

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (Department)  
FERTILIZER INSPECTION ADVISORY BOARD (FIAB)**

**CDFA  
2800 Gateway Oaks Drive  
Sacramento, CA 95833  
Room 101  
916-900-5022**

**June 26, 2019  
9:00 a.m. – 12:00 p.m.**

**MINUTES**

**MEMBERS**

David McEuen  
Doug Graham  
Greg Cunningham  
Jake Evans  
Jay Irvine  
Melissa McQueen, Chair  
Steve Spangler, Vice Chair

**MEMBERS ABSENT**

Ed Needham  
Gary Silveria

**CDFA**

Adriana Avalos  
Amadou Ba  
Angelia Johnson  
Barzin Moradi  
Brent Oge  
Brittnie Sabalbro  
Carla Sanchez  
Dale Woods  
Emad Jahanzad  
Kevin Wall  
Mark Cady  
Martin Burger  
Maryam Khosravifard  
Natalie Jacuzzi  
Nick Young

**INTERESTED PARTIES**

Rebekah Finn  
Renee Pinel

**INTRODUCTIONS AND ANNOUNCEMENTS**

Melissa McQueen, Chair, called the meeting to order at 9:03 a.m. Self-introductions were made, and a quorum was established. Ed Needham and Gary Silveria were absent, and Jake Evans arrived a few minutes late.

Chair McQueen announced that board terms expire on October 14, 2019 for three current board members; two board positions and one public member.

Dr. Amadou Ba introduced the Branch's new hires; Dr. Emad Jahanzad, Senior Environmental Scientist (SES) (Specialist), and Brent Oge, Summer Intern, for the Fertilizer Research and Education Program (FREP). Dr. Jahanzad graduated from the University of Massachusetts, was an Environmental Scientist with the Office of Environmental Farming and Innovation and was a post doctorate from the University of California, Davis (UCD). Brent Oge is majoring in Business Agriculture and Spanish at

the California Polytechnic State University in San Luis Obispo. The advertisement and hire of three vacant Feed program positions are pending due to the funding mechanism from the Food and Drug Administration (FDA). The duties of the vacant Feed program positions relate to the Food Safety Modernization Act, which is not mandated by the Food and Agricultural Code.

### **APPROVE FEBRUARY 6, 2019 MEETING MINUTES**

Chair McQueen requested the board review the minutes from the February 6, 2019 FIAB meeting.

**MOTION:** Steve Spangler moved to approve the minutes; Doug Graham seconded. The motion passed unanimously by all board members present with a vote of 6 - 0. Jake Evans was not present for this vote.

### **DEPARTMENT / DIVISION / BRANCH UPDATES**

Dr. Ba announced that Natalie Krout-Greenberg is attending a meeting in Salinas, CA and working with Frank Yiannas, FDA's Deputy Commissioner, regarding food safety issues. The Department has partnered with the UCD and FDA to host workshops to address produce safety and food safety issues. These Good Ag Neighbors workshops, an interface of produce grower and livestock, are designed to create dialogue between the two groups. The workshops were held in Southern CA and the San Joaquin county area. CalRecycle is also involved in the discussion to find a framework of how to address food safety issues while understanding the impact on agriculture as a whole.

The United States Department of Agriculture (USDA) has received additional funding to address the virulent Newcastle Disease outbreak reported on May 2018 in Southern CA. Three field program staff have been assisting in the effort to help manage the quarantine area; the efforts encompass ten poultry farms, 1,500 backyard poultry; and 1.2 million depopulated birds.

The CalCannabis Cultivation Licensing Branch, responsible for reviewing cultivation license applications prior to licensure, requested four additional Department staff to help short-term in the licensing process. The Plant Health and Pest Prevention Services Division was able to provide four environmental scientific staff to assist in the process.

Dr. Ba reported that the Fertilizer program was frequently consulted regarding the funding portion of Assembly Bill (AB) 217. AB 217 pertains to the Safe and Affordable Drinking Water Fund to secure access to safe drinking water for all Californians while ensuring the long-term sustainability of drinking water service and infrastructure. Renee Pinel, President/CEO of Western Plant Health Association (WPHA), reported that SB 200 passed in the budget via cap and trade money backed up by general funds; there is no fertilizer mill assessment.

