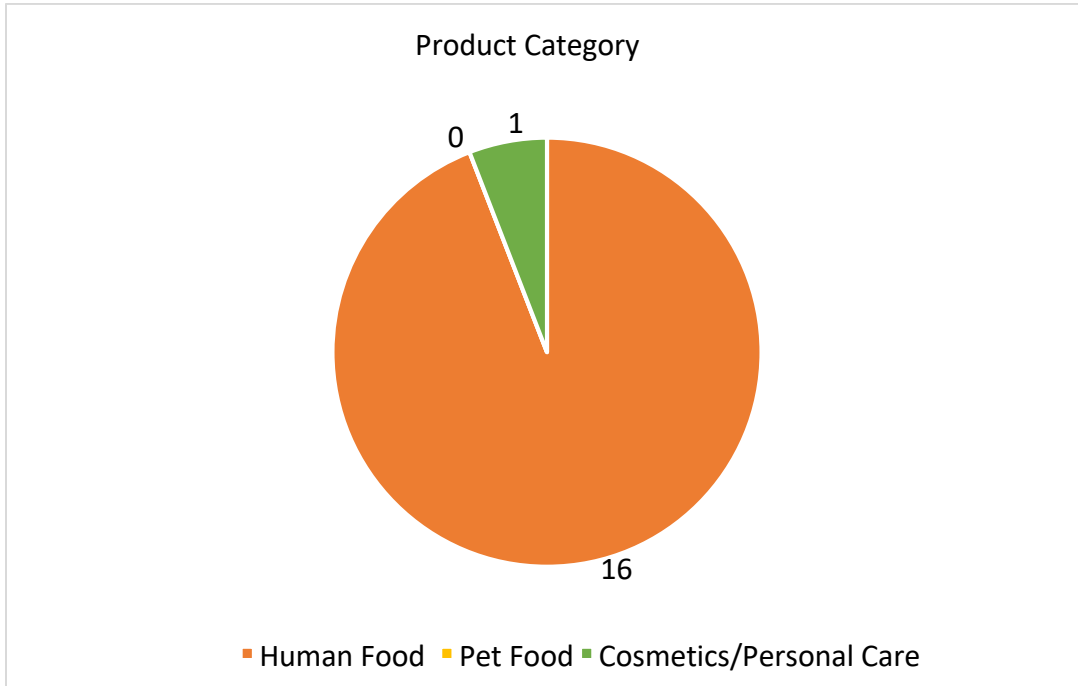
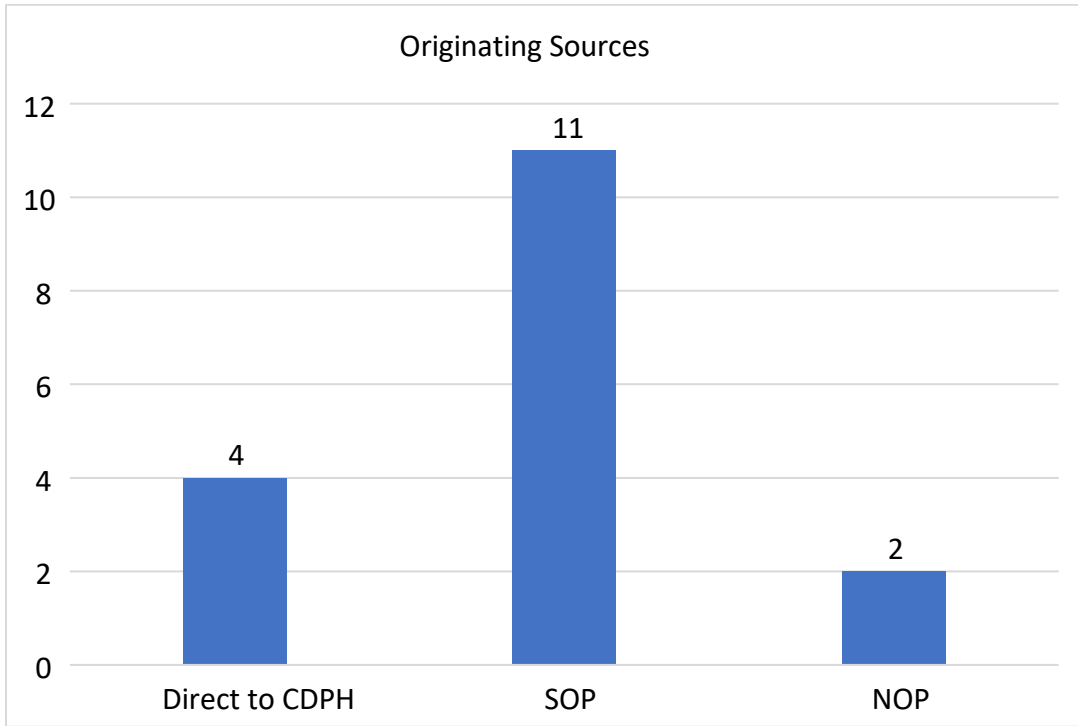
Fund #	0177	PCA:	76206
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Date	July	August	September	October	November	December	January	February	March	April	May	June	Sum:
FY 16/17	\$ 80,503	\$ 39,998	\$ 55,006	\$ 74,358	\$ 61,094	\$ 115,402	\$ 85,422	\$ 92,975	\$ 77,549	\$ 88,785	\$ 127,743	\$ 86,689	\$ 985,523
FY 17/18	\$ 88,533	\$ 102,912	\$ 79,067	\$ 86,184	\$ 64,221	\$ 64,989	\$ 92,486	\$ 63,676	\$ 107,300	\$ 97,193	\$ 136,595	\$ 97,618	\$ 1,080,773
	10%	157%	44%	16%	5%	-44%	8%	-32%	38%	9%	7%	13%	10%
FY 18/19	\$ 87,720	\$ 111,398	\$ 90,708	\$ 89,498	\$ 63,691	\$ 72,767	\$ 92,009	\$ 102,517	\$ 101,313	\$ 107,963	\$ 140,369	\$ 118,627	\$ 1,178,578
	-1%	8%	15%	4%	-1%	12%	-1%	61%	-6%	11%	3%	22%	9%
FY 19/20	\$ 75,266	\$ 85,150	\$ 80,411	\$ 110,915	\$ 81,651	\$ 64,656	\$ 112,485	\$ 91,414	\$ 114,483	\$ 77,972	\$ 125,998	\$ 90,104	\$ 1,110,503
	-14%	-24%	-11%	24%	28%	-11%	22%	-11%	13%	-28%	-10%	-24%	-6%
FY 20/21	\$ 129,371	\$ 96,147	\$ 105,861	\$ 78,322	\$ 61,101	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 470,802
	72%	13%	32%	-29%	-25%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-58%



FY 2020-2021 QTR 1 - COMPLAINT REVIEW





QTR 1 FY 2020-2021 Complaints

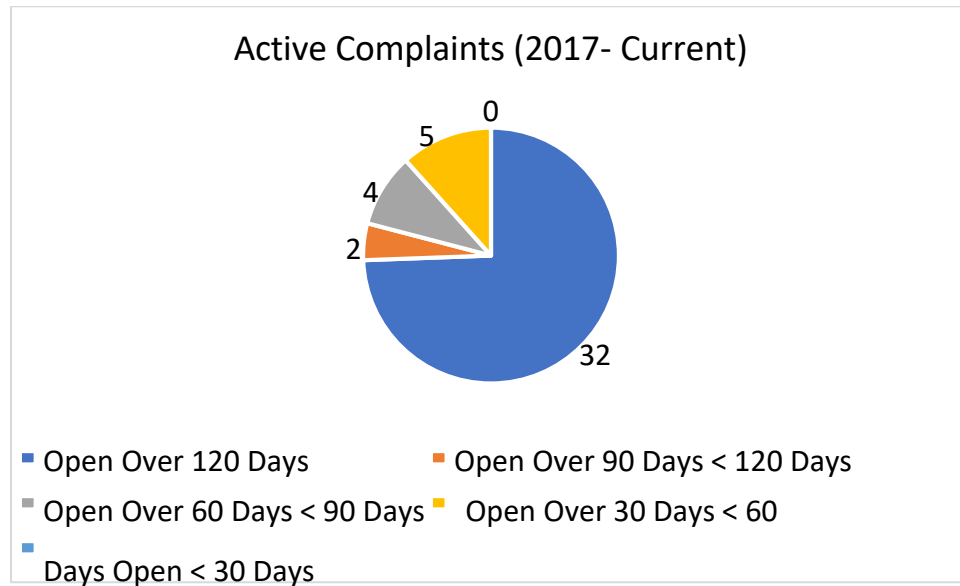
July 1, 2020 to December 16, 2020

Cells filled gray indicate the complaint is closed

Rec'd Date	Commodity Type	Allegation	Type of Complainant
7/31/2020	Food	Unregistered and uncertified	Competitor
8/21/2020	Food	Unregistered and uncertified	Competitor
7/31/2020	Food	Unregistered and uncertified	Competitor
9/8/2020	Food	Unregistered and uncertified	Consumer
10/6/2020	Food	Uncertified and unregistered	Anonymous
7/15/2020	Food	Unregistered and uncertified	Regulator
9/15/2020	Food	Unregistered and uncertified	Consumer
9/16/2020	Food	Uncertified and misbranded	Anonymous
10/6/2020	Food	Uncertified and unregistered	Anonymous
10/6/2020	Food	Uncertified and unregistered	Consumer
10/6/2020	Food	Uncertified and unregistered	Anonymous
10/15/2020	Food	Uncertified and unregistered	Anonymous
10/26/2020	Food	Uncertified and unregistered	Regulator
10/30/2020	Food	Uncertified and unregistered	Competitor
11/13/2020	Food	Uncertified and unregistered	Anonymous
11/13/2020	Food	Uncertified and unregistered	Anonymous
11/13/2020	Personal Care	Uncertified	Anonymous

