

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (Department)
FERTILIZER INSPECTION ADVISORY BOARD (FIAB)
DOUBLETREE BY HILTON FRESNO CONVENTION CENTER
2233 CESAR CHAVEZ, FRESNO, CA 93721 / HYBRID**

**FEBRUARY 26, 2025
9:00 AM – 12:00 PM**

MINUTES

BOARD MEMBERS

Andrew Larson
Chris Gallo, Vice Chair
Gary Silveria, Chair
Greg Cunningham
Melissa McQueen
William Oglesby
David McEuen
Jake Evans
Tucker Salles

CDFA STAFF

Angelia Johnson
Brandi Alston
Brittnie Williams
Elsa Poon
Emad Jahanzad
Evelyne Ndiaye
Jenna Leal
Maria Tenorio Alfred
Mark Cady
Minal Patel
Nick Young
Nicole Smith
Roshani Shakya
Teresa Bowers
Yanhong Li
Zach Edmonds

INTERESTED PARTIES

Andrew Godfrey
Renee Pinel

INTRODUCTIONS AND ANNOUNCEMENTS

Gary Silveria, Chair, called the meeting to order at 9:01 AM and self-introductions were made.

ROLL CALL – ESTABLISH QUORUM

Roll was taken and a quorum was established.

APPROVE OCTOBER 23, 2024 AND DECEMBER 9, 2024 MEETING MINUTES

Chair Silveria requested the board review the minutes of the October 23, 2024, and December 9, 2024 FIAB meetings.

MOTION: Greg Cunningham moved to approve the minutes as presented; William Oglesby seconded. The motion passed unanimously by all board members present with a vote of 9 to 0.

DEPARTMENT / DIVISION / BRANCH UPDATES

Jenna Leal, Branch Chief, announced a federal fund freeze that prompted the Department to review federal funds for the Branch. The Fertilizing Materials Inspection Program (FMIP) has no federal contracts but the Conservation Innovation Grant. The Feed Inspection Program's Animal Feed Regulatory Program Standards Cooperative Agreement and the Food Safety Modernization Act contract have minimal impact on the Branch. The Branch continues to monitor federal funds with the anticipation of the budget to pass by March 14, 2025.

Leal stated recent tariffs will impact both the feed industry and fertilizer industry. The Branch is monitoring tariffs and working with industry partners to understand the impacts, especially potash and canola in California.

Mid-year budget projections are due in the coming weeks. The Organic Input Material program (OIM) is supplemented by the FMIP which is underfunded. The Branch and program have worked on a deficit reduction with the understanding that a budget change proposal would need to be prepared if the OIM program is continually underfunded. The Branch has worked closely with the Division and FMIP to monitor the OIM program budget.

Leal reported the Governor's budget is to be signed on June 15, 2025, but with recent wildfires that led to tax relief for people affected by the wildfires, the state of the budget will likely be announced in October 2025.

Leal reported an ongoing case regarding organic fraud with a grain company in Northern California. The Department's State Organic Program is the lead on this case with the support of the Commercial Feed Regulatory Program (CFRP). Leal announced a settlement was reached for a case initiated in 2023 regarding adulteration in red seaweed as a livestock drug digestive aid.

Leal announced CFRP's newly appointed Environmental Program Manager I (EPM), Rachelle Kennedy. Kennedy's prior Senior Environmental Scientist (SES)(Supervisory) position was backfilled with Samantha Moran-Defty. With the current hiring freeze, programs are still required to justify recruitment if hiring prior to 120 days that a position is vacant.

Nick Young, FMIP's EPM I, added The Fertilizer Institute (TFI) is working on tariff concerns with fertilizer by having direct meetings at the White House. With 90% of potash from Canada, TFI is working on influence and not have tariffs affect that space.

Young further added that the Farm Bill is anticipated at the end of 2025 and potential introduction of marker bills for discussion. The Plant Biostimulant Act is in versions of the farm bill moving forward with exploration of Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA) regulations to exempt seaweed extract and humic acid.

