



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)**

**January 28, 2021
Meeting Minutes
Teleconference**

MEMBERS PRESENT

Jeremy Johnson – Chair
Blake Alexandre – Vice Chair
Benjamin Diesl
Jamie Nessel
Kaley Grimland
John McKeon
Wendy Reynolds
Sean Feder
Philip LaRocca
Karen Archipley
Michelle Perro
Andrew Smith

MEMBERS ABSENT

Rosalie Burkett

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
Mitchell King
Scott Renteria
Mayze Fowler-Riggs
Danny Lee
Pam Rodriguez
Andrea Cano
Leslie Fernandez
Steve Patton
Michele Dias
Kara Breevaart
Carla Sanchez

ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL

The meeting was called to order at 10:06 a.m. by Mitchell King. Roll was called, a quorum was established, and introductions were made. King informed the committee that John McKeon would be serving as a voting member in the absence of Rosalie Burkett. Kaley Grimland joined the meeting at 10:23 a.m. during Item 5: California Department of Public Health Updates.

ITEM 2: ELECTION OF OFFICERS

King opened the floor to nominations for Chair.

MOTION: Karen Archipley nominated Jeremy Johnson for Chair. Jaclyn Bowen seconded the motion.

MOTION: Blake Alexandre nominated Philip LaRocca for Chair. Jaclyn Bowen seconded the motion.

A vote by roll call was taken for the nomination of Jeremy Johnson: Karen Archipley, Ben Diesl, John McKeon, Jamie Nessel, Jaclyn Bowen, Michelle Perro, and Sean Feder voted in favor, with Blake Alexandre opposed and Philip LaRocca abstaining.

LaRocca withdrew his interest in serving as Chair. Jeremy Johnson was elected Chair.

Chair Johnson opened the floor to nominations for Vice Chair.

MOTION: Philip LaRocca nominated Blake Alexandre for Vice Chair. Jaclyn Bowen seconded the motion. A vote by roll call was taken. The motion passed unanimously.

ITEM 3: PUBLIC COMMENTS

There were no public comments.

ITEM 4: REVIEW AND APPROVAL OF SEPTEMBER 17, 2020 MEETING MINUTES

Chair Johnson requested a motion to approve of the September 17, 2020 Meeting Minutes as presented.

MOTION: Jaclyn Bowen moved to approve of the September 17, 2020 Meeting Minutes as presented. Karen Archipley seconded the motion. A vote by roll call was taken. The motion passed with Blake Alexandre and Michelle Perro abstaining.

ITEM 5: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATES

Wendy Reynolds began the presentation for CDPH.

Reynolds provided information on complaints regarding organic products received by CDPH during the first quarter of Fiscal Year (FY) 2020-21. CDPH received 17 total complaints with two originating from a regulator, three from a consumer, four from a competitor, and eight from an anonymous source. Of these complaints, 12 are pending, one was unsubstantiated, and four were substantiated. Four of the complaints were reported directly to CDPH, 11 were reported to CDPH by the CDFA State Organic Program (SOP), and two were reported to CDPH by the National Organic Program (NOP). Sixteen of the complaints were related to human food and one was related to cosmetics/personal care products.

Reynolds then provided an update on CDPH's active complaints from 2017 to present as well as total active complaints. Reynolds stated that there are 43 total active complaints and explained that some of these complaints may remain open due to a lack of information regarding the complaint, or they may still be under investigation.

There was discussion regarding the reasons that complaints may remain open for so long, given that some of the complaints presented dated back to 2017. LaRocca asked Reynolds for more information on this. Reynolds explained that complaints may remain open if there is a lack of information meaning that CDPH is not able to contact the operation in question. Johnson asked Reynolds if operations in complaints dating back to 2017 would still be registered with CDPH. Reynolds explained that they would not be registered with CDPH. Reynolds further explained that contacting operations mentioned in complaints requires leads that allow CDPH investigators to pursue the investigation and that if CDPH does not have the necessary information, it will not be able to continue the investigation.

Jane Reick of CDPH noted that when an operation mentioned in a complaint is registered with CDPH, there is contact by CDPH and an investigation is conducted.

Many of the complaints received by CDPH are anonymous, which can hinder CDPH's investigative efforts as they are unable to contact the complainant for additional information and clarification. Reick also explained that CDPH has experienced difficulties identifying responsible parties for products being sold through online marketplaces, further hampering the ability of CDPH to close complaints. Reick also explained that CDPH is working to close old complaints that cannot be pursued.