Open Complaint Summary

7/31/2017 to 12/16/2020



Rec'd Date	Commodity Type	Allegation	Type of Complainant
7/31/2017	Food	Claiming organic, using USDA logo, unregistered	Anonymous
8/15/2017	Cosmetic	Uncertified and use of the USDA Logo	Anonymous
9/1/2017	Food	Selling as organic and made with organic ingredients	Anonymous
9/1/2017	Food	USDA Logo, certified claim	Anonymous
9/21/2017	Food	Using logo that resembles USDA logo	Anonymous
11/30/2017	Food	USDA Seal, organic, unregistered	Anonymous
3/7/2018	Food	Use of USDA seal w/o certification	Consumer
4/5/2018	Food	Use of USDA seal w/o certification	Anonymous
4/9/2018	Food	Uncertified	Consumer
4/15/2018	Food	Use of USDA seal w/o certification	Consumer
4/25/2018	Food	Uncertified	Competitor
5/8/2018	Food	Uncertified	Anonymous
5/16/2018	Food	Fraudulent use USDA logo	Anonymous
6/6/2018	Food	Uncertified	Competitor
11/28/2018	Food	Uncertified	Certifier
11/28/2018	Food	Unregistered/uncertified	Anonymous
12/14/2018	Food	Uncertified	Certifier

12/18/2018	Food	Uncertified	Certifier
12/18/2018	Food/Personal Care	Uncertified	Anonymous
12/18/2018	Food	Uncertified	Anonymous
1/28/2019	Food	False use of certified organic	Anonymous
3/28/2019	Personal Care	Unregistered	Regulator
4/30/2019	Food	Unregistered	Regulator
8/9/2019	Food	Unregistered, uncertified, misbranded	Anonymous
10/4/2019	Food	Uncertified and misbranded	Consumer
10/4/2019	Food	Uncertified and misbranded	Consumer
11/1/2019	Food	Misbranded organic product/use of inorganic ingredients	Anonymous
2/26/2020	Food	Misbranding	Regulator
4/7/2020	Food	Uncertified, misbranded, unregistered	Consumer
6/10/2020	Food	Uncertified and unregistered	Anonymous
6/24/2020	Food	Uncertified and misbranded	Consumer
7/15/2020	Food	Unregistered and uncertified	Regulator
9/15/2020	Food	Unregistered and uncertified	Consumer
9/16/2020	Food	Uncertified and misbranded	Anonymous
10/6/2020	Food	Uncertified and unregistered	Anonymous
10/6/2020	Food	Uncertified and unregistered	Consumer
10/6/2020	Food	Uncertified and unregistered	Anonymous
10/15/2020	Food	Uncertified and unregistered	Anonymous
10/26/2020	Food	Uncertified and unregistered	Regulator
10/30/2020	Food	Uncertified and unregistered	Competitor
11/13/2020	Food	Uncertified and unregistered	Anonymous
11/13/2020	Food	Uncertified and unregistered	Anonymous
11/13/2020	Personal Care	Uncertified	Anonymous

REGISTRATION REVIEW

License Action	2019	2020
License Generated	3058	2876
Renewal Application Received	2621	2407
Late Notice Sent	474	833
Application Received Incomplete	45	710
Invalidation Notice Sent	438	629
Out of Business	321	517
New Application Received	563	414
New License Issued	447	377
Inspection Performed	101	106
Application Withdrawn	47	96
Refund Request due to COVID		1

Organic Licenses 2019		
MONTH	COUNT	ACTION
January	51	New
January	200	Renewal
February	45	New
February	256	Renewal
March	39	New
March	211	Renewal
April	41	New
April	197	Renewal
May	70	New
May	350	Renewal
June	65	New
June	221	Renewal
July	53	New
July	231	Renewal
August	31	New
August	194	Renewal
September	19	New
September	185	Renewal
October	63	New
October	195	Renewal
November	53	New
November	193	Renewal
December	33	New
December	188	Renewal

Organic Licenses 2020		
MONTH	COUNT	ACTION
January	37	New
January	232	Renewal
February	30	New
February	229	Renewal
March	36	New
March	264	Renewal
April	39	New
April	138	Renewal
May	29	New
May	117	Renewal
June	28	New
June	217	Renewal
July	39	New
July	213	Renewal
August	27	New
August	192	Renewal
September	54	New
September	307	Renewal
October	51	New
October	229	Renewal
November	42	New
November	262	Renewal
December	1	New
December	7	Renewal

**FOOD AND AGRICULTURAL CODE - FAC
DIVISION 17. FRUIT, NUT, AND VEGETABLE STANDARDS [42501 - 49014]**

CHAPTER 10. Organic Foods [46000 - 46029]

46000. (a) This chapter and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code shall be known and may be cited as the California Organic Food and Farming Act.

(b) The secretary and county agricultural commissioners under the supervision and direction of the secretary shall enforce regulations adopted by the National Organic Program (NOP) (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and this act applicable to any person selling products as organic.

46001. This chapter shall be interpreted in conjunction with Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and regulations adopted by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)).

46002. (a) All organic food or product regulations and any amendments to those regulations adopted pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.), that are in effect on the date this bill is enacted or that are adopted after that date, shall be the organic food and product regulations of this state.

(b) The secretary may, by regulation, prescribe conditions under which organic foods or other products not addressed by the National Organic Program may be sold in this state.

(c) The purpose of the act shall be to do both of the following:

(1) Promote coordination of federal, state, and local agencies in implementing the National Organic Program.

(2) Support organic agriculture through education, outreach, and other programmatic activities.

(d) The secretary may receive and expend state and federal funds for activities authorized under this act.

46003. (a) The secretary shall establish an advisory committee, which shall be known as the California Organic Products Advisory Committee, for the purpose of advising the secretary with respect to his or her responsibilities under this act.

(b) The advisory committee shall advise the secretary on education, outreach, and technical assistance for producers.

(c) The advisory committee shall be comprised of 15 members. Each member may have an alternate. Six members and their alternates shall be producers, at least one of whom shall be a producer of meat, fowl, fish, dairy products, or eggs. Two members and their alternates shall be processors, one member and his or her alternate shall be wholesale distributors, one member and his or her alternate shall be representatives of an accredited certifying agency operating in the state, one member and his or her

alternate shall be consumer representatives, one member and his or her alternate shall be environmental representatives, two members and their alternates shall be technical representatives with scientific credentials related to agricultural chemicals, toxicology, or food science, and one member and his or her alternate shall be retail representatives. Except for the consumer, environmental, and technical representatives, the members of the advisory committee and their alternates shall have derived a substantial portion of their business income, wages, or salary as a result of services they provide that directly result in the production, handling, processing, or retailing of products sold as organic for at least three years preceding their appointment to the advisory committee. The consumer and environmental representatives and their alternates shall not have a financial interest in the direct sales or marketing of the organic product industry and shall be members or employees of representatives of recognized nonprofit organizations whose principal purpose is the protection of consumer health or protection of the environment. The technical representatives and their alternates shall not have a financial interest in the production, handling, processing, or marketing of the organic products industry. The technical representatives may be involved in organic research or technical review providing they have no financial benefit from results of the research project or technical review.

(d) An alternate member shall serve at an advisory committee meeting only in the absence of, and shall have the same powers and duties as, the category that he or she is representing as alternate, except for duties and powers as an officer of the committee. The number of alternates present who are not serving in the capacity of a member shall not be considered in determining a quorum.

(e) An alternate member may serve at an advisory committee subcommittee meeting only in the absence of, and shall have the same powers and duties as, the member whom he or she is designated as alternate, except for duties and powers as a subcommittee chairperson.

(f) The members of the advisory committee and their alternates shall be reimbursed for the reasonable expenses actually incurred in the performance of their duties, as determined by the advisory committee and approved by the secretary.

(g) The secretary or his or her representative, the State Public Health Officer or his or her representative, and a county agricultural commissioner may serve as ex officio members of the advisory committee.

