



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

**Meeting Minutes  
Sacramento, CA  
May 20, 2009**

**MEMBERS PRESENT**

Garff Hathcock  
David Will  
Larry Hirahara  
John Foster  
Steve DeMuri  
John Ashby  
Lauree Bradley  
Karen Klonsky  
Julie Spandow  
Aaron Turner  
Pat Kennelly  
Dave Martinelli

**CDFA**

Nate Dechoretz  
Rick Jensen  
Dave Carlson  
Paul Collins  
Donna Weathers  
Scott Renteria  
Asif Maan  
Susan Shelton  
Mike Villaneva

**INTERESTED PARTIES**

Robin Allan, CCOF  
Steve Beckley, OFAC  
Richard H. Mathews, NOP  
Peggy Miars, CCOF  
Claudia Reid, CCOF  
Graham Hunting, Monterey Co. Ag. Comm.  
Mike Griffin, Clover Stornetta Farms  
John Kroegier

**ITEM 1: INTRODUCTIONS**

Mr. John Ashby called the meeting to order at 9:00 a.m. A quorum was established and introductions were made.

**ITEM 2: APPROVAL OF NOVEMBER 3, 2008 MEETING MINUTES**

Ms. Claudia Reid asked to change the title after her name from 'Accredited Certifying Agent' to 'CCOF' on page five, paragraph three.

Mr. Rick Matthews name will be corrected on page three, item 6, paragraph one, to read Mr. Richard Matthews.

**MOTION:** Mr. Larry Hirahara moved to approve the November 3, 2008 meeting minutes as amended. Mr. Steve DeMuri seconded. The motion passed unanimously.

### **ITEM 3: APPROVAL OF JANUARY 22, 2009 MEETING MINUTES**

Ms. Peggy Miars asked to add the following to Public Comments section: "If CCOF doesn't see forward movement in the reform process by the next meeting, we will listen to our membership in taking whatever steps are necessary to disband the program."

**MOTION:** Mr. Dave Martinelli moved to approve the January 22, 2009 meeting minutes as amended. Ms. Julie Spandow seconded. The motion passed unanimously.

### **ITEM 4: REVIEW OF WORK OF TECHNICAL PLANNING COMMITTEE**

Mr. Dave Carlson and Mr. Paul Collins gave a PowerPoint presentation of the newly revised forms. Copies of each form were distributed to each member.

Mr. Carlson gave a brief report that there were 49 recommendations for the registration packet forms and certificates, of those 41 were changed. Seven changes were not made and one change is still pending, which relate to reporting income over \$25,000,001 and may require regulations.

Mr. Carlson reported that the Site History form and Site Map form have been combined into one form now called the Site Profile form. The form now requires a map to be attached. The Facility Substance form and Livestock Substance form were combined and various changes were made to the form. The Duplication of Forms Committee approved the final version of the forms on April 3, 2009 but the final sign off must be received by the Department.

Mr. Rick Jensen stated that a significant amount of time was expended by everyone to complete the revision of the forms. By law, the program must collect enough information to reasonably assess whether or not the registration fee paid is accurate, which is why production records are requested in so much detail. However, there could be a regulatory change to allow for audits to be performed on operations, which would resolve these issues. This would eliminate the SOP from collecting this data which has been represented as very important to the industry. Mr. Jensen stated the program will not collect information if it lacks value to both the industry and the state. The data collected is available to be shared; however, the following questions need to be addressed:

1. Who should be filing and seeking the data? Should the process remain with the Department?
2. Identify the 'hows' and 'whys' from the industry's perspective as to what should be done with the data. Our goal is to get a consensus and make sure the data is effectively utilized.

Mr. Nate Dechoretz commented that the Feed, Fertilizer, Livestock Drug and Egg Regulatory Services Branch is in the process of building a complex database that is

internet accessible by the growers. The project is expected to be completed within six months.

Mr. John Kravacic stated that the Organic Database Replacement Project is moving forward. There have been some changes in the database approach and the use of an enterprise system that will reduce the cost. The Feed and Fertilizer Program is currently developing a web based data system using ExtraView. The applicant must fill out the information completely. Credit card payment will be a new payment option. We will be able to take advantage of the work that's being done on this project to reduce the costs associated in developing our project. This database will be able to attach lab results, maps, pictures and much more. Information from barcodes could also be captured.

Mr. John Ashby requested the minutes reflect that the committee is very concerned about the accessibility of this data. He acknowledged the burden on the industry but also recognized the usefulness of the information. He stated that he would also like to see data on acreage.

Mr. Carlson reviewed the Organic Agricultural Product Sampling Program. The National Organic Program (NOP) allows the State Organic Program (SOP) to take samples when they have reason to believe the product has come into contact with prohibited substances. We will identify which products need to be sampled, and the findings will determine what actions to take.

Mr. Carlson stated that CDFA has been in discussion with Department of Pesticide Regulation (DPR) regarding pesticide use reports. DPR recommended we continue getting the pesticide use reports through the local county office.

#### **ITEM 5: REVIEW OF SOP AUTHORITY**

Mr. Mike Villaneva provided an overview of the draft policy statement. The statutory authority in the Food and Agricultural Code is very clear that the Secretary and Agricultural Commissioners can conduct spot inspections at any spot within the system where transactions or activities are taking place. To achieve compliance, a regulatory program must exist. Identifying areas of non compliance is critical in order to identify potential inconsistencies with state and federal organic law. Everything that falls under the CDFA jurisdiction will be subject to the spot inspections.