Reynolds then provided information on the impact of the COVID-19 pandemic on organic registrations. Reick noted that upon request a firm can fill out an application to receive a deferment of their fees. Reick clarified that this is not a waiver, only a deferment. There was discussion about how CDPH would know if a registrant is having challenges due to the pandemic. Reynolds stated that CDPH does not have a way to capture such data unless it is self-reported by the firms. This led to discussion about CDPH's notification and renewal processes.

Daniel Karavan of CDPH provided information on the expenses and revenue of CDPH's Food and Drug Branch's Organic Program.

ITEM 6: LEGAL PRESENTATION – CDFA LEGAL OFFICE

i. COPAC Authority

Kara Breevaart of the CDFA Legal Office provided information on COPAC's authority. Chair Johnson asked if Breevaart could provide information on how the authority granted to COPAC compares to other advisory committees within CDFA. Michele Dias of the CDFA Legal Office stated that generally advisory committees serve to advise programs within the department and largely function similarly. However, some committees, such as the Fertilizer Inspection Advisory Board, have specific responsibilities outlined in the program's statute. There was discussion between Chair Johnson, Dias, and Breevaart on agendas for committees. Chair Johnson asked if it would be possible to get a copy of the Fertilizer Inspection Advisory Board's statutory authority for reference. Danny Lee of the SOP stated he would provide Chair Johnson with a copy.

ITEM 7: ORGANIC SLAUGHTERHOUSE UPDATE

Dr. Fernando Umayam and David Schurr with CDFA's Meat, Poultry and Egg Safety Branch provided an update on organic slaughterhouses. Dr. Umayam described work done by the Branch to identify challenges encountered by meat, poultry, and egg producers in California. Dr. Umayam also explained that California is considered a Designated State, meaning that CDFA's meat and poultry inspection work has some limitations on it. Schurr explained that while CDFA does regulate rendering, there is no currently known renderer that provides organic services.

Kaley Grimland asked if Schurr and Dr. Umayam were aware of any slaughterhouses who would be open to becoming organic. This led to discussion about custom rendering services offered through slaughterhouses. Schurr explained that CDFA licensed facilities would be unable to provide products for resale and that organic slaughter for commercial purposes would need to be done at a USDA facility. Schurr further

explained that there are logistical challenges for renderers that may limit how much they are willing to conduct organic rendering because of the processes involved in organic rendering versus the choice to continue their normal operations. John McKeon, Schurr, and Dr. Umayam briefly discussed how CDFA licensed renderers are only able to provide services to the owner of the animal being slaughtered and that animal cannot be resold.

There was discussion about work by CDFA's Meat, Poultry and Egg Safety Branch to form a working group on finding solutions for organic slaughterhouse needs. Several members of the committee expressed interest in the work of Dr. Umayam. Danny Lee indicated he would forward Dr. Umayam's contact information for the working group to the interested committee members.

ITEM 8: STATE ORGANIC PROGRAM UPDATES

i. Vacancies and Terms Report

King provided the Vacancies and Terms Report. Chair Johnson and King briefly discussed outreach efforts to fill vacancies on the committee. King offered to work with Chair Johnson to conduct outreach.

ii. California Agricultural Statistics Review

Mayze Fowler-Riggs provided information on the California Agricultural Statistics Review. Fowler-Riggs explained that the CDFA SOP worked with the CDFA Marketing Services Division to add an organic section to this report and described the kinds of data from the SOP that would be included in the report.

Houston Wilson, Director of the University of California Organic Agriculture Institute's Kearney Agricultural Research and Extension Center, provided information on the efforts of the Institute to gather information on the production of organic agriculture in California. This led to discussion on what data and how much is collected from organic producers within California for organic registration. Lee noted that any changes to the type of organic commodity information collected by the SOP would require a regulatory change. Wilson indicated he would draft a document to support why the commodity information collected by the SOP should be expanded.

iii. Compliance and Enforcement/Appeals Summary

Scott Renteria provided the Compliance and Enforcement/Appeals Summary. Renteria explained that the data presented was from July 1, 2020 to December 15, 2020. In this time period, SOP conducted 650 inspections, with 478 at Certified Farmers' Markets; 108 at production sites; 31 at handling facilities; one at a processing facility; and 32 at retailers. The SOP also collected 216 samples for pesticide testing, 189 of which were surveillance samples with nine detecting residues below Environmental Protection Agency (EPA) tolerance levels and 14 detecting residues above EPA tolerance levels. The other 27 samples were investigative, with seven of these detecting residues below EPA tolerance levels and five detecting residues above EPA tolerance levels. Renteria also provided information on appeals. The SOP received no new appeals during the

period from July 1, 2020 to December 15, 2020 and closed one open appeal from the previous year.