46003.2. (a) To the extent that funds are available, the secretary, in consultation with the California Organic Products Advisory Committee, may establish procedures for and conduct all of the following activities:

(1) Receive and investigate complaints filed by any person concerning suspected acts of noncompliance with this act or federal organic standards.

(2) Conduct periodic spot inspections.

(3) Conduct periodic prohibited substance testing on products labeled as organic.

(4) Conduct farmers' market inspections.

(5) Support organic agriculture through education, outreach, and other programmatic activities.

(6) Reimburse investigation, enforcement, and market surveillance expenses, including expenses incurred by any county agricultural commissioner for actions conducted pursuant to this chapter.

(7) Conduct hearings, appeals, mediation, or settlement conferences from actions taken to enforce this chapter.

(b) Investigation, inspection, and prohibited material testing reports shall be forwarded to the secretary for any required enforcement action.

(c) The secretary shall coordinate activities authorized under this section with other county and state licensing, registration, inspection, and fee collection procedures applicable to registrants.

46003.5. (a) Following the promulgation of the national materials list by the United States Department of Agriculture pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Secs. 6501 to 6522, incl.), the secretary, in consultation with the Organic Food Advisory Board, shall adopt regulations listing specific substances that are in compliance or not in compliance with the definition of “prohibited materials,” as defined in subdivision (p) of Section 110815 of the Health and Safety Code, for use in the production and handling of organic foods.

Prior to the promulgation of the national materials list by the United States Department of Agriculture pursuant to the federal Organic Foods Production Act of 1990, the Organic Food Advisory Board, in consultation with the secretary, shall determine which, if any, substance may be allowed for use in the production and handling of organic foods in this state. Within 90 days of promulgation of the national materials list by the United States Department of Agriculture, the Organic Food Advisory Board, in consultation with the secretary, shall determine which, if any, substance allowed for use by the national materials list may be allowed for use in the production and handling of organic foods in this state.

(b) Prior to adoption of these regulations, the secretary shall issue administratively a preliminary, nonexhaustive list of materials that are in compliance or not in compliance with subdivision (p) of Section 110815 of the Health and Safety Code based on the listings of permitted materials published by California Certified Organic Farmers, the Organic Trade Association, and the Departments of Agriculture of the States of Oregon and Washington.

46004. (a) Any person may file a complaint with the director concerning suspected noncompliance with this chapter or Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code by a person under the enforcement jurisdiction of the director, as provided in Section 46000.

(b) The director shall, to the extent funds are available, establish procedures for handling complaints, including provision of a written complaint form, and procedures for commencing an investigation within three working days after receiving a complaint regarding fresh food, and within seven working days for other food, and completing an investigation and reporting findings and enforcement action taken, if any, to the complainant within 60 days thereafter.

(c) The director may establish minimum information requirements to determine the verifiability of a complaint, and may provide for rejection of a complaint that does not

meet the requirements. The director shall provide written notice of the reasons for rejection to the person filing the complaint.

(d) The director shall carry out the functions and objectives of this chapter and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to the extent funds are available for those purposes.

46004.1. Unless defined pursuant to the National Organic Program (NOP), the following words and phrases, when used in this act, shall have the following meanings:

(a) "Accredited certification agency" means an entity accredited by the United States Department of Agriculture to certify operations as compliant with the federal organic standards.

(b) "Act" means the California Organic Food and Farming Act. It also means the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and the regulations adopted pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.).

(c) "Categorical products" means categories of products of like commodity, such as apples, salad products, etc., and does not require variety-specific information.

(d) "Certified operation" means a producer, handler, or retail food establishment that is certified organic by an accredited certification agency, as authorized by the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and implemented pursuant to the National Organic Program.

(e) "Data" means the information provided annually by persons registered under the act, including certified organic acreage and gross sales of certified organic products.

(f) "Department" means the State Department of Public Health.

(g) "Director" means the director and State Public Health Officer for the State Department of Public Health.

(h) "Enforcement authority" means the governmental unit with primary enforcement jurisdiction, as provided in Section 46008.

(i) "Exempt handler" means a handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars (\$5,000) or less annually.

(j) "Exempt operation" means a production or handling operation that sells agricultural products but is exempt from certification under federal organic standards.

(k) "Exempt producer" means a production operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals five thousand dollars (\$5,000) or less annually.

(l) "Federal organic standards" means the federal regulations governing production, labeling, and marketing of organic products as authorized by the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and implemented pursuant to the National Organic Program (7 C.F.R. Sec. 205.1 et seq.), and any amendments to the federal act or regulations made subsequent to the enactment of this chapter.

(m) "Handle" means to sell, process, or package agricultural products.

(n) "Handler" means any person engaged in the business of handling agricultural products, but does not include final retailers of agricultural products that do not process agricultural products.

(o) "Handling operation" means any operation or portion of an operation, except final retailers of agricultural products that do not process agricultural products, that (1) receives or otherwise acquires agricultural products, and (2) processes, packages, or stores agricultural products.

(p) "Inspection" means the act of examining and evaluating production or handling operation to determine compliance with state and federal law.

(q) "National Organic Program" or "NOP" means the National Organic Program established pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and the regulations adopted for implementation.

(r) "Person" means any individual, firm, partnership, trust, corporation, limited liability company, company, estate, public or private institution, association, organization, group, city, county, city and county, political subdivision of this state, other governmental agency within the state, and any representative, agent, or agency of any of the foregoing.

(s) "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes packaging, canning, jarring, or otherwise enclosing food in a container.

(t) "Producer" means a person who engages in the business of growing or producing food, fiber, feed, and other agricultural-based consumer products.

(u) "Prohibited substance" means a substance the use of which in any aspect of organic production or handling is prohibited or not provided for in state or federal law.

(v) "Residue testing" means an official or validated analytical procedure that detects, identifies, and measures the presence of chemical substances, their metabolites, or degradation products in or on raw or processed agricultural products.

(w) "Retail food establishment" means a restaurant, delicatessen, bakery, grocery store, or any retail outlet with an in-store restaurant, delicatessen, bakery, salad bar, or other eat-in or carry-out service of processed or prepared raw and ready-to-eat food.

(x) "Secretary" means the Secretary of Food and Agriculture.

(y) "State Organic Program" or "SOP" means a state program that meets the requirements of Section 6506 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.), is approved by the Secretary of the United States Department of Agriculture, and is designed to ensure that a product that is sold or labeled as organically produced under the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) is produced and handled using organic methods.

(z) "USDA" means the United States Department of Agriculture.

46005. This act shall apply notwithstanding any other provision of law that is inconsistent with this act. Nothing in this act is intended to repeal any other provision of law not inconsistent with this act.

46006. At the request of a county agricultural commissioner, the district attorney for that county may bring an action to enforce this chapter or Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, within the enforcement jurisdiction of that commissioner.

46007. (a) Any penalties collected by the secretary and any fees collected by a county agricultural commissioner pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund and, upon appropriation by the Legislature, shall be expended solely to fulfill the responsibilities authorized under this chapter.

(b) Any fees and penalties collected by a county agricultural commissioner pursuant to Section 46017 and any other penalties collected by a county agricultural commissioner pursuant to this chapter shall be paid directly to the county agricultural commissioner and expended to fulfill the responsibilities of the county agricultural commissioner, as specified in this chapter.

(c) The secretary shall establish a specific minimum amount to be reimbursed to each county agricultural commissioner per registrant in that county. This reimbursement shall not limit the amount of the reimbursement otherwise made to county commissioners for their enforcement activities.

46008. (a) Article 14 (commencing with Section 43031) of Chapter 2 of the Food and Agricultural Code applies to any product that is represented as organically produced by any person who is not registered as required by this chapter or any product that is not in compliance with this chapter or the NOP.

(b) The secretary, county agricultural commissioners, and the State Director of Health Services shall be considered enforcing officers for purposes of those provisions of law under their respective jurisdiction.

46009. Any person subject to this act that does not pay the registration fee within 10 days of the date on which the fee is due and payable shall pay a penalty of 10 percent of the total amount determined to be due plus interest at the rate of 1.5 percent per month on the unpaid balance.

46010. This chapter shall be interpreted in conjunction with Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

46010.5. (a) No fee established and collected pursuant to this chapter shall exceed the secretary's costs or the county agricultural commissioner's costs, as the case may be, of regulating and enforcing the provisions of this chapter related to the function for which the fee is established.

(b) The fees established and collected pursuant to this chapter may be expended, under the advisement of the California Organic Products Advisory Committee, for activities authorized under this chapter, including assisting operations in achieving certification, conducting education and outreach, entering research and development partnerships, and addressing production or marketing obstacles to the growth of the organic sector.

46011. This act shall not apply to the term "natural" when used in the labeling or advertising of a product.

46012. Article 14 (commencing with Section 43031) of Chapter 2 applies to any food product that is represented as organically produced by any person who is not registered as required by this chapter or any product that is not in compliance with this chapter or Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code. The secretary, agricultural commissioners, and the director shall be considered enforcing officers for purposes of those provisions of law under their respective jurisdiction.

