

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

**Radisson Hotel Fresno Convention Center
1055 Van Ness Avenue
Fresno, California 93721
(559) 233-6650**

**February 6, 2019
9:00 a.m. – 12:00 p.m.**

MINUTES

MEMBERS

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

CDFA

Amadou Ba
Angelia Johnson
Brittnie Sabalbro
Dale Woods
Justin Petty
Kim Schneider
Kris Gulliver
Martin Burger
Maryam Khosravifard
Natalie Jacuzzi
Nick Young

INTERESTED PARTIES

Melina Verrall
Rebekah Finn
Renee Pinel

INTRODUCTIONS AND ANNOUNCEMENTS

Gary Silveria, Acting Chair, called the meeting to order at 9:05 a.m. Self-introductions were made, and a quorum was established. Melissa McQueen and Steve Spangler were absent.

APPROVE SEPTEMBER 26, 2018 MEETING MINUTES

Acting Chair Silveria requested the board review the minutes from the September 26, 2018 FIAB meeting.

MOTION: Doug Graham moved to approve the minutes; Jay Irvine seconded. The motion passed unanimously by all board members present with a vote of 6 - 0.

DEPARTMENT / DIVISION / BRANCH UPDATES

Dr. Amadou Ba announced that Karen Ross was reappointed as the Department Secretary on January 9, 2019 by Governor Gavin Newsom.

Senate Bill 623, regarding a Safe and Affordable Drinking Water Fund, was recycled.

The Governor's Office offered \$4.9 million in the proposed budget to allow the State Water Resources Control Board and the Department for the program implementation. The Department continues to work closely with the United States Department of Agriculture (USDA) in response to the virulent Newcastle disease (vND) outbreak reported in May 2018 in Southern California. USDA has recently confirmed the presence of vND in a small flock of backyard exhibition chickens in Utah County, Utah.

Dr. Ba announced the appointments of Valerie Brott for the Antimicrobial Use and Stewardship program and Sadia Naseem for the Feed program as Environmental Scientists. Rob English was promoted from Agricultural Aide to Office Assistant within the Branch Office Support Staff Unit.

Investigating the E.coli outbreak linked to romaine lettuce, the Food and Drug Administration (FDA) identified water contamination on a single farm located in Santa Barbara County. FDA is working with the Leafy Greens Marketing Agreement to look at food safety practices, focusing on water contamination issues.

FUND CONDITION / MILL ASSESSMENT

Angelia Johnson announced that the numbers on the program's fund condition are reported through September 2018 due to the program undergoing a transition with the State's FI\$Cal reporting system.

As of September 30, 2018, the beginning fund balance of commercial fertilizer was \$9.5 million and organic input material (OIM) was \$1.3 million; the combined total was \$10.9 million. The commercial fertilizer revenue was \$2.2 million and OIM was \$273,857. Expenditures were \$807,226 for commercial fertilizer and \$139,518 for OIM; combined total encumbrances for commercial fertilizer and OIM were \$29,253. Combined total funds for commercial fertilizer and OIM were \$12.7 million with an adjusted balance of \$12.6 million.

The beginning balance of the Fertilizer Research and Education Program (FREP) was \$4.5 million; revenue was \$747,124; expenditures were \$359,294; encumbrances through June 30, 2019 were \$1.7 million with a total adjusted balance of \$3.1 million.

Angelia Johnson presented the mill assessment through December 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 commercial fertilizer and OIM; and one for FREP. Angelia Johnson reported a six month mill assessment revenue total of \$5 million.

David McEuen arrived at 9:11 a.m.

PROGRAM UPDATES

Dr. Martin Burger reported, as of December 28, 2018, the Fertilizer program approved 8,383 conventional fertilizer and 2,075 OIM labels stating that half are specialty fertilizers and packaged agricultural minerals. Dr. Burger reported the total number of

new labels approved in 2018; 1,141 conventional fertilizer and 312 OIM, highlighting the percentage of conventional fertilizer and OIM labels approved within a four-month period. Dr. Burger reported the registration renewals start January 1, 2019 and continue through December 31, 2020 for conventional fertilizer and for OIM with firm names that begin with letters 'D' through 'I'.

Ed Needham asked the about the timeline to approve a name change for a bulk soil amendment product. Dr. Dale Woods stated a name change requires a new registration application.

Dr. Burger presented the newly proposed Association of American Plant Food Control Officials (AAPFCO) fertilizer definitions highlighting calcium ammonium nitrate, ammonium calcium nitrate – double salt, and calcium nitrate.

Nick Young reported 1,244 total samples were collected; 819 conventional fertilizer and 425 OIM. In 2018, the Fertilizer program received 39 formal complaints; 24 conventional fertilizer and 15 OIM. There were 21 Notices of Proposed Actions which aligns with the previous year; \$159,918 collected; \$9,214 in default; and \$14,305 pending reply or hearing.

The 15-day public comment period for the proposed rulemaking packet regarding the administrative penalty's violations matrix ended on December 5, 2018. The final proposed rulemaking packet is under review by the Department's Legal, Executive, and Budget Office before final submission to the Office of Administrative Law (OAL).