Jake Evans arrived at 9:14 a.m.

## **FUND CONDITION / MILL ASSESSMENT**

Angelia Johnson reported as of July 1, 2018, the beginning fund balance of the Commercial Fertilizer Program (Fertilizer) was \$9.5 million and the Organic Input Material Program (OIM) was \$1.3 million; the combined total was \$10.9 million. The revenue for Fertilizer was \$4.2 million and for OIM was \$904,501. Expenditures were \$3.4 million for Fertilizer and \$586,702 for OIM; combined total expenditures for Fertilizer and OIM were about \$4.0 million. Encumbrances were \$55,812 for Fertilizer and \$56,799 for OIM; combined total encumbrances for Fertilizer and OIM were \$112,611. As of March 31, 2019, combined total funds for the two programs were about \$12 million with an adjusted balance of about \$11.8 million.

The beginning balance of FREP was \$4.5 million; revenue was \$2.3 million; expenditures were \$1.7 million; encumbrances were \$1.2 million with a total adjusted balance of \$3.1 million. As of March 31, 2019, combine total funds for FREP were \$5.1 million and adjusted balance of \$3.8 million.

Johnson presented the mill assessment through March 31, 2019 of fiscal year (FY) 18/19; the mill assessment is on track for the year. The current mill assessment is set at three mills; two for Fertilizer and OIM; and one for FREP.

Chair McQueen asked for the status and timeline process for the board recommendation to the secretary to lower the current mill assessment rate of two mills (\$0.002) to one and a half mills (\$0.0015) per dollar of sales for all fertilizing materials.

Dr. Dale Woods responded that the program developed a rulemaking packet to lower the assessment in accordance with the board recommendation. The notice of proposed rulemaking was published on April 26, 2019 with a 45-day comment period that ended on June 11, 2019. The program anticipates the regulations will become effective at the beginning of October 2019.

## **PROGRAM UPDATES**

Dr. Martin Burger reported, as of December 28, 2018, the Fertilizer program approved 8,589 conventional fertilizer and 2,206 OIM labels highlighting that the amount of commercial fertilizer and OIM registration applications that require data/revisions have been relatively the same over the years. Dr. Burger presented a bar graph illustrating conventional fertilizer and OIM renewals previously submitted and approved, and new applications submitted and approved in 2019. Long-term trends of conventional fertilizer and OIM approvals were presented on a line graph illustrating the trends of conventional fertilizer and OIM approvals and new applications received due to the change in the fertilizing materials registration cycle beginning January 1, 2018.

Dr. Burger stated the registration renewal cycle is July 1, 2019 through June 30, 2021 for conventional fertilizer and OIM for firm names that begin with letters 'J' through 'Q'. The Fertilizer Program Workshop will be November 13-14, 2019 at the Holiday Inn in Downtown Sacramento. A notice will be released for attendees to pre-register; walk-ins are also welcome.

Nick Young gave an inspection update and announced that a few substantive changes for the proposed rulemaking packet regarding the administrative penalty's violations matrix needed to be addressed by the Fertilizer program. The few changes required a second 15-day public comment period which started on June 18, 2019 and ends on July 3, 2019.

Young reported that the USDA will release a recommendation report to Congress on Biostimulants in December 2019. The Association of American Plant Food Control Officials (AAPFCO) is involved with the report to provide state control official perspectives alongside the challenge of biostimulant in their beneficial substance category. AAPFCO has acknowledged that the Department must create a universal labeling format or propose a labeling format accepted by all states. Young stated creating a universal labeling format will be a challenge due to the complexity of the number of products and product categories that groups consider under the biostimulant umbrella.