46013. Any producer, handler, processor, or registered certification organization subject to this chapter that does not pay the fee within 10 days of the date on which the fee is due and payable shall pay a penalty of 10 percent of the total amount determined to be due plus interest at the rate of 1.5 percent per month on the unpaid balance.

46013.1. (a) Every person engaged in this state in the production or handling of raw agricultural products sold as organic shall register with the secretary before the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered as outlined in subdivision (b) shall register with the secretary. Each registrant shall annually renew the registration with the secretary unless no longer engaged in the activities requiring the registration.

(b) Every person engaged in this state in the processing or handling of processed products pursuant to Section 110460 of the Health and Safety Code, and pet food pursuant to Section 18653, and cosmetics pursuant to Section 111795 of the Health and Safety Code, including processors of alcoholic beverages, fish, and seafood, shall register with the State Public Health Officer.

(c) Registration pursuant to this section shall be on a form either provided by the secretary or approved by the secretary and shall be valid for a period of one calendar year from the date of validation by the secretary of the completed registration form or for a period determined by the secretary to promote coordination with organic certification applications and renewals, organic certification cost share programs, and other state program registration.

(d) The information provided on the registration form shall include all of the following:

(1) The nature of the registrant's business, including the categorical products produced, handled, or processed that are sold as organic. For the purposes of registration, organic products shall be reported in accordance with the following specified categories unless the secretary, in consultation with the California Organic Products Advisory Committee, establishes different categories:

(A) Citrus.

(B) Fruits, excluding citrus.

(C) Livestock or dairy.

(D) Nuts.

(E) Vegetables.

(F) Other, which includes, but is not limited to, apiculture, organic fallow ground, herbs, mushrooms, cut flowers, and nursery.

(2) The address or assessor's parcel number of the precise location or locations where the products are produced, processed, or handled.

(3) Sufficient information, under penalty of perjury, to enable the secretary to verify the amount of the registration fee to be paid in accordance with this act.

(4) The names of all certification organizations or governmental entities, if any, providing organic certification to them.

(e) (1) A registration form shall be accompanied by payment of a nonrefundable registration fee by producers, handlers, and processors, which shall be based on total gross sales by the registrant of product sold as organic in the calendar year that precedes the date of registration or, if no sales were made in the preceding year, then based on the expected sales during the 12 calendar months following the date of registration in accordance with the following fee schedule. The secretary, in consultation with the California Organic Products Advisory Committee, may lower the amounts specified in the following fee schedule by regulation.

Gross Sales		Registration Fee	
\$	0– 4,999	\$	25
\$	5,000– 10,000	\$	50
\$	10,001– 50,000	\$	75
\$	50,001– 250,000	\$	100
\$	250,001– 500,000	\$	450
\$	500,001– 1,000,000	\$	750
\$	1,000,001– 2,500,000	\$	1,000
\$	2,500,001– 5,000,000	\$	1,500
\$	5,000,001– 15,000,000	\$	2,000
\$	15,000,001– 25,000,000	\$	2,500
\$	25,000,001– and above	\$	3,000

(2) Producers that sell processed product shall pay fees based on the value of raw product before being processed and the value of any product sold as unprocessed.

(3) Any person that packs, repacks, labels, sorts, or otherwise handles any organic product that is outside the jurisdiction of the State Public Health Officer and that does not take title or manage the sale of the product, but provides only handling services for organic product, shall register and pay one hundred dollars (\$100) per year.

(4) Any person that provides temporary storage or transportation for organic product and does not handle the raw unpackaged product does not have to register.

(5) Any person required to register pursuant to this section that fits the description of more than one of the persons described above shall pay the greater of the multiple amounts.

(6) The secretary may require any producer, handler, processor, or other organic registrant to provide the exact dollar amount of gross sales of twenty-five million one dollars (\$25,000,001) or more in lieu of the range specified in paragraph (1).

(f) The secretary may adopt regulations that supersede the terms of this section to the extent reasonably necessary to provide an online system of registration for those required to register pursuant to this section.

(g) The adoption, amendment, or repeal of any fee pursuant to this section shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. An order to adopt, amend, or repeal the regulations concerning assessment rates pursuant to this section shall be transmitted within 30 days by the secretary to the Office of Administrative Law. The Office of Administrative Law shall file the order promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The order shall do all of the following:

(1) Indicate that the regulations are being adopted, amended, or repealed pursuant to this chapter.

(2) State that the order is being transmitted for filing.

(3) Request that the Office of Administrative Law publish a notice of the filing of the order and print an appropriate reference in Title 3 of the California Code of Regulations.

46013.2. (a) To the extent feasible, the secretary, in consultation with the director, shall coordinate the registration and annual fee collection procedures of this section with similar licensing or registration procedures applicable to registrants.

(b) The secretary shall deny a registration submission that is incomplete or not in compliance with this act.

(c) A registrant shall, within a reasonable time, notify the secretary of any change in the information reported on the registration form and shall pay any additional fee owed if that change results in a higher fee owed than that previously paid.

(d) (1) At the request of any person, the secretary or county agricultural commissioner shall provide the following:

(A) The name and address of the registrant.

(B) The nature of the registrant's business.

(C) The names of all certification organizations or governmental entities, if any, providing certification pursuant to the NOP and this act.

(2) The secretary or county agricultural commissioner may charge a reasonable fee for the cost of reproducing this information. Except as provided in this subdivision, a registration form is exempt from Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(e) The secretary, in consultation with the California Organic Products Advisory Committee, may suspend the registration program set forth in this section if the secretary determines that income derived from registration fees is insufficient to support a registration enforcement program.

(f) A registration is considered legal and valid until revoked, suspended, or until the expiration of the registration.

(g) The registration revocation process shall be in conjunction with other provisions of this act. The secretary or county agricultural commissioner's office may initiate the revocation process for failure to comply with the NOP or this act. Any person against whom the action is being taken shall have the opportunity to appeal the action and be afforded the opportunity to be heard in an administrative appeal. This appeal shall be administered by either the state or county agricultural commissioner's office.

(h) If the registration fee is not paid within 60 days from the expiration date, the account shall be considered closed and the registration voided. A notification shall be sent to the registrant and the certifier, if applicable, notifying them the registrant is no longer able to market products as organic until the account is paid in full.

(i) Any producer, handler, processor, or certification agency subject to this chapter that does not pay the fee within 10 days of the date on which the fee is due and payable shall pay a penalty of 10 percent of the total amount determined to be due plus interest at the rate of 1.5 percent per month on the unpaid balance.

46014. This chapter also applies to seed, fiber, and horticultural products. The terms "foods" and "raw agricultural commodities" as used in this chapter, and in Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, include seed, fiber, and horticultural products where the context requires to effectuate this section.

46014.1. (a) Any certification agency that certifies product in this state sold as organic shall register with the secretary and shall thereafter annually renew the registration, unless the organization is no longer engaged in the activities requiring the registration. Registration shall be on a form provided by the secretary, shall include a copy of accreditation by the USDA or proof of application if applicable.

(b) Each certification agency shall pay to the secretary an annual registration fee of twenty-five dollars (\$25) for each client they have certified in this state up to a maximum of five hundred dollars (\$500). Any registration submitted by a certification agency shall be made available to the public for inspection and copying. The secretary may audit the agency's certification procedures and records at any time, but any records of the certification agency not otherwise required to be disclosed shall be kept confidential by the secretary.

(c) An accredited certifying agency may submit an annual registration fee and application on behalf of their client provided that all of the information required under Section 46013.1 is included when remitting applicable fees to the secretary.

(d) The secretary and the county agricultural commissioners under the supervision of the secretary shall, if requested by a sufficient number of persons to cover the costs of the program in a county as determined by the secretary, establish a certification program. This program shall meet all of the requirements of this act. In addition, this program shall meet all of the requirements of the federal certification program, including federal accreditation. The secretary shall establish a fee schedule for participants in this program that covers all of the secretary's reasonable costs of the program. A county agricultural commissioner that conducts a voluntary certification program pursuant to this section shall establish a fee schedule for participants in this program that covers all of the county's reasonable costs of the program. The secretary shall not expend funds

obtained from registration fees collected under this chapter for the purposes of adopting or administering this program. The certification fee authorized by this subdivision is due and payable on January 1 or may be prorated before the 10th day of the month following the month in which the decision to grant the certification is issued. Any person who does not pay the amount that is due within the required period shall pay the enforcement authority providing the certificate a penalty of 10 percent of the total amount determined to be due, plus interest at the rate of 1.5 percent interest per month on the unpaid balance.

(e) Notwithstanding any other law, any certification agency that certifies product in this state sold as organic shall immediately make the following records available for inspection by, and shall upon request within three business days of the request, or within a reasonable time exceeding three business days as determined by the secretary, provide a copy to, the secretary or county agricultural commissioner:

(1) Records obtained from applicants for certification and certified operations.

(2) Records created by the certifying agent regarding applicants for certification and certified operations.