PROGRAM UPDATES

Young announced personnel updates, reporting two new Environmental Scientist registration staff for the Conventional Fertilizer program led by Evelyne Ndiaye, SES (Supervisory). Roshani Shakya, ES, has a PhD in Plant Science with an emphasis in Molecular Biology and Biochemistry from Basel, Switzerland. Shakya was a Scientist at Origin Material Inc., and prior to that she was a Director of Bioanalytical Chemistry for Agrinos, Inc. and a Biotech Senior Scientist at J.R. Simplot Company. Daniel Rodriguez has a bachelor's in Plant and Soil Science from the California State University of Chico. Rodriguez worked as a Conservation Project Coordinator for the Colusa County Resources Conservation District and was a Soil Technician at the Center for Regenerative Agriculture in Chico. Prior to that, Rodriguez was an Aquaponic Greenhouse Manager at the Chico State University Farm. Rodriguez's start date is March 3, 2025.

Young reported as of July 1, 2024, the beginning balance of Commercial Fertilizer is \$7.2 million and OIM is \$3.1 million with a combined total of \$10.3 million. The ending adjusted balance as of December 31, 2024, is \$6.6 million for Commercial Fertilizer and \$2.7 million for OIM with a combined total of \$9.4 million. Young noted the \$9.4 million is the lowest it has been, but the program is tracking. In comparison to the funds presented at the last FIAB meeting, expenditure on Commercial Fertilizer and OIM is aligned to the prior year. Additional dues are from the Department of Justice (DOJ) attorney fees for the Agro Research \$2 million penalty. The firm is undergoing bankruptcy hearings. DOJ and the Department plan to oppose bankruptcy. The Department is also in settlement negotiations with the firm.

The mill assessment trends for FY 2024/25 at 2.5 mill totaled \$4,507,292 million. The prior year's trends halfway through the year have presented a higher amount. Mill assessments will continue to be tracked, especially with the uncertainty on tariffs.

Greg Cunningham asked if the board made the decision on mill, so it is easier to change the percentage. Young responded, stating that essentially the board votes on the mill to recommend to the secretary for approval then the program proceeds with regulation for the mill assessment change.

The Fertilizer Research and Education Program (FREP) has a beginning balance of \$8.9 million. Revenue was \$1,3 million; expenditures were \$1,5 million; and encumbrances for grants through June 30, 2025, totaled \$4,3 million. As of December 31, 2024, FREP's ending adjusted balance was \$4,4 million.

Jake Evans asked if the program funds a FREP project, but the costs are still unaccounted for, can the board pull the project funding back if the work has not been completed. Young stated that it would be difficult, however, if the project is under contract and no work has been completed, then in theory, it can be done. However, if the project is already under contract the department would have to prove that the contractor is in breach of contract in order to pull funding.

Melissa McQueen asked if FREP is at the end of the three-year project. Mark Cady, FREP SES (Supervisory), will provide information during the FREP update. Young shared that the FMIP hosted its annual industry workshop in November of 2024 that occurred in Sacramento with 82 industry participants in attendance. Presentations featured conventional licensing and registration, inspection and sampling, OIM registration and inspection, the Department's database, mill assessments, tonnage report and efficacy data submission. The workshop also included an appointment-based open registration clinic. The 2025 FMIP industry workshop is anticipated to be in October 2025 in Sacramento.

The Association of American Plant Food Control Officials (AAPFCO) Winter Annual Conference was February 17-18, 2025, in New Orleans, Louisiana. Discussion stemmed from soluble silicon recognized as an essential nutrient and a researcher promoting it be recognized as a secondary nutrient. More discussion on whether to change the definition for secondary and micronutrients to become broader and not only capture "essential nutrients," but also "beneficial nutrients." The revised definition is not tentative. Microorganisms are under consideration as plant biostimulants. California led effort to propose 226 microorganisms to be allowed to claim "plant biostimulant." Of the 226 microorganisms, 216 are registered in the state after reviewing efficacy data. The list will be provided at the next FIAB meeting. The list identifies which microorganisms are pesticidal and pathogenic. The request was to remove those microorganisms that are pathogenic which will not be considered as plant biostimulants.

Young reported that 26 states have adopted or will adopt the "contains beneficial substances" label format by the end of the year. Thirty states have (or will) recognize the definition of plant biostimulant and beneficial substances by the end for 2025. Progress is being made in a uniform standardized pattern for the remaining states, but they haven't reported a specific timetable

William Oglesby commented, commending Young for taking the lead on this type of discussion outside of California. Young responded, it is a positive step forward with a focus now on program planning for staff to perform the efficacy data review.