The Environmental Protection Agency (EPA) released "Draft Guidance for Plant Regulator Claims, including Plant Biostimulants" on March 27, 2019. The comment period was extended to July 28, 2019; the Department and AAPFCO plans to submit public comment. The Department's comment will emphasize potential conflict with existing law and seek additional clarity. The EPA is identifying plant regulatory pesticide claims which may conflict with the Department's definition of a "commercial fertilizer" and "auxiliary soil & plant substances."

Discussion ensued regarding the EPA's draft guidance on classifying seaweed extracts, foliar-applied humic acid, corn gluten meal, and potassium silicate as plant regulator pesticides.

Jay Irvine stated that he has researched Europe's regulatory process on biostimulants and stated the focus must be on why the products are being used and that the Department of Pesticide Regulation must figure out how to regulate plant growth regulators. The European Council, a working group located in Europe, has worked on defining the terms.

Young stated that the Biostimulant Working Group is considering recommendations to the USDA such as a Process Verified Program, a national framework through USDA, to amend the Federal Insecticide, Fungicide, and Rodenticide Act to exempt biostimulants, and also to include "biostimulants" within AAPFCO's "beneficial substances" category with a model or uniform bill.

Young announced that the AAPFCO Summer Annual conference will be August 7-9, 2019 in Louisville, Kentucky.

**MOTION:** Jay Irvine recommended that the Department select two Fertilizer program scientific staff to attend the 4<sup>th</sup> Biostimulants World Congress in Barcelona, Spain on November 18-21, 2019 to obtain a global and technical perspective of biostimulants;

Steve Spangler seconded. The motion passed unanimously by all board members present with a vote of 7 - 0.

Irvine commented that Dr. Patrick Brown of UCD is Chairman of the Biostimulants World Congress.

Discussion ensued regarding the regulatory process of biostimulants in Europe versus the states.

Dr. Ba suggested a biostimulant working group, consisting of Fertilizer program staff and board members, address the dynamicity of biostimulants. Chair McQueen agreed stating that the working group will be beneficial in how we move forward with it.

Evans asked about inviting outside expertise to join the biostimulant working group. Dr. Ba stated that board members may invite external subject matter experts to participate in the meetings and add value to the working group.

Board members Greg Cunningham and Jay Irvine, and Ehsan Toosi, a representative of board member Jake Evans's True Organic Products, volunteered to become members of the working group. Cunningham stated that the Scotts Company representative for the working group will be himself or his manager. Renee Pinel added that the Western Health Plant Association would like to participate in the working group.

**MOTION:** Chair McQueen recommended a biostimulant subcommittee working group; Jay Irvine seconded. The motion passed unanimously by all board members present with a vote of 7 - 0.

Natalie Jacuzzi gave a FREP update, reporting that 16 of 43 concept proposals will be reviewed by the Technical Advisory Subcommittee to move forward for the full proposal phase. FREP will meet in August 2019 to discuss and make recommendations for full proposal funding. The primary purpose of each proposal varies; however, all have an outreach and education component. The majority of proposals demonstrate and/or validate best management practices.

Mark Cady reported that the Central Coast Irrigated Lands Regulatory Program (ILRP) was scheduled to adopt Ag Waiver 4.0 in spring 2020 but have moved back the date due to pushback and information received. The ILRP is moving to prioritize high risk to water quality impairments where eventually all growers have the same reporting requirements. In short term, ILRP seeks to limit the amount of fertilizer applied to a crop; a discussion will be held to talk about current setbacks. FREP seeks to assert the agronomic reality in the discussion and put it in the best context.

The Central Valley Salinity Alternatives for Long-Term Sustainability current rulemaking, affecting fertilizer use in the central valley, has an adoption hearing scheduled in August. This rulemaking is approved by Regional Water Quality Control Board and, if approved, will allow growers and communities flexibility to manage meeting regulatory requirements in the Central Valley. Once approved by the by the State Water

Resources Control Board, the rulemaking will move to the Office of Administrative Law for review.

Cady announced the FREP WPHA Conference will be held on October 29-30, 2019 in Fresno, California. The conference will provide technical information regarding nutrient management.