(3) Any record required to be kept under the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and 7 C.F.R. 205 et seq.), Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, and this act applicable to any person selling products as organic.

(f) Records acquired pursuant to this section shall not be public records as that term is defined in Section 6252 of the Government Code and shall not be subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

46014.2. (a) All products sold as organic in California shall be certified by an accredited certifying agent if they are required to be certified under the federal act.

(b) Product shall be sold as organic only in accordance with this act.

(c) A certification agency shall be accredited by the USDA as provided in the NOP.

46014.4. A registered certification agency shall submit to the secretary every January and June a list of all persons whose production or processing of product in California is certified. The list shall be publicly available within 30 days after the end of each filing period. A certifier that keeps a current list on an Internet Web site available to the public may be deemed to meet this requirement.

46014.6. Only products that have been produced and handled in accordance with this act may be certified by a registered certification agency.

46015. Materials acceptable in this state are those outlined in Sections 205.600 to 205.607, inclusive, of Title 7 of the Code of Federal Regulations.

46016.1. (a) Any person may file a complaint with the secretary concerning suspected noncompliance with this act, as provided in Section 46000 or regulations adopted by the NOP.

(b) The secretary shall, to the extent funds are available, establish procedures for handling complaints, including provision of a written complaint form, and procedures for commencing an investigation within three working days after receiving a complaint regarding fresh food, and within seven working days for other products, and completing an investigation and reporting findings and enforcement action taken, if any, to the complainant within 60 days thereafter.

(c) The secretary may establish minimum information requirements to determine the verifiability of a complaint, and may provide for rejection of a complaint that does not meet the requirements. The secretary shall provide written notice of the reasons for rejection to the person filing the complaint.

(d) The secretary shall carry out the functions and objectives of this act to the extent funds are available for those purposes.

(e) The complaint process in this state must also meet all the complaint process outlined in regulations adopted by the NOP.

46016.2. (a) Any county agricultural commissioner may, at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. The hearing process to determine if a violation has occurred may include a review of the actions or records of:

(1) The organic registrant.

(2) A family member, employee, or any other person authorized to act on behalf of the registrant.

(3) Any other person whose actions may have resulted in the violation.

(b) The notice of hearing shall be on a form approved by the secretary and may contain:

(1) The reasons why the hearing is being held.

(2) A warning that failure to participate may result in other adverse actions or may be considered to be admission to a possible violation.

(3) A hearing date, time, and location of the hearing.

(4) The secretary or county agricultural commissioner may, upon determination that a violation has been made in accordance with subdivision (a) above, take any corrective action as specified in this act.

46016.3. Any person may appeal to the secretary for a hearing if aggrieved by any one of the following actions or decisions:

(a) Denial of any registration.

(b) Revocation of any registration.

46016.4. The appeal shall be submitted to the secretary in writing within 30 days of the date of the action or the letter proposing the action. The secretary's proceeding shall, insofar as practicable, comply with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except that a Department of Food and Agriculture hearing officer may be used.

46016.5. As provided for in regulations adopted by the NOP, the action proposed by an NOP accredited certification agency against a client may be appealed to the secretary for mediation.

46017. (a) In lieu of prosecution, the secretary or a county agricultural commissioner may levy a civil penalty against any person under the enforcement jurisdiction of the secretary as provided in Section 46000 who violates this act, or any regulation adopted pursuant thereto or pursuant to this chapter, or regulations adopted by the NOP, in an amount not more than five thousand dollars (\$5,000) for each violation. The amount of the penalty assessed for each violation shall be based upon the nature of the violation, the seriousness of the effect of the violation upon effectuation of the purposes and provisions of this chapter and the impact of the penalty on the violator, including the deterrent effect on future violations.

(b) Notwithstanding the penalties prescribed in subdivision (a), if the secretary or county agricultural commissioner finds that a violation was not intentional, the secretary or county agricultural commissioner may levy a civil penalty of not more than two thousand five hundred dollars (\$2,500) for each violation.

(c) For a first offense, in lieu of a civil penalty as prescribed in subdivision (a) or (b), the secretary or county agricultural commissioner may issue a notice of violation if he or she finds that the violation is minor.

(d) A person against whom a civil penalty is proposed shall be afforded an opportunity for a hearing before the secretary or county agricultural commissioner, upon request made in writing within 30 days after the issuance of the notice of penalty. At the hearing, the person shall be given the right to review the secretary's or commissioner's evidence of the violation and the right to present evidence on his or her own behalf. If no hearing is requested, the civil penalty shall constitute a final and nonreviewable order.

(e) If a hearing is held, review of the final decision of the secretary or county agricultural commissioner may be requested in writing by any person, pursuant to Section 1094.5 of the Code of Civil Procedure within 30 days of the date of the final order of the secretary or county agricultural commissioner.

(f) A civil penalty levied by the secretary pursuant to this section may be recovered in a civil action brought in the name of the state. A civil penalty levied by a county agricultural commissioner pursuant to this section may be recovered in a civil action brought in the name of the county. After the exhaustion of the review procedures provided in this section, a county agricultural commissioner, or his or her representative, may file a certified copy of a final decision of the commissioner that directs the payment of a civil penalty and, if applicable, a copy of any order that denies a petition for a writ of administrative mandamus with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Pursuant to Section 6103 of the Government Code, no fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(g) The secretary shall maintain in a central location, and make publicly available for inspection and copying upon request, a list of all civil penalties levied by the secretary

and by each county agricultural commissioner within the past five years, including the amount of each penalty, the person against whom the penalty was levied, and the nature of the violation. Copies of this list shall also be available by mail, upon written request and payment of a reasonable fee, as set by the secretary.

46018.1. The secretary and the county agricultural commissioners may conduct a program of spot inspections to determine compliance with this act.

46018.2. At the request of a county agricultural commissioner, the district attorney for that county may bring an action to enforce this act and the NOP within the enforcement jurisdiction of that commissioner.

46020. (a) It is unlawful for any person to sell, offer for sale, advertise, or label any product in violation of this act.

(b) Notwithstanding subdivision (a), a person engaged in business as a handler, distributor, or retailer of food who in good faith sells, offers for sale, labels, or advertises any product in reliance on the representations of a producer, processor, or other distributor that the product may be sold as organic, shall not be found to violate this act unless the distributor either:

- (1) Knew or should have known that the product could not be sold as organic.
- (2) Was engaged in producing or processing the product.
- (3) Prescribed or specified the manner in which the product was produced or processed.

46021. (a) It is unlawful for any person to certify any product in violation of this act.

(b) It is unlawful for any person to certify a product or company as organic unless duly registered as a certification agency pursuant to this act.

(c) It is unlawful for any person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration for a certification agency pursuant to this act.

46022. (a) It is unlawful for any person to produce or handle any product sold as organic unless duly registered pursuant to Section 46013.1.

(b) It is unlawful for any person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration pursuant to Section 46013.1.

46023. It is unlawful for any person to forge, falsify, fail to retain, fail to obtain, or fail to disclose records pursuant to Section 46028.

46024. (a) It is unlawful for any person to advertise, label, or otherwise represent that any fertilizer or pesticide chemical may be used in connection with the production, processing, or distribution of products sold as organic if that fertilizer or pesticide chemical contains a prohibited material.

- (b) It is unlawful for any person to refuse to submit for inspection.
- (c) It is unlawful for any person to mislabel any organic product.

- (d) It is unlawful for any person to alter any organic registration form.
- (e) It is unlawful for any person to alter any certification document.
- (f) It is unlawful for any person to falsify any document.
- (g) It is unlawful for any person to remove a hold off sale or disposal order from any lot of product.
- (h) It is unlawful to use the term “transitional organic” in this state.

46027. (a) No food or product may be advertised or labeled as “organic when available” or similar terminology that leaves in doubt whether the food is being sold as organic.

46028. All persons who produce, handle, or retail products that are sold as organic shall keep accurate and specific records as required by the secretary in consultation with the California Organic Products Advisory Committee.

46029. (a) Notwithstanding any other provision of law, any producer, handler, processor, or retailer of product sold as organic shall immediately make available for inspection by, and shall upon request, within 72 hours of the request, provide a copy to, the secretary, the Attorney General, any prosecuting attorney, any governmental agency responsible for enforcing laws related to the production or handling of products sold as organic, of any record required to be kept under this section for purposes of carrying out this act. Records acquired pursuant to this act shall not be public records as that term is defined in Section 6252 of the Government Code and shall not be subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(b) Upon written request of any person that establishes cause for the request, the secretary shall obtain and provide to the requesting party within 10 working days of the request a copy of any of the following records required to be kept under this act that pertain to a specific product sold or offered for sale, and that identify substances applied, administered, or added to that product, except that financial information about an operation or transaction, information regarding the quantity of a substance administered or applied, the date of each administration or application, information regarding the identity of suppliers or customers, and the quantity or price of supplies purchased or products sold shall be removed before disclosure and shall not be released to any person other than persons and agencies authorized to acquire records under subdivision (a):

- (1) Records of a producer, as described in Section 46028.
- (2) Records of a handler, as described in Section 46028, records of previous handlers, if any, and producers as described in Section 46028 without identifying the previous handlers or producers, and, if applicable, records obtained as required in this act.
- (3) (A) Records of a retailer, as described in Section 46028, records of previous handlers, if any, and producers as described in Section 46028 without identifying the previous processors, handlers, or producers, and, if applicable, records obtained as required in subdivision (d). This subdivision shall be the exclusive means of public access to records required to be kept by producers, processors, handlers, and retailers under this act.

