



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

**January 27, 2022
Meeting Minutes
Teleconference**

MEMBERS PRESENT

Jeremy Johnson – Chair
David Will
Kaley Grimland
Karen Archipley
Phillip LaRocca
Amanda Felder
Jamie Nessel
Jaclyn Bowen
Wendy Reynolds
Sean Feder
John McKeon
Brandon Nauman
Stefan Parnay

MEMBERS ABSENT

Blake Alexandre – Vice Chair

INTERESTED PARTIES

Jane Sooby, California Certified
Organic Farmers (CCOF)
Jessy Beckett Parr, CCOF
Nick Woodrum, California
Department of Public Health
(CDPH)
Daniel Karavan, CDPH
Jane Reick, CDPH
Houston Wilson, University of
California (UC)
June Nakagawa, UC
Mindee Jeffery
Mark Squire

CDFA

Marcee Yount
Scott Renteria
Mayze Fowler-Riggs
Danny Lee
Pam Rodriguez
Andrea Cano
Vanessa Jivan
Jefferson Scott
Steve Patton
Thomas Osborn
Mark Cady
Bernadette Miller

ITEM 1: CALL TO ORDER-INTRODUCTIONS/ROLL CALL

The meeting was called to order at 10:01 a.m. by Jeremy Johnson, Chair. Roll was called by Thomas Osborn, a quorum was established, and introductions were made.

ITEM 2: ELECTION OF OFFICERS

Osborn opened the floor to nominations for the offices of Chair and Vice Chair.

Motion: Jaclyn Bowen nominated Jeremy Johnson for the office of Chair. Sean Feder seconded the motion. A vote by roll call was conducted. The motion passed unanimously, with no abstentions.

Motion: Phillip LaRocca nominated Blake Alexandre for the office of Vice Chair. Jaclyn Bowen seconded the motion. A vote by roll call was conducted. The motion passed unanimously, with no abstentions.

ITEM 3: PUBLIC COMMENTS

There were no public comments.

ITEM 4: REVIEW OF SEPTEMBER 23, 2021 MEETING MINUTES

Chair Johnson requested a Motion to approve the September 23, 2021, Meeting Minutes as presented.

MOTION: Jaclyn Bowen moved to approve the September 23, 2021, Meeting Minutes as presented. Phillip LaRocca seconded the motion. A vote by roll call was conducted. The motion passed unanimously, with no abstentions.

ITEM 5: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH UPDATES

Wendy Reynolds, California Department of Public Health (CDPH), provided informational updates to the committee.

Reynolds presented a Recent Complaints Summary covering September through December 2021. The majority of allegations pertained to uncertified and unregistered operations selling processed food products as organic. Reynolds went on to present an Open Complaint Summary, covering April 25, 2018, through December 17, 2021. The majority of open complaints also pertained to allegations of uncertified and unregistered operations selling processed food products as organic.

Reynolds also provided a Registration Overview to those in attendance. In 2021, the CDPH Organic Program generated 2,831 licenses. Additionally, the CDPH Organic Program received 2,474 renewal applications, and sent 889 late notices. Reynolds noted that 1,181 applications had been received incomplete. Chair Johnson requested that CDPH provide information regarding common deficiencies in applications received incomplete during the May 2022 COPAC meeting, in order to educate prospective CDPH Organic Program applicants on the licensing process.

Reynolds noted that the overall number of license actions recorded by the CDPH Organic Program in 2021 have decreased compared to 2020. Reynolds went on to provide a month-by-month count of the number of new and renewal licenses issued by the CDPH Organic Program.

Daniel Caravan presented a summary of the CDPH Organic Program's revenue collections by fiscal year (FY). Total revenue for FY 20/21 was \$1,284,750. As of November 30, 2021, total FY 21/22 revenue is \$432,638.

Caravan went on to provide a summary of the CDPH Organic Program's expenditures by FY. Caravan explained that FY 20/21 is now closed-out, and final expenditure information is available. Total expenditures for FY 19/20 were \$468,131, and total expenditures for FY 20/21 were \$1,180,295. Additional data regarding projected FY 21/22 expenditures will be shared during the May 2022 COPAC meeting.

ITEM 6: IRRIGATED LANDS GROUP

Mark Cady, CDFA Fertilizer Research and Education Program (FREP), provided information pertaining to the Irrigated Lands Regulatory Program (ILRP).

