



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

**Meeting Minutes**

**2800 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833**

**September 28, 2011**

**MEMBERS PRESENT**

John Ashby, Chair  
Garff Hathcock, Vice Chair  
Sean Swezey  
Michelle Dennis  
Steve DeMuri  
Dave Martinelli  
Thomas Chapman  
Lauree Bradley  
David Will  
Jenny Lester Moffitt

**MEMBERS ABSENT**

Steven Sherman (excused)  
Sandra Schmaier (excused)  
Ione Conlan (excused)  
Patrick Kennelly (excused)  
Melody Meyer (excused)  
John Foster (excused)  
Ann King Filmer (excused)  
Larry Hirahara (excused)  
Karen Klonsky (excused)  
Janice Woodhouse  
Michael Sencer  
Thomas Azwell  
Martin Guereña  
Stacy Carlsen  
Blake Alexandre

**CDFA**

Steve Patton  
David Carlson  
Paul Collins  
Brian Cote  
Sarah Cardoni

**INTERESTED PARTIES**

Tracey Cleveland, Napa County Agricultural Commissioner's Office  
Naomi Grissom, Napa County Agricultural Commissioner's Office  
Lance Bingham, Napa County Agricultural Commissioner's Office  
Steve Beckley, Organic Fertilizer Association of California  
Patricia Metteson, CA Dept. of Pesticide Regulation  
Jaclyn Bowen, Quality Assurance International  
Lars Crail, USDA National Organic Program  
Sonia Ortega, National Science Foundation  
Brandy Gamoning, Hidden Villa Ranch  
Ray Green, Go Green Consulting  
Aaron Turner, Oregon Tilth

**ITEM 1: INTRODUCTIONS**

The Committee was called to order at 10:00 a.m. by Mr. John Ashby, Chairperson. Introductions were made, roll was called, and a quorum was not established.

**ITEM 2: PUBLIC COMMENTS**

Mr. Ray Green stated that accredited certification agents (ACA) could be creating possible issues for growers in respect to operations that change their ACA. He stated that in one instance, an operation applied for organic certification with a new ACA and failed to complete their annual renewal and pay fees to their previous ACA.

Consequently, the previous ACA immediately issued a notice of proposed action for failure to renew certification and pay fees. The operation wrote a letter to the ACA stating that they were surrendering certification due to the ACA change. The letter was ignored and the operation was issued a final suspension, which caused issues with their new ACA.

Mr. Lars Crail responded that the National Organic Program's manual contains guidance material in regard to operations that voluntarily surrender their certificate and then apply with another certifier. Mr. Crail stated that typically, an operation should not surrender their certificate until they are issued certification from their new certifier.

### **ITEM 3: REVIEW AND APPROVAL OF MAY 10, 2011 MEETING MINUTES**

Since a quorum was not established, the May 10, 2011 meeting minutes were not approved.

### **ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATE**

This agenda item was discussed during ITEM 5: STATE ORGANIC PROGRAM UPDATE.

### **ITEM 5: STATE ORGANIC PROGRAM UPDATE**

Mr. David Carlson stated that the federal Organic Certification Cost Share Program has issued \$621,000 for the 2010/11 fiscal year (FY) period and that applications for reimbursement will be accepted through November 30, 2011. The 2011/12 FY Cost Share Reimbursement period will commence on October 1, 2011 through September 30, 2012.

Mr. Carson provided an update on the SOP database. He stated that vendor proposals were reviewed and a vendor was chosen. After a final review of the proposal, the vendor will begin developing the new database in November 2011.

#### **I. Revenue From Registration**

Mr. Carlson provided the Revenue from Registration Report. The SOP received \$1,123,264 in revenue for the 2010/11 FY.

#### **II. New Registrations**

Mr. Carlson provided the New Registrations Report. The SOP received 503 new registrations for the 2010/11 FY; an increase of 236 more registrations than the 2009/10 FY.