Chris Gallo commented, stating in the biological focus on effect on plants and inquiring about an effort to integrate the view of plant efficacy and if there are any concerns from program. Gallo stated there are a lot of biological active native populations of soil that creates the environment for plants to utilize and other discussion points. Young responded, stating there is no concern because claims would be vetted by efficacy data for plant or soil health. It comes down to the specificity of the claims that are being made. If it is general, the program can look up existing research and if it is within realm of what the microorganisms do, the program would accept the claim without efficacy data. Whereas if making specific claims, then efficacy data would be required and have to substantiate each claim.

Jake Evans asked if the program would start charging for time and work as more biological claims with efficacy data are submitted for program review. Young stated the

program is exploring the possible increase in efficacy reviews as it is unknown how it will impact the program, but the ideal path would be for reviews to occur through AAPFCO. If there are only 5-10 additional efficacy data reviews, the program can simply absorb the workload.

Evans inquired about what the program thinks about funding the additional work through mill assessments. Evans stated that OIM should be involved in payment. Young stated that the program is considering many possibilities. This could mean a potential influx of efficacy data review in which the program would need to plan for and find alternatives. Young suggested a consortium between states with staff of strong scientific backgrounds and some type of review rotation, such as with Indiana.

The Biostimulant World Congress was held in Miami, Florida in November 2024. This is the preeminent event for plant biostimulants worldwide. Young spoke on regulating plant biostimulants in California and throughout the United States, as well as serving on a regulatory panel for biostimulant regulation. The regulatory panel discussion involved Ed Thomas of TFI, Terry Stone representing the Biological Product Industry Alliance, and David Hiltz representing the European Biostimulant Industry Council.

FMIP initiated a proposed rulemaking regarding the 4-year registration cycle with the anticipation of a public comment period between now and the next FIAB meeting. The rulemaking will also include the beneficial substances label format.

At the last FIAB meeting, the board requested additional recommendations or discussions on the pathogen pilot study. The guest speaker indicated no risk or very low risk. Young requested the board's thoughts on the pathogen study process. Evans praised FMIP on data collection on the pathogen study stating if it is low risk, then we can move on and do not have to further address this issue. McQueen agreed that FMIP did great gathering data quickly and the guest speaker eased minds, stating the pathogen study is a closed case.

Ndiaye, Conventional Fertilizer SES (Supervisory), presented conventional fertilizer registration updates. A date stamp was added to the Extraview database for updated labels received. This allows the registration staff to better track the number of registration applications and record processing time. On January 2, 2025, a new feature in the database automatically renewed 278 conventional fertilizer and bulk agricultural minerals for firm names starting with the letter D-I. These firms indicate no changes, and their heavy metals analysis is within five years. In 2024, FMIP received a total of 5,536 conventional fertilizer applications: 1,515 new and 4,021 renewals. The highest number of applications received was in March, while the lowest number of applications received was in June and November 2024. Ndiaye reported 21 new applications were reviewed over 90 days, five re-submitted applications were reviewed over 90 days, totaling 26 applications for over 90 days.

Yanhong Li, OIM SES (Supervisory), announced a new secondary review system that includes the second reviewer's name, and the date sent for the secondary review. The

purpose is to speed up the secondary review process and help remind reviewers to review the record within a certain timeframe. Li further announced an update label and formula tracking system whose purpose is to improve update label and update formula review process at the same time and to help track delay in review updates, and to track the number of updates received. Besides new OIM applications, the program processes many updates, including label updates and formula updates. The lowest number of new OIM applications was received in February 2024, while the largest amount was received in June 2024.

Li reported a total of 706 new OIM applications and 1,060 renewal applications received, totaling 1,766 applications. Li presented a table reflecting the OIM registration data of registration applications not reviewed within 90 days. As of January 24, 2025, only 40 of 1,766 applications were not reviewed within 90 days. In September 2024, the number of applications not reviewed within 90 days was higher; therefore, in comparison between the last four months reflects a turnaround time decrease between that time to January due to more efficient processes. The new secondary review system and update label and formula tracking system have helped improve turnaround times.

Young added that in total (conventional and OIM), only 1% of new registration applications and resubmission reviews were not reviewed within 90 days, which is the lowest it has ever been. McQueen expressed appreciation of the program's work on the new system processes stating an immense step forward.

Leal commented, Li and Ndiaye have been a tremendous asset to the program. With Young's leadership, the leadership team was able to improve this process providing transparency in data which has been a priority for the program over the years.