Cady explained that the ILRP covers irrigated crop lands, excluding animal and cannabis operations. The ILRP is administered at the state level by the California State Water Resources Control Board (SWRCB), and regionally via nine Regional Water Quality Control Boards (RWQCBs). Cady explained that each of the nine Regional Water Quality Control Boards have the ability to set their own regulations, but these regulations can be contested by filing a petition with the SWRCB.

Cady explained that in 2012, the Central Valley RWQCB introduced reporting requirements for nitrogen applied to crops, in order to determine the efficiency of nitrogen used on farms. In the Central Valley Region, operations within a specific watershed report their nitrogen usage to regional coalitions, who in turn anonymize the data and report the statistical information to the RWQCB. This model, known as the East San Joaquin Regional Order, was subsequently updated in 2018, with the SWRCB ruling that the nitrogen reporting elements of the East San Joaquin Regional Order set a precedent for other regions in the state. The SWRCB has required that these precedents be adopted state-wide by February 2023.

The Central Coast RWQCB recently published a schedule detailing the maximum excess nitrogen permitted in a cropping cycle. The maximum excess permitted is scheduled to decrease until the year 2050, wherein a maximum excess allowance of 50 pounds of excess nitrogen per acre annually takes effect.

Cady clarified that these nitrogen usage reporting requirements apply equally to organic and conventional growers. LaRocca inquired as to steps organic growers could take to request exemption from the current nitrogen reporting requirements and associated fees. Cady explained that advocacy groups have considered contesting the order in the courts. Other potential options include a petition to the California State Legislature or petitioning the SWQCB to reopen this issue at the agency level.

John McKeon explained that certain water districts allow cover crops to offset some nitrogen usage for the purposes of annual reporting requirements. McKeon also stated that organic fertilizers often contain a lower nitrogen content than that of conventional fertilizers.

ITEM 7: FUND USE RECOMMENDATIONS/STATUS OF STATE ORGANIC PROGRAM UNIVERSITY OF CALIFORNIA CONTRACT UPDATE

Marcee Yount explained that the California Organic Food and Farming Act, passed in 2016, provided the State Organic Program (SOP) with additional outreach and educational components. Yount went on to state that at their September 2021 meeting, COPAC had voted to approve a motion recommending that the SOP spend \$1 million of the program's reserve funds as proposed in CCOF's proposal, integrating socially disadvantaged farmers and non-fruit and vegetable farmers, and working with the University of California (UC) Agriculture and Natural Resources and UC Organic Agriculture Institute.

Yount stated that UC staff have submitted a two-year contract to CDFA for review. The contract is budgeted to spend \$250,000 per year, for a total of \$500,000 across the

contract period. This amount allows the SOP to spend down their fund reserve levels, while remaining within the limit of the program's spending authority. If approved, the contract would become effective on July 1, 2022.

Yount also provided an update on the Budget Change Proposal (BCP) submitted to the Department of Finance earlier in the year. The BCP has been accepted into the Governor's FY 22/23 proposed budget, which includes authorization for a new CDFA Environmental Scientist (ES) position, as well as a \$537,000 increase to the SOP's spending authority. The BCP also includes an additional \$720,000 in spending authority for FY 23/24 and beyond. The SOP anticipates that the ES will primarily be responsible for performing outreach and technical education duties, in line with the California Organic Food and Farming Act.

Yount went on to state that the SOP anticipates having the UC contract submitted to the CDFA Grants and Contract Unit for review by April 1, 2022.

ITEM 8: STATE ORGANIC PROGRAM UPDATES

i. Vacancies and Terms

Osborn provided the Vacancies and Terms report. Current vacancies include: one wholesale distributor representative; two technical representatives; one consumer representative; six producer alternates; one wholesale distributor alternate; one processor alternate; one retail representative alternate; one environmental representative alternate; two technical representative alternates; and one consumer representative alternate. Osborn also provided the names of members who will be eligible for reappointment as of October 31, 2021, and introduced the new appointees to COPAC.