(B) A person required to provide records pursuant to a request under this subdivision, may petition the secretary to deny the request based on a finding that the request is of a frivolous or harassing nature. The secretary may, upon the issuance of this finding, waive the information production requirements of this subdivision for the specific request for information that was the subject of the petition.

(c) Information specified in subdivision (b) that is required to be released upon request shall not be considered a "trade secret" under Section 110165, Section 1060 of the Evidence Code, or the Uniform Trade Secrets Act (Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code).

(d) The secretary may charge the person requesting records a reasonable fee to reimburse himself or herself or the source of the records for the cost of reproducing the records requested.

(e) The secretary shall not be required to obtain records not in his or her possession in response to a subpoena. Prior to releasing records required to be kept pursuant to this act in response to a subpoena, the secretary shall delete any information regarding the identity of suppliers or customers and the quantity or price of supplies purchased or products sold.

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE STATE ORGANIC PROGRAM

Compliance & Enforcement/Appeals Summary: FY 2019/2020& FY 2020/2021*



COMPLAINT/INVESTIGATION SUMMARY:	FY 2019/2020	FY 2020/2021*
Investigated by SOP (CDFA & County Staff**):	80	36
Referred to Accredited Certifying Agents:	23	9
Referred to California Department of Public Health:	22	13
Referred to National Organic Program:	4	1
Organic Input Materials Program	2	0
Total Complaints Assigned/Referred:	131	59
INSPECTIONS SUMMARY:	FY 2019/2020	FY 2020/2021*
Certified Farmer's Market:	974	478
Production Site:	233	108
Handling Facility:	84	31
Processing Facility:	7	1
Retailer:	87	32
Other:	0	0
Total Inspections:	1385	650
SAMPLING SUMMARY:	FY 2019/2020	FY 2020/2021*
Surveillance Samples (Random):	311	189
Residues Detected Below Tolerance Levels:	23	9
Residues Detected Above Tolerance Levels:	11	14
Investigative Samples:	30	27
Residues Detected Below Tolerance Levels:	7	7
Residues Detected Above Tolerance Levels:	2	5
Total Samples Collected:	341	216
APPEALS SUMMARY:	FY 2019/2020	FY 2020/2021*
Appeals Active:	1	0
Appeals Closed:	4	1
Total Appeals Received:	5	0

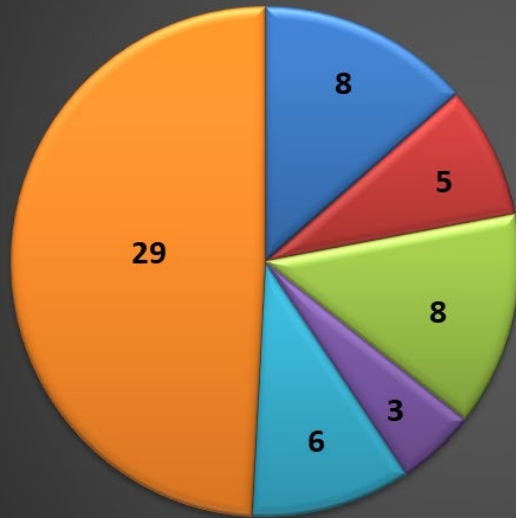
Notes:

* July 01, 2020 through December 15, 2020

**County staff conduct investigations in coordination with CDFA.

California Department of Food and Agriculture
 California State Organic Program
 Complaint Activity Report

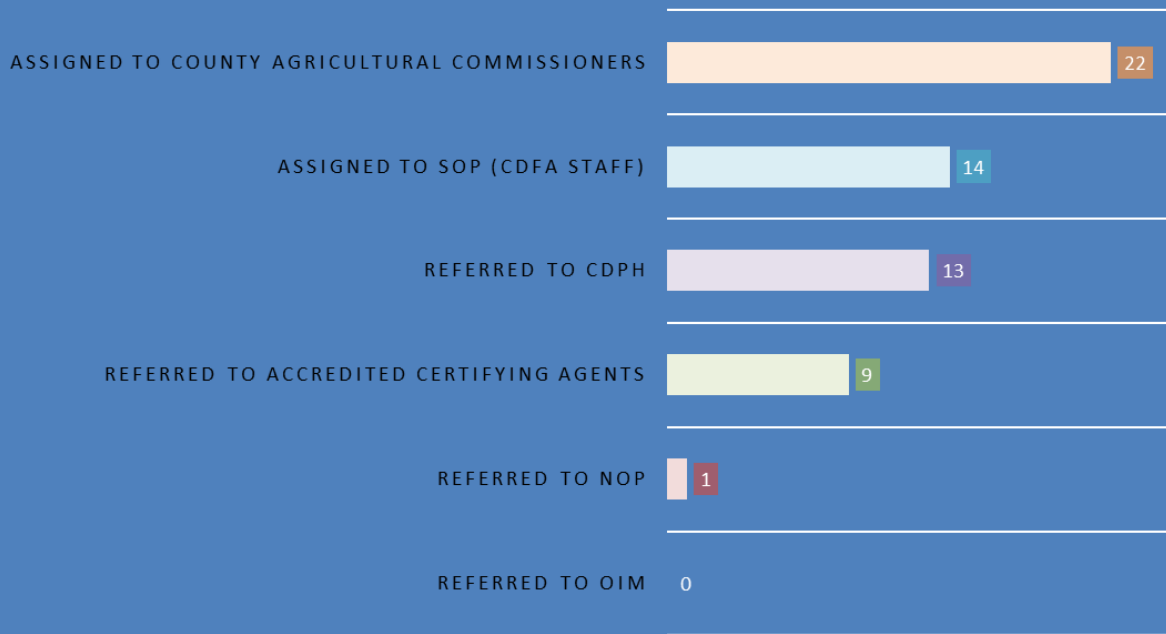
Complaint Activity 7/1/2020 to 12/15/2020



Total Open Complaints: 30

- Open Over 120 Days
- Open Over 90 Days < 120 Days
- Open Over 60 Days < 90 Days
- Open Over 30 Days < 60 Days
- Open < 30 Days
- Complaints Closed

**Complaint Assignment/Referral Distribution
 7/1/2020 to 12/15/2020**



Total Complaints Assigned/Referred 59

***Includes closed complaints**

General complaint categories from most complaints to least:

1. Not registered or certified. Product organic status in question.
2. Misbranding/mislabeling containers.
3. Failure to properly identify and/or segregate organic products from non-organic products.
4. Pesticides; excessive or prohibited substances detected.



STATE ORGANIC PROGRAM COMPLAINT SUMMARY LOG
July 1, 2020 - December 15, 2020 (FY 20-21)



Date Assigned	Date Completed	ID	Company	Complaint/Investigation	Findings	Resolution
7/2/2020	8/25/2020	996-20	T.K. Properties Management	During CFM inspection advertisement of "organic" fruit deliver was observed on a vehicle. I spoke with the owner and advised of the violation and provided him with resources and my contact information.	Operation not registered or certified. NNC/Cease and Desist sent to operation on 07/02/2020.	Sign at operation's address did not have organic claims. CFM market managers in Fresno notified of violations and requested to contact SOP should organic claims made by operatoin seen at markets in the future, contact information provided.
7/2/2020	9/21/2020	998-20	Green Thumb Organics Farms	Postive residues for DDE p,p in the amount of 0.065ppm. FDA action level for DDE is 0.5ppm.	Case referred to CCOF on 07/20/2020	Case closed as detection level below FDA action level and no EPA tolerances for crops. CCOF will follow up at next inspection
7/7/2020	10/30/2020	1008-20	Harvestly	A company, Green Grious, selling through the harvestly making organic claims.	Platfrom uses Search engine optimization (SEO), which recommends words to company's to use.	Platform made changes to its SEO and the company's listing.
7/8/2020	9/29/2020	1003-20	Olson Family Farm	The State Organic Program (SOP) received results from a sample of organic white nectarines produced by Olson Family Farm. The analysis detected residues of fludioxonil in the amount under the 5% establish EPA tolerance.	During the time the sample was collected, no commingling or contamination issue was present.	Our investigation revealed that Olson Family Farms did not apply Fludioxonil to Parcel #24 and none of the adjacent Parcel #24 and neighboring farms applied Fludioxonil. Extra measure have been taken to prevent cross contamination.
7/13/2020	10/22/2020	1007-20	Five Rivers Hulling	The State Organic Program (SOP) has received results from a sample of organic plums collected from Five Rivers Hulling. Specifically, the analysis detected residues of Propanil in the amount of 0.012 parts per million (ppm), which there is no tolerance established (NTE).	The complaint/investigation was referred to their certifier to determine the source of contamination. Upon conclusion of the investigation by the certifier, the certifier suspended their regsitration.	The operation registration with the SOP is marked inactive, and the operation is no longer making organic claims. The SOP will continue to monitor the operation if the operation does sell product as organic in the future.
8/10/2020	10/1/2020	1010-20	Go Green Agriculture	Sample result analysis detected residues of Spinosad under the 5% establish EPA tolerance.	Spinosad is allowed under restrictions. SOP contacted certifier to verify.	After verifying with certifier, the operation used Entrust which contains Spinosad. Operation disclosed everything in their OSP and with their certifier.
8/11/2020	12/3/2020	1013-20	Ground Stew Farms	Positive residues of boscalid in the amount of 0.010ppm found on organic carrots	Case referred to CCOF on 09/10/2020	Contamination likely due to drift from conventional neighbor.
8/17/2020	8/27/2020	952-20	Wild Forest	The complainant didn't allege an organic violation against Wild Forest.	No organic violation was alleged.	Complaint closed.