### III. Complaint Report

Mr. Paul Collins provided the Complaint Report. For the 2010/11 FY, 46 complaints were filed. Of the complaints: eight are being investigated by the SOP; 13 were referred to the California Department of Public Health (CDPH); 15 were assigned to county agricultural commissioners; seven were assigned to ACAs; and three were referred to the National Organic Program (NOP). Violations identified include: failure to register with the SOP and/or obtain organic certification; false organic claims; mislabeling and/or misbranding; selling misrepresented conventional product as organic; and the use of prohibited practices or prohibited substances.

Mr. Paul Collins provided the CDPH Report on behalf of Mr. Patrick Kennelly. He stated that registration remains level at 1,830 registrants. For the period of January 1, 2011, through September 23, 2011, CDPH received a total of 15 complaints. Of these complaints, eight were substantiated and corrective action was taken; six were unsubstantiated; and one is pending resolution.

### IV. Appeals Report

Mr. Brian Cote provided the Appeals Report. These records are from 2007 when the appeals regulations were promulgated until present. As of September 8, 2011, the SOP has logged 16 appeals. Of the 16 received, 14 have been resolved. Consequently, the SOP has two active appeals and both have been referred to the Department of Justice.

### V. Spot Inspection Report

Mr. Cote provided the Organic Spot Inspection Program Report. The Spot Inspection Program was reauthorized in November 2010. As of June 30, 2011, the SOP and 33 counties conducted 366 spot inspections. Twenty-six spot inspections resulted in the issuance of a notice of noncompliance. Eighteen of the 26 violations were due to a failure to ensure organic registration and/or certification was posted and current at a Certified Farmers' Market. Four violations were due to a failure to maintain records sufficient to determine compliance from three years from the date of creation. Two were due to a failure to ensure that organic and conventional products were not commingled. One was due to a failure to maintain records documenting to whom the organic products were sold, gross sales of the transaction, and the date of transaction. Finally, one was a failure to maintain records of all substances applied to crop, soil, growing medium, growing area, irrigation and post harvest wash or rinse water or seed, the quantity of each substance applied, and the date of each application.

### **ITEM 6: NATIONAL ORGANIC PROGRAM UPDATE**

Mr. Lars Crail provided the NOP Update. He gave an overview of the NOP organizational and personnel changes, key accomplishments, and current and ongoing activities. Key accomplishments include: the NOP handbook; the Quality Systems

Manual; the *NOP Organic Insider*, an e-mail subscription; and updates to the NOP website. Current and ongoing activities include: the Strategic Plan 2010/12 project; annual certifier training in San Antonio, Texas in early 2012; EU equivalency negotiations; and technical talks with South Korea.

**ITEM 7: NATIONAL ORGANIC STANDARDS BOARD**

Mr. Steve DeMuri provided the NOSB Report. The next NOSB meeting will be held in Savannah, Georgia in November 2011. All committees are working on recommendations to be posted for public comment in October 2011. The Crops Committee has five petition materials in regard to the National List of Approved and Prohibited Substances. The Livestock Committee has three major topics; each of those three has two recommendations. The Handling Committee has seven petition materials that will be considered. The Certification, Accreditation, and Compliance Committee has three recommendations.

Mr. Ashby asked that when commenting on NOSB recommendations, to make each letter specific to one topic, to have a subject header that clearly states the topic, to clearly state the pros and cons of your argument, to submit as a PDF, and to submit as early as possible.

**ITEM 8: NEW ITEMS**

There were no new items discussed.

**ITEM 9: NEXT MEETING/AGENDA ITEMS**

The next meeting will be held at the EcoFarm Conference in Asilomar on February 2, 2012.

**ITEM 10: ADJOURNMENT**

The meeting was adjourned at 11:49 a.m. by Mr. Ashby, Chairperson.

Respectfully submitted by:



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David Carlson, Special Investigator  
California State Organic Program  
Inspection Services