Nicole Smith, SES (Supervisory) for FMIP's field staff, reported a total of 1,198 samples received in 2024; 624 conventional fertilizer and 574 OIM. FMIP's estimated analytical violation rate is 14.27% which are products that have not met guarantees.

Smith reported a total of 20 complaints in 2024: 16 closed and four pending. Four were related to conventional fertilizer and 16 were OIM. Two complaints were received as of January 27, 2025: one conventional fertilizer and one OIM. Several more complaints have been received since then. Smith noted one pending case from 2023 is anticipated to close in the next couple of months. A total of 26 notices of proposed actions were received: 16 paid, five unpaid and five pending payment(s), pending hearing request, pending decision, etc. The total amount assessed is \$176,271.63 and as of January 27, 2025, the total received \$101,923.36.

Mark Cady, SES (Supervisory) for FREP, stated the 32nd FREP-Western Plant Health Association Conference held on October 29-30, 2024, had an estimated 130 participants. A pre-conference tour at McFadden Woodchip Bioreactor in Salinas was hosted by Monterey Resource Conservation District, workshops for sensor calibration and collaboration with underserved growers, and a research panel on nitrogen removal

coefficients and grower panel on nutrient and irrigation management in organic production were held during the conference.

Cady highlighted several outreach activities FREP has attended including the Progressive Crop Consultant, Black Farmers Conference, Native America Day at the Capital, Almond Conference, California Association of Resource Conservation Districts and Plant and Soil Conference. FREP now publishes quarterly newsletters along with a compilation of blog posts.

The request for proposals was November 4, 2024, pre-proposals were due December 16, 2024, and the Technical Advisory Subcommittee (TASC) meeting was held on February 18, 2025. A total of 59 pre-proposals were received; 16 of the totals were outreach and education projects. TASC recommended nine for the full proposal phase. The full proposals are due in April 2025 and FREP will determine and present the recommendations for funding at the next FIAB meeting.

Cady provided an update on the Nitrogen and Irrigation Initiative (NII). The Specialty Crop Block Grant ends in June 2025. Funds are fully expended as the project is completed. The Central Coast Water Efficiency Technical Assistance (WETA)-funded project will continue to support some activities. The Conservation Innovation Grant, a grant that supports Central Valley NII activities and program evaluation, is extended to March 2026. FREP will present the grant results at the Soil and Water Conservation Society in Southern California in August 2025. The University of California Agriculture and Natural Resources (UCANR) has performed data analysis which will be submitted for peer review and published in the California Agriculture and UCANR's Agricultural Science Journal. FREP now manages 471 on-farm consultations, 48 farm trials in Central Coast and Central Valley, 84 educational events and field days with farm advisors and water quality coalitions, and 4,290+ participants that have received consultations. Michael Cahn, UCANR Irrigation and Water Resource Advisor, consults with farm companies. FREP has adapted to fit local crop and farming culture especially with smaller farms in Kings, Tulare County, and larger farms in Kern, Fresno and Santa Clara County.

FREP's Grower Training Program allows growers to self-certify irrigation and nutrient management plans (INMP) for water board compliance. Central Valley growers are now eligible to receive one CDFA INMP continuing education credit annually for an NII on-farm consultation. The first two grower consultations were in December 2024. FREP outreach continues communication with Central Valley and State Water Boards, Coalitions and eligible growers, as well as tabling at conferences.

McQueen inquired about FREP funding for the three-year NII project. A special meeting on July 1, 2021, was held to discuss special funding for NII project through FREP. McQueen inquired about the project being complete. Cady responded, the project was from fertilizer funding; therefore, FREP applied to other programs for funding to extend the project. FREP received two grants and other grants that support UCANR that will be spent first. Grants are typically a three-year cycle, and an extension of project is

common. Changes on farms take a long time and changes in populations of farms so FREP's strategy has been to provide support for growers as long as the program is able benefit from the research project and the information provided supports the mission of FREP to improve irrigation and nutrient management.

McQueen stated that the July 2021 FIAB meeting was critical to get the project down and reach out to targeted outliers which are the growers at maximum risk. There was a very specific objective presented with the extra funds, and it appear that the project was not indefinite, but a specific three-year program funding. Part of the rush was to meet the deadline of potential federal matching funds.

Vice Chair Chris Gallo commented, the expectation from the board was a three-year program, inquiring whether there is a need for support from FREP funding.