8/20/2020	10/28/2020	1015-20	Moss Landing Stand	Anonymous caller said organic stand in Moss Landing was advertising artichokes as organic. When complainant asked an employee they stated the artichokes were not organic	Retail Spot Inspection completed on 10/27/2020 - no violations found. Operation removed "organic" flag outside of store. Owner stated he wants to be in compliance.	Case closed on 10/28/2020 as no violations were found during inspection. Anonymous complainant was notified of closure during phone call on 11/02/2020.
8/24/2020	8/31/2020	1020-20	Ashland Hard Seltzers	Ashland Hard Seltzers making organic claims without being registered with SOP or being certified.	Same complaint was submitted by the same individual in late April 2020, . Reference Investigation ID 941-20	CDFA referred original investigation 941-20 to CDPH. Operation is in the process of registering with CDPH, which has been verified by CDPH. Once registration obtained they will seek certification.
8/25/2020	10/6/2020	1035-20	Malibu Organic Farms	Concerns about not reporting correct gross sales was filed against operation.	After reviewing documents and confirming with certifier, the SOP was able to verify the operation's gross sales. Operation was reporting gross sales correctly.	No violations were issued, case closed
8/30/2020	10/22/2020	1012-20	Marquis Worldwide Specialty, Inc.	County opened an investigation as result of an operation advertising product as organic with a certifying agent statement.	Samples were taken and came back with no residues.	A noncompliance for failing to have certifying agent statement. Case closed.
9/2/2020	11/3/2020	1046-20	DLJ Produce Nationwide Supplier of Fruits & Vegetables	During a route inspection a pallet of Avocados did not have certifying agent.	Operation was able to provide certification and invoices for the product.	A noncompliance for failing to have certifying agent statement. Operation corrected violation, case closed.
9/13/2020	12/16/2020	1028-20	Delano Farms Company	Sample analysis detected Boscalid, cyflufenamid, fenpyroximate, fludioxonil, myclobutanil, pyraclostrobin, quinoxifen, cyprodinic, fenproprate on an organic grape sample	CCOF notified the SOP that the operation did not sell at CFMs. After reviewing documents, CCOF and the SOP found out the an employee was stealing on behalf of the company without permission.	Noncompliance was issued, counties were notified and CFM certificate was voided. Operation created a plan to avoid this type of incident.
9/15/2020	9/15/2020	1024-20	California Snax	The complaint alleged California Snax sold/represented their hummus as organic without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
9/16/2020	9/16/2020	1025-20	138 Foods, Inc. - (It's Just)	The complaint alleged 138 Foods, Inc. - (It's Just) advertised/sold their nutritional yeast as organic without certification.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
9/16/2020	9/16/2020	1026-20	MIG Living	The complaint alleged that MIG Living is making organic claims on their collagen product without sourcing organic ingredients.	The complaint was outside the jurisdiction of the California State Organic Program.	The complaint was referred to the NOP.
9/20/2017	10/22/2020	571-17	Green Oasis	A complaint was submitted alleging that operation was advertising its products as organic.	Operation was not selling hay as organic	No violations were issued, case closed
10/1/2020	10/16/2020	1040-20	Baywood Berries	A complaint was submitted alleging that operation was advertising its products as organic.	Processed product that falls under the purview of CDPH.	Referred complaint/investigation to CDPH. SOP closed the complaint/investigation.

10/6/2020	10/6/2020	1032-20	Adventure Tea, LLC	The complaint alleged that Adventure Tea, LLC sold their tea as certified organic without certification.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
10/6/2020	10/30/2020	1031-20	The Farmers on Wheels	The complaint alleged The Farmers on Wheels was selling their products as organic without certification and registration.	After conducting an inspection of The Farmer's on Wheels, it was determined that certification was not required; however, registration with the SOP was required.	The operation obtained a valid registration with the SOP. The operation is currently in compliance.
10/6/2020	10/6/2020	1033-20	Interstitial Cystitis Network Shop	The complaint alleged Interstitial Cystitis Network Shop sold/marketd their aloe vera supplements as organic without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
10/6/2020	10/6/2020	1034-20	Saltonstall Estate	The complaint alleged that Saltonstall Estate sold/represented their olive oil as organic without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
10/6/2020	10/6/2020	1030-20	The Vanilla Company	The complaint alleged The Vanilla Company sold/represented their vanilla beans and extracts as organic without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
10/21/2020	10/26/2020	1042-20	Auraganic	Operation selling organic bottled juice with obtaining certification	Processed product that falls under the purview of CDPH.	Referred complaint/investigation to CDPH. SOP closed the complaint/investigation.
10/30/2020	10/30/2020	1044-20	Pure Bulk Organics	The complaint alleged that Pure Bulk Organics sold/labeled their products without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.

11/10/2020	12/9/2020	1048-20	Coastal Valley Farms	A kale sample was taken as a part of a spot inspection. Specifically, the analysis detected residues of spinosad under the 5% establish tolerance.	Spinosad is allowed under restrictions. SOP contacted certifier to verify.	After verifying with certifier, the operation used Entrust which contains Spinosad. Operation disclosed everything in their OSP and with their certifier.
11/13/2020	11/13/2020	1049-20	Gar Laboratories Inc.	The complaint alleged that Gar Laboratories operated as a USDA Organic manufacturer of hair and skin products without certification.	The complaint involved processed products for cosmetics; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
11/13/2020	11/13/2020	1050-20	NaNa Solutions	The complaint alleged that NaNa Solutions sold/represented their processed products as organic without certification.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
11/13/2020	11/13/2020	1051-20	Zon Zon Organic	The complaint alleged that Zon Zon Organic represented their tomato sauces as organic without certification and registration.	The complaint involved processed products for human consumption; which falls under the jurisdiction of CDPH.	The complaint was referred to CDPH.
11/13/2020	11/23/2020	1052-20	OLAM Americas Inc.	Organic Brown Calrose Rice sold on Amazon under the name "Good Reason" package did not have certifier information.	OLAM certified by Control Union. NOP had active case regarding this allegation.	Operation corrected noncompliance.

NOTE: This chart lists complaints/investigations where the complaint/investigation itself was both assigned and closed during July 1, 2020-December 15, 2020.



**CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE STATE
ORGANIC PROGRAM**

Surveillance Sampling Summary: FY 2020/2021

NUMBER OF SURVEILLANCE SAMPLES COLLECTED:	FY 2020/2021**
Certified Farmer's Market:	62
Production Site:	62
Handling/Wholesale Facility:	16
Retail Facility	43
Other*:	6
Total Number of Surveillance Samples Collected:	189
NUMBER OF SAMPLES WITH RESIDUES DETECTED:	FY 2020/2021**
Certified Farmer's Market:	13
Production Site:	3
Handling/Wholesale Facility:	2
Retail Facility:	5
Other*:	0
Total Number of Samples with Residues Detected:	23
NUMBER OF SAMPLES WITH RESIDUES DETECTED BY COMMODITY:	FY 2020/2021**
Avocado	1
Basil	1
Blueberries	1
Carrots	2
Cheese	1
Grapes	2
Kale	3
Lemons	1
Lettuce	3
Nectarines	1
Parsley	1
Pears	1
Plums	1
Potatoes	2
Strawberries	1
Zuchinni	1
Total Number of Samples with Residues by Commodity	23