Osborn explained steps taken by CDFA to advertise vacant positions on COPAC. Osborn stated that the SOP maintains a webpage dedicated to COPAC, which includes resources such as a list of COPAC vacancies, informational brochures, and application documents for prospective members. CDFA also publishes press releases with information on current vacancies. Osborn stated that he would move forward with getting a press release for the COPAC vacancies.

ii. Compliance and Enforcement/Appeals Summary

Scott Renteria provided the Compliance and Enforcement/Appeals Summary. For FY 21/22, as of December 24, 2021, there were 58 total complaints, 28 were investigated by the SOP, which consists of both CDFA and county agricultural commissioner staff; 12 were referred to accredited certifying agents; 16 were referred to CDPH; one was referred to the NOP; and one was referred to the Organic Input Materials Program. There were 648 total inspections: 416 of these were conducted at Certified Farmers' Markets; 90 were conducted at production sites; 54 at a handling facility; two at a processing facility; 82 at a retailer; and four at a location not within the above categories. A total of 210 samples were collected: 196 were surveillance samples; 10 of these contained residues below tolerance levels and seven contained residues above tolerance levels. There were also 14 investigative samples: nine of these contained

residues below tolerance levels, and zero contained residues above tolerance levels. Six appeals were received, all except one of which are closed.

iii. Complaints Activity Report

Renteria provided the Complaint Activity report for the period of July 1, 2021, to December 24, 2021. A total of 29 open complaints were active. Four complaints were open for more than 120 days; four were open for between 90 and 120 days; two were open for between 60 and 90 days; nine were open for between 30 and 60 days; and 10 were open for less than 30 days. An additional 29 complaints had been closed.

iv. Complaint Summary Log

Renteria presented the Complaint Summary Log, detailing complaints and investigations that were assigned and closed from July 1, 2021, through December 24, 2021.

v. Pesticide Residue Updates

Renteria provided the Pesticide Residue Updates, detailing the results of samples collected by the SOP during routine and investigative efforts.

vi. Cost Share Update

Renteria provided an update on the Cost Share Program. Renteria stated that 1,826 applications for reimbursement have been approved. Over \$1.2 million in reimbursement payments have been issued to Californian applicants to-date. The Cost Share Program will begin accepting applications for the next agreement period on June 1, 2022.

vii. California Agricultural Statistics Review

Mayze Fowler-Riggs explained that the SOP has submitted 2020 calendar year agricultural statistics data to the CDFA Marketing Services Division. This report will be published at a future date. The SOP is in the process of compiling data for the 2021 calendar year.

viii. Impacts of COVID-19 and Wildfires

Fowler-Riggs provided Impacts of COVID-19 and Wildfires updates. The SOP has not been notified of any operations declining to renew their organic registration due to wildfires or COVID-19. Fowler-Riggs stated these types of notifications from organic operations is voluntary.

ix. Revenue from Registration/New Registrations

Fowler-Riggs presented information on organic registration fees collected by month and year. As of November 2021, \$658,173 has been collected in registration fees. A total of 522 new operations registered with the SOP from December 2020 through November 2021; of these 437 are producers, 124 are handlers, and 17 are processors. The total number of registrants is 4,935; the majority of which are producers.

x. Fund Condition Update

Danny Lee provided the Fund Condition Update. Lee stated that as of November 30, 2021, the beginning fund balance for FY 21/22 was \$3,066,469. Total revenue was

\$625,285, and available cash was \$3,691,754. Total expenditures were \$840,518, cash adjustments were \$58,532, with an ending balance of \$2,792,704.

xi. Modifying Registration Fees

Lee explained that during the September 2021 COPAC meeting, a motion had been passed to recommend that the SOP explore steps necessary to create a sliding scale fee schedule or an annual adjustment, via a legislative or regulatory change. The SOP will examine potential changes to the Program's fee schedule once additional information is known regarding the fiscal impacts associated with the new BCP and UC contract. Lee stated that any fee reductions must allow the SOP to continue to be financially solvent long-term.

Lee suggested that COPAC form a subcommittee during their Fall 2022 meeting, to investigate and discuss in more detail potentially adding a sliding scale for registration fees or reducing registration fees overall. Yount noted that revising statute to allow for a sliding fee schedule would require a legislative change.

ITEM 9: NEXT MEETING/AGENDA ITEMS

Osborn explained that COPAC's annual budget meeting will be held in May 2022. Potential meeting dates include the weeks of May 9th or May 16th. A Doodle Poll will be conducted to determine the final meeting date.

Chair Johnson asked that follow-up discussion regarding a Subcommittee to discuss a sliding registration fee scale, as well as an update on the status of the contract between the SOP and UC, be present on the next meeting agenda.

ITEM 10: ADJOURNMENT

The meeting was adjourned at 12:31 p.m. by Chair Johnson.

Respectfully submitted by:

Danny Lee, Supervising Special Investigator
State Organic Program