Mr. Villaneva explained that compliance history is used as a key measure in terms of how to direct and focus spot inspections. If a grower or producer is in violation, they will be given higher priority. Another important area addressed was the issue of certified vs. non-certified operations. Certified operations already have a system in place for correcting inconsistencies. More emphasis will therefore be placed on non-certified operations.

Mr. Villaneva reported that spot inspection history is minimal due to a lack of spot inspections and explained that most enforcement actions are generated by complaints.

Mr. Villaneva announced that the state will be divided into five regions. Staff will achieve a much better profile of the activities within those regions and will be able to time the inspections according to preplanned activities, irrigation, harvesting practices, and product movement and will be able to determine if the activities are consistent with organic systems plans.

Mr. Villaneva stated that regulatory authority must be established before the process can officially begin.

Mr. Richard Matthews stated that the NOP is fully in favor of spot inspections. He stated that they need procedures in place to process the violations.

Mr. Pat Kennelly provided an overview of the Organic Processed Product Registration Program Report. The median annual gross sales revenue for 2008 was \$229,714 and the total annual gross sales revenue for 2008 was \$6,355,399,593. The total number of organic complaints closed in 2008 was 18 by the CDPH.

Mr. Collins gave a presentation on enforcement and due process. He developed a complaint handling policy for each function. The policy explains how each function will be administered and monitored. The scope of the complaint policy will give more detail of how it will be implemented.

Mr. Collins explained that processes and procedures will be in writing on how to handle complaints and investigations. Each entity will be accountable to interact and follow up in making sure that the process is working. Policies will be established based on past practices, current procedures and proposed NOP changes. All forms and letters will go into a manual and will be developed and controlled.

Mr. Rick Jensen stated that once we have internal approval on the revised registration product, we will give it to the Technical Committee to approve. Any additional modifications will be addressed accordingly.

#### **ITEM 6: SOP UPDATE**

Mr. Carlson reviewed Attachment C, Organic Program Revenue from Registrations by Month and Year. Program revenue has increased each year since 1992. The program projects to reach \$970,000 in registration fees in the 2008/2009 fiscal year.

Mr. Carlson reviewed Attachment D, 2009 New Organic Program Registrations. This report details total registrations from 2004. Most new registrations are from farm operations with 2008 totaling 354 with five wholesalers registering this year so far.

### **ITEM 7: 2009/2010 BUDGET RECOMMENDATION APPROVAL**

Mr. Carlson provided an update on the Organic Program Budget (Attachment F). The Organic Program is anticipating total program costs in the amount of \$1,292,900 for Fiscal Year (FY) 2009/2010.

**MOTION:** Mr. Hirahara moved to approve the proposed 2009/2010 FY Organic Program Budget as submitted. Mr. Steve DeMuri seconded. The motion passed unanimously.

### **ITEM 8: NOSB UPDATE – STEVE DIMURI**

Mr. Steve DeMuri gave a brief report on the National Organic Standards Board (NOSB) meeting of May 4-6, 2009 in Washington, DC. Bleached Lecithin will be removed from the National List making it the first material to ever be removed. Unbleached Lecithin will be removed but the listing was changed to restrict it to de-oiled forms only.

### **ITEM 9: ASSEMBLY BILL 557 – CLAUDIA REID**

Ms. Claudia Reid reported that Assembly Bill (AB) 557 adds a certifier to COPAC. There will be no additional costs associated with adding a certifier.

Mr. Carlson gave an update on AB 856 (Fertilizer Bill). This bill will increase the Department's authority for organic fertilizer enforcement. It increases misdemeanor penalties for manufacturers found adulterating organic fertilizers and will allow the CDFA Secretary to conduct onsite investigations and sample products during the manufacturing process. It prohibits manufacturers from obtaining a license for three years if they are found in violation of misbranding.

### **ITEM 10: OTHER BUSINESS**

Ms. Karen Klonsky made a recommendation to include an area on the Production Record Form to document acreage.

### **ITEM 11: PUBLIC COMMENTS**

Ms. Peggy Miars commented that she was pleased with the progress made by the Technical Planning Committee. She is also pleased to see the new Quality Manual is coming together. She will write a column in the CCOF magazine to provide an update to the members of the progress made by the committee.

Mr. Mike Griffith reported that the Senate is holding hearings to try to get organic milk removed from the California Milk Board. Some in the industry feel there's a gap between organic milk and conventional milk because of the price.

Mr. Aaron Turner asked that timelines for notification of meetings be followed. Mr. Jensen confirmed that COPAC agreed as an organization to adopt a 20 day timeline for posting meetings. By law, meetings must be posted ten days prior to the meeting.

**ITEM 12: NEXT MEETING/AGENDA ITEMS**

The next COPAC meeting will be scheduled in August 2009.

**ITEM 13: NEW ITEMS**

No new items to report.

**ITEM 14: ADJOURNMENT**

The meeting was adjourned at 12:55 p.m.

Respectfully submitted by:

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David Carlson, Acting Supervisor  
California Organic Program  
Inspection and Compliance Branch