The AAPFCO Winter Annual meeting will be February 10-13, 2019, in Albuquerque, New Mexico. Calcium nitrate and biostimulants will be discussed at the meeting. Coalitions are seeking to get biostimulants formally recognized through the USDA. AAPFCO was tasked to look at standardized labeling of nonplant food ingredients and efficacy data on all fertilizer products that is a universal standard among states.

Jake Evans inquired about the program's timeline and requirement for pathogen testing on fertilizing materials and OIM products. Dr. Woods stated there is no timetable for the program to start pathogen testing, but that pathogen testing may be added as an agenda item for discussion at the next FIAB meeting where Natalie Krout-Greenberg can provide information regarding the Department's involvement in pathogen and food safety outbreaks and regulatory programs.

Dr. Woods introduced a draft of three proposed regulatory changes regarding heavy metals, investigational allowances, and mill assessment. The program proposes to amend labeling requirements in the California Code of Regulations (CCR), Section 2303 for heavy metals on packaged product labels for commercial fertilizer and agricultural mineral products.

Nick Young stated the program proposes to amend CCR Section 2317.5 to include AAPFCO's investigational allowances for primary, secondary, and micronutrients. Most states, except California, have AAPFCO's investigational allowances published in its

state's laws and regulations for transparency purposes. The subsection proposed under CCR Section 2317 is to include other guarantees or claims not covered by AAPFCO but have been tested by the Department.

Dr. Ba reported that at the last FIAB meeting, the board motioned to approve a recommendation to the secretary to change the mill assessment rate from three mills to two mills; two for commercial fertilizer and OIM and one for FREP. The proposed rate will not impact the one mill for the FREP program. To assist the board in making a final recommendation to set the mill assessment rate, the program prepared a five-year projection of revenue and budgeted expenditure calculations for one mill (\$0.001) or one and a half mills (\$0.0015) per dollar of sales. If it is an assessment of one mill (\$0.001) per dollar of sales, a projection of \$1.4 million reserves for FY 21/22 will be below the 50 percent reserves. Dr. Ba stated at that time, regulations must be enacted to withstand the drastic decrease in mill assessment revenue. If it is an assessment of one and a half mills (\$0.0015) per dollar of sales, the program projects a gradual decrease of roughly \$2 million in revenue every FY. The Fertilizer program will modify the fertilizer regulations to implement a change in the mill assessment rate upon board decision and approval.

MOTION: Jake Evans moved to approve the recommendation to the secretary to reduce the mill assessment rate to one mill (\$0.001) per dollar of sales. The motion was brought to a vote even though it was not seconded. The motion did not pass with a vote of 1 – 6.

Discussion ensued regarding the impact of mill assessment rate in future years.

MOTION: Ed Needham moved to approve the recommendation to the secretary to reduce the mill assessment rate to one and a half mills (\$0.0015) per dollar of sales; Doug Graham seconded. The motion passed with a vote of 6 – 1.

Dr. Ba stated the program will move forward with the proposed rulemaking packet to amend the mill assessment rate, heavy metals label requirements, and investigational allowances sample analysis protocols. The rulemaking packet will undergo review by the Department's Legal, Executive, and Budget Office before submission to OAL.

Natalie Jacuzzi reported that FREP received 43 concept proposals which will be reviewed by the Technical Advisory Subcommittee to move forward for the full proposal phase. The Certified Crop Advisor (CCA) accreditation requires certification in irrigation and nitrogen management. The CDFA Nitrogen Management Training for Certified Crop Advisers (CCAs) will be held on March 12-13, 2019 in Fresno, California. Discussions are taking place regarding the direction of CCA training in future years. The Irrigated Lands Regulatory Program's Central Valley regulations are under development with an anticipated completion date of March 2020.

Maryam Khosravifard reported the lab received 1,253 samples with an increase in rush samples. The sample turnaround time was 82 percent within 15-21 days. Stan Kobata, Senior Environmental Scientist (Supervisor), retired December 29, 2018. The lab is

actively looking to hire a replacement. The lab has completed the renovation and electrical system requirements and installed the Inductively Coupled Plasma Optical Emission Spectrometry machine. The lab is now in phase three of installing the Liquid Chromatography Mass Spectrometry and transferring methods for ammonium, nitrate, urea, sulfate, etc. Installation should be completed in the coming weeks.

AGENDA ITEMS FOR FUTURE MEETINGS

Acting Chair Silveria asked for agenda items for the next FIAB meeting. Jake Evans suggested discussion on pathogen contamination in agricultural products.

NEXT MEETING

The next FIAB meeting will be June 26, 2019 at 9:00 a.m., in Sacramento, California.

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

Acting Chair Silveria adjourned the meeting at 11:12 a.m.

Respectfully submitted by:

ORIGINAL SIGNED BY DALE WOODS

Dr. Dale Woods

Environmental Program Manager I
Fertilizing Materials Inspection Program

02/06/2019
Date