*Chain distributions, restaurants, border stations

**July 1, 2020 - December 15, 2020

Organic Program Registration Fees Collected by Month and Year

Page 1 of 1

Fiscal Year	July	August	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total*	Projected
2020/21	133,170	135,637	91,156	130,651	58,898								\$ 549,513	
2019/20	163,301	112,657	123,006	80,563	91,531	128,079	136,271	193,693	105,395	162,431	160,308	160,158	\$ 1,617,393	
2018/19	149,233	129,153	91,297	105,650	105,750	130,474	159,373	107,244	169,934	149,063	159,386	117,937	\$ 1,574,494	
2017/18	114,200	105,924	94,255	105,173	89,192	78,782	193,719	149,559	107,942	155,767	154,598	152,729	\$ 1,501,840	
2016/17	143,058	126,671	109,059	94,381	75,307	137,363	154,791	152,657	147,269	121,660	152,275	141,455	\$ 1,555,946	
2015/16	133,323	114,302	106,030	90,000	74,402	133,525	158,230	145,110	157,078	141,954	144,048	119,999	\$ 1,518,001	
2014/15	116,049	86,750	66,268	105,608	-	191,475	141,069	175,010	145,690	122,753	112,629	122,160	\$ 1,385,460	
2013/14	102,788	108,105	75,674	76,916	83,553	91,069	160,931	147,063	140,183	121,013	116,905	126,179	\$ 1,350,378	
2012/13	101,726	100,237	75,529	91,100	78,629	92,682	157,620	140,554	140,252	111,714	96,450	89,064	\$ 1,275,556	
2011/12	121,663	108,102	75,903	69,493	73,721	87,982	145,999	127,058	91,541	134,586	86,682	98,183	\$ 1,220,914	
2010/11	70,555	82,212	104,311	62,902	66,948	99,831	136,658	91,803	119,711	93,580	102,369	92,386	\$ 1,123,266	
2009/10	72,789	79,513	67,856	63,285	55,128	96,998	120,063	93,642	74,998	90,254	55,807	83,036	\$ 953,368	
2008/09	72,876	73,911	63,563	64,835	71,398	102,695	127,727	94,913	78,774	78,316	83,492	79,279	\$ 991,777	
2007/08	51,985	65,914	61,989	54,560	59,894	91,955	121,776	89,574	71,088	92,462	72,107	83,241	\$ 916,544	
2006/07	46,461	57,168	57,897	47,474	61,087	59,966	103,670	86,253	81,104	76,115	75,212	61,989	\$ 814,397	
2005/06	32,852	39,343	42,662	37,768	47,815	71,678	93,852	72,458	63,557	58,160	43,641	50,775	\$ 654,558	
2004/05	34,576	35,788	28,366	43,254	48,329	77,550	77,306	65,274	54,583	56,563	36,227	47,334	\$ 605,150	
2003/04	33,043	42,659	36,098	34,441	42,785	64,011	57,045	51,563	47,807	46,945	41,934	41,569	\$ 539,900	
2002/03	36,765	29,122	35,448	31,206	30,289	49,412	71,462	62,472	31,798	36,968	34,566	35,508	\$ 485,016	
2001/02	30,143	28,672	19,912	24,087	37,670	44,729	76,118	40,109	36,732	29,573	41,208	24,760	\$ 433,714	
2000/01	27,060	29,889	28,742	21,563	43,640	49,804	63,351	44,783	45,720	26,429	27,672	38,250	\$ 446,905	
1999/00	22,526	23,869	16,693	20,547	34,509	59,557	50,269	30,234	41,024	29,894	45,974	25,110	\$ 400,205	
1998/99	16,525	18,709	14,539	14,809	22,533	35,884	76,993	33,772	26,290	23,267	23,546	32,196	\$ 339,064	
1997/98	13,894	16,251	17,843	16,827	15,180	39,324	65,617	30,022	24,268	19,793	11,592	28,919	\$ 299,530	
1996/97	14,656	11,809	7,628	11,390	13,714	37,654	52,142	22,680	20,561	13,555	11,209	21,007	\$ 238,003	
1995/96	7,001	15,117	8,568	9,152	17,263	33,826	59,630	29,776	17,357	11,750	8,413	6,412	\$ 224,265	
1994/95	13,286	9,643	6,882	7,608	18,913	45,430	49,026	20,402	14,903	7,616	10,067	10,891	\$ 214,667	
1993/94	9,834	9,613	3,979	6,758	12,703	33,361	42,882	22,364	15,471	5,548	9,931	11,577	\$ 184,021	
1992/93	3,174	3,863	2,897	2,859	2,053	14,533	54,253	25,498	11,401	6,775	4,136	12,298	\$ 143,739	
1991/92				938	6,438	11,338	47,478	89,611	23,702	6,300	2,055	5,592	\$ 193,451	

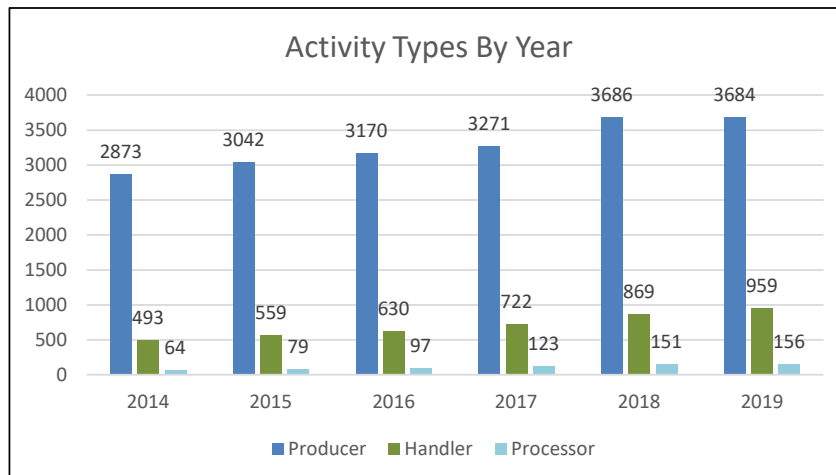
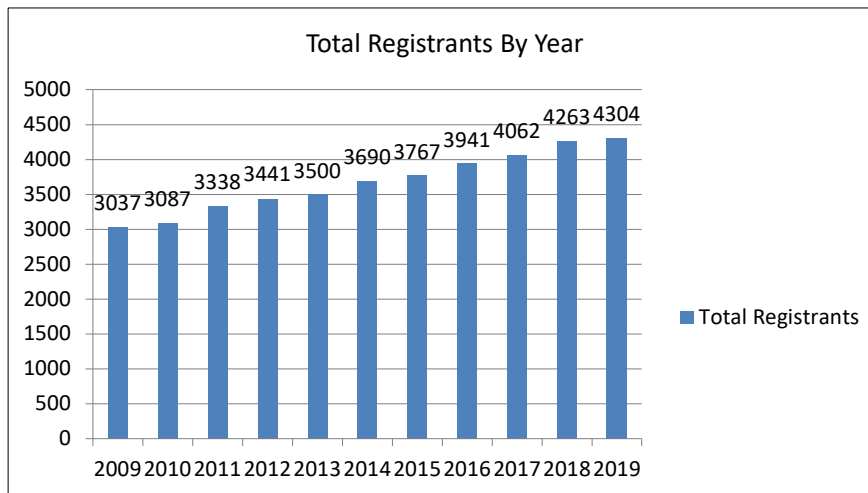
Revenue History Page 1 of 1

*does not include refunds

CDFA State Organic Program New Registrations Per Month	
Month	Total Number of New Registrations
Dec-19	7
Jan-20	41
Feb-20	37
Mar-20	46
Apr-20	49
May-20	48
Jun-20	51
Jul-20	55
Aug-20	35
Sep-20	29
Oct-20	43
Nov-20	33
Total	474

Operation Types	Producer	Handler	Processor
Month	New Operations By Activity Type		
Dec-19	5	2	0
Jan-20	38	6	2
Feb-20	36	6	0
Mar-20	43	7	0
Apr-20	41	10	3
May-20	42	9	1
Jun-20	42	13	2
Jul-20	47	10	2
Aug-20	28	9	3
Sep-20	22	13	3
Oct-20	31	18	4
Nov-20	24	8	1
Total	399	111	21

NOTE: The number of operation types may not match the number of operations, since operations may fall under more than one type



**State Organic Program
2020-21 Fund Condition as of August 31, 2020**

	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>
Fund Beginning Balance	\$3,357,945	\$3,121,692	\$3,223,551
Revenue			
Registration Fees	\$1,435,457	\$1,549,793	\$213,576
Delinquent Fees	\$25,366	\$26,759	\$4,677
Organic STDS Violations	\$2,475	\$0	\$1,250
Interest & Other Income	\$85,673	\$61,783	(\$11,159)
Total Revenue	\$1,548,971	\$1,638,335	\$208,344
Available Cash	\$4,906,916	\$4,760,027	\$3,431,895
Expenditures			
PPY	\$41,727	(\$33,095)	(\$316)
PY	\$141,155	\$27,512	\$38,186
CY	\$1,552,325	\$1,435,952	\$189,456
Total Expenditures	\$1,735,207	\$1,430,369	\$227,326
Cash Adjustment	\$50,017	\$106,107	\$60,993
Ending Balance	\$3,121,692	\$3,223,551	\$3,143,576