iv. Complaints Activity Report

Renteria provided the Complaints Activity Report. According to Renteria, there were 59 open investigations for the period of July 1, 2020 to December 15, 2020. Of these investigations, 22 were referred to county agricultural commissioners; 14 were assigned to CDFA SOP staff, 13 were referred to CDPH; nine were referred to accredited certifying agencies; and one was referred to the NOP. Eight complaints were open for more than 120 days; five were open for more than 90 but less than 120 days; eight were open for more than 60 but less than 90 days; three were open for over 30 but less than 60 days; six were open for less than 30 days; and 29 were closed.

v. Complaint Summary Log

Renteria provided information on the Complaint Summary Log.

vi. Pesticide Residue Report/Updates

Renteria provided further detail on the results of surveillance samples collected by SOP between July 1, 2020 and December 15, 2020.

vii. Impacts of COVID-19 and Wildfires

Fowler-Riggs provided an update on the impacts of COVID-19 and wildfires. Fowler-Riggs explained that it is difficult for SOP to collect data on whether or not a company registered with SOP did not renew their registration because of the impact of COVID-19. While registrants are required to notify SOP that they will not be renewing, they are not required to provide a reason. According to Fowler-Riggs, one organization did notify SOP that they would not be renewing due to wildfires, and SOP has reached out to county agricultural commissioners to gather more information. Fowler-Riggs provided some updates using the information gathered from county agricultural commissioners.

viii. Revenue from Registration/New Registrations

Fowler-Riggs provided an update on Revenue from Registration/New Registrations. Fowler-Riggs stated that even with the challenges created by the COVID-19 pandemic, there were a total of \$549,513 in fees collected by November of 2020, indicating that SOP was on track to meet or exceed the previous Fiscal Year's (FY) revenue from registration. Fowler-Riggs also provided an update on New Registrations. There were 474 new registrations between December 2019 and November 2020. Of these, 399 were producers, 111 were handlers, and 21 were processors.

ix. SOP Fund Condition

Lee presented the SOP Fund Condition. As of August 31, 2020, the beginning fund balance was \$3,223,551; total revenue was \$208,344; available cash was \$3,431,895; total expenditures were \$227,326, with a cash adjustment of \$60,993; for an ending balance of \$3,143,576. Lee also stated that SOP is looking for ways to spend down the available money and asked COPAC members to provide any input if they wished. Chair Johnson asked if there was any option for the Secretary to exercise discretion or provide money back to farmers. Lee answered that this would require legislation, but that available ways to spend available reserve funds included education and outreach.

This led to discussion about the changes in the balance over time. Chair Johnson asked if Lee could provide projections for future years at the next committee meeting.

Chair Johnson asked if any members would like to form a Fund Condition Subcommittee to examine methods to spend reserve funds. A subcommittee was formed consisting of Chair Johnson, Jamie Nessel, Archipley, LaRocca, McKeon. Chair Johnson also asked if CDFA could assist with the subcommittee. Marcee Yount volunteered to assist, with Lee stating he could be available as needed. Input from the subcommittee would be reviewed by CDFA to determine what spending options would be feasible. Steve Patton stated that a Doodle Poll would be sent out to determine a date for the subcommittee.

ITEM 9: NEXT MEETING/AGENDA ITEMS

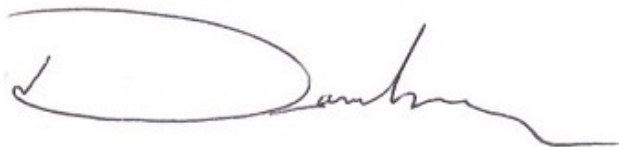
The next meeting will take place via Zoom in May of 2021. Chair Johnson asked that King send a Doodle poll to confirm the date for the January 2021 meeting.

Chair Johnson asked that there be an agenda item to discuss changing the data collected for state agricultural data. Chair Johnson also requested an update from the Fund Condition Subcommittee.

ITEM 10: ADJOURNMENT

The meeting was adjourned at 1:02 p.m. by Chair Johnson.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Danny Lee', with a long horizontal flourish extending to the right.

Danny Lee, Supervising Special Investigator
State Organic Program