Chair Silveria asked FREP if the project continues, is it a re-establishment of goals, targets and measurements to meet those targets. Chair Silveria asked FREP if the program has re-established new targets. Cady responded, FREP has not established new targets but has continued to use federal grants as work plans for fulfilling FREP's ongoing strategy. FREP is looking at a long-term program and potentially at how program can raise external funds to continue work with UCANR on the program. Cady apologized to the board about the program project expecting to end at three years and stated it is difficult to predict the time of regulatory changes.

Oglesby asked about what is happening with the federal funds. Leal responded that the Specialty Crop Block Grant funding ends in June 2025 and the Conservation Innovation Grant extends to March 2026.

Chair Silveria stated the board's concern is whether the \$3.1 million still exists.

McQueen added, inquiring to program on whether the \$3.1 million funding approved in the July 2021 FIAB meeting is still needed.

Vice Chair Gallo recalled prior thoughts mentioned at the last FIAB meeting regarding the metrics of the project, such as how to determine success, identify accountability and track the intention of outreach to reduce overages on groundwater. Vice Chair Gallo further stated consultations and education and outreach are great, but the purpose is for an outcome. Vice Chair Gallo stated the board is unsure if there has been a target to reduce or improve on that and unsure if it is possible but the board's goal is to see what those would like.

Chair Silveria added, asking if there will be accountability in data to support FREP if there is a continuance of the program.

Leal suggested a subcommittee meeting be scheduled to discuss whether funds stay in FREP, what will be accomplished to align with the mission of the board and gain a better understanding of the \$3.1 million funding, and what the board's desired outcome

of goals, objectives, timelines, and accountability. The outcomes from the subcommittee meeting can be presented as an update at the next FIAB meeting.

McQueen stated the importance of discussion on whether objectives have been accomplished and to determine if the program can move on to assessment and identify the next steps.

Chair Silveria further commented on identifying the timeline and ensuring the board and program are aligned in what the expectation is for anything going forward.

Cady suggested inviting UCANR partners to talk about their perspective and program at the subcommittee meeting.

Chair Silveria asked board volunteers for the subcommittee. Chris Gallo, Melissa McQueen and Gary Silveria were identified as subcommittee members.

Leal stated the subcommittee meeting will be held prior to the next FIAB meeting.

Cady gave an update on the Water Board Agricultural regulations. The State Water Board is convening a new expert panel to recommend to the FIAB the possible use of fertilizer limits to reduce contamination of groundwater in regional programs. The Water Board is in contract negotiations with a facilitator. This will provide a better view of how the regulatory environment will evolve for growers in the foreseeable future.

Cady announced Nicole Nunes, ES for FREP, will separate from the Department at the end of March. Cady announced his retirement at the end of May. The Branch seeks to backfill both positions.

CENTER FOR ANALYTICAL CHEMISTRY (CAC) LAB UPDATE

Teresa Bowers, EPM I for CAC, presented a total of 2,347 assays completed between July 1, 2024, through December 31, 2024, with an average of 11.8 days per sample. A total of 459 samples were completed: 85.3% routine and 14.7% priority. CAC completed a total of 2,295 assays; 344 re-run with an average of five assays were completed per sample.

Bowers announced CAC's thiamine (Vitamin B1) method was transferred from the traditional HPLC to sophisticated LC-MS/MS. This transfer was done in collaboration with CAC's Research and Development team and the Regulatory Analysis team under SES (Supervisory) Elsa Poon's leadership. Few thiamine sample analyses are done every year; however, it is a highlight of the overall efforts in the CAC to continue to modernize methods and use more sophisticated instruments available on the market.

PUBLIC COMMENTS

There were no public comments.

AGENDA ITEMS FOR FUTURE MEETINGS

Chair Silveria requested agenda items for the next meeting. Subcommittee members will be asked to select a date in March or April prior to the next FIAB meeting. Leal mentioned efficacy data impacts and what to anticipate and what are the costs.

NEXT MEETING

The next meeting will be held on Wednesday, June 11, 2025, at the Western Plant Health Association in Sacramento, California.

ADJOURNMENT

The meeting was adjourned at 11:08 AM.

MOTION: Jake Evans moved to adjourn the meeting; Chris Gallo seconded. The motion passed unanimously by all board members present with a vote of 9 to 0.

ORIGINAL SIGNED BY NICK YOUNG

Nick Young
Environmental Program Manager I
Fertilizing Materials Inspection Program

02/26/2025

Date