Maryam Khosravifard gave the Center for Analytical Chemistry (CAC) update and announced newly appointed CAC lab staff, SES (Supervisor), Stacy Aylesworth. CAC has hired two Scientist Aide's to assist in the preparation of sample processing. An Agricultural Aide and Agricultural Technician I will be advertised shortly.

The Ion Chromatography Mass Spectrometry (IC-MS) is installed; staff training will take place to transfer methods for ammonium, water insoluble nitrogen, nitrate, sulfate, and chloride. CAC procured an Automated Hot Block which will become easy and efficient in the digestion of samples, and will improve lab productivity.

Khosravifard reported the lab completed only 338 samples out of the 611 samples received due to the lab's transition in method transfers and development; 1,530 assays were requested and 71 of the assays were rush samples. CAC did not meet the 15-21-day sample turnaround time due to various factors. Aside from the procurement of equipment, the lab faced several internal program issues impacting the sample turnaround time including, the nitrogen analyzer being out of service for over a month, the Inductively Coupled Plasma Optical Emission Spectrometry (ICP-OES) and ICP-MS late installation resulting in the delay of staff training and method transfers, and the sulfur analyzer is in the process of being replaced. Overall, the lab continues to demonstrate more efficiencies through the transfer of methods from wet chemistry.

Barzin Moradi gave an update on a few lab improvements. The lab is changing to three major technologies mentioned above; about 90 percent of the 85 different wet chemistry methods are transferring to those technologies to streamline the number of assays and staff training. CAC is also changing paperwork processes within the lab.

Irvine stated that having lab software will help with the lab's improvement.

Moradi stated that CAC has an example of a Laboratory Information Management System functioning software on the food safety side, CAC's ultimate goal for the Feed and Fertilizer programs. Alongside the challenge of interfacing with the database to generate lab information reports, CAC manually enters data by hand and having a software that allows the lab to obtain a report and results from the computer and inspector database, lowers the chances of reporting error.

Irvine commented that the CAC's new ICP machine will automatically store all the sample data in the system and mentioned that the goal is to figure out a way to transfer that sample data.

Moradi mentioned that CAC has traceability and documentation of samples which is different than many of the commercial labs, which is a benefit for program use of

evidence or proof. With all of the ongoing improvements, the lab's goal is to have samples reported in a 10-day versus a 15-21-day sample turnaround time.

Irvine recommended that if CAC has not finalized humic acid, the lab can contact Dr. Patrick Hatcher, a world-renowned expert in humic acid substance analysis from the Biochemistry Department at Old Dominion University, to inquire about the methodology for humic acid.

### **AGENDA ITEMS FOR FUTURE MEETINGS**

Chair McQueen asked for agenda items for the next FIAB meeting. Evans asked that pathogen testing be added as an agenda item at the next FIAB meeting.

Evans asked for clarification on the Department's stance on pathogen contamination in agricultural products. Evans advised that the program develop a policy that addresses the Department action on receiving a complaint and analyzing a sample that tests positive for pathogens. Young stated that if a sample tests positive for a pathogen, the program can quarantine because it is a threat under public safety. Young stated that the program will be training field staff for aseptic sampling for these materials in the future. Dr. Ba stated if a third party entity pulled a sample and informed the Department, the Fertilizer field program staff would collect a sample to complete an independent analysis on the sample product.

Evans asked if the program would stop sale of a product that tests positive for pathogens. Dr. Woods stated that the Department has quarantine authority, but does not have stop sale authority. Young explained the difference between a quarantine versus stop sale; a quarantine is localized to a particular site; and stop sale is a statewide authority indicating a product can no longer be sold.

### **NEXT MEETING**

The next FIAB meeting will be October 1, 2019 at 9:00 a.m., in Sacramento, California.

**MOTION:** Jay Irvine moved to adjourn the meeting; Jake Evans seconded. The motion passed unanimously by all board members present with a 7 - 0 vote.

Chair McQueen adjourned the meeting at 11:38 a.m.

Respectfully submitted by:

**ORIGINAL SIGNED BY DALE WOODS**

06/26/2019

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Dr. Dale Woods Date

Environmental Program Manager I  
Fertilizing Materials Inspection Program