

**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**

**July 10, 2018  
9:00 a.m.**

**MINUTES**

**MEMBERS**

David McEuen  
Doug Graham  
Gary Silveria  
Jake Evans  
Melissa McQueen, Chair

**MEMBERS ABSENT**

Andrew Godfrey  
Jay Irvine  
Ron Naven  
Steve Spangler, Vice Chair

**CDFA**

Amadou Ba  
Angelia Johnson  
Barzin Moradi  
Brittnie Sabalbro  
Carla Sanchez  
Dale Woods  
Dinesh Chand  
Katy Coke  
Kelsea Jones  
Kristopher Gulliver  
Kyle Schneider  
Martin Burger  
Maryam Khosravifard  
Mayze Fowler-Riggs  
Natalie Jacuzzi  
Kristopher Gulliver  
Patrick Barbree  
Richard Gilbert  
Yanhong Li

**INTERESTED PARTIES**

Greg Cunningham  
Rebekah Finn  
Renee Pinel

**INTRODUCTIONS AND ANNOUNCEMENTS**

Ms. Melissa McQueen, Chair, called the meeting to order at 9:01 a.m. Self-introductions were made and a quorum was established. Mr. Andrew Godfrey, Mr. Jay Irvine, Mr. Ron Naven, and Mr. Steve Spangler were absent.

Chair McQueen announced that board terms expire on October 14, 2018 for three current board members.

### **APPROVE MARCH 8, 2018 MEETING MINUTES**

Chair McQueen requested the board review the minutes from the March 8, 2018 FIAB meeting. Dr. Martin Burger, Senior Environmental Scientist (SES) (Supervisory), requested the statement in the first paragraph on page seven be amended to "...15 percent of the applied fertilizer nitrogen is emitted as No<sub>x</sub> ..."

**MOTION:** Mr. Gary Silveria moved to approve the minutes as amended; Mr. Doug Graham seconded. The motion passed unanimously by all board members present with a vote of 5 - 0.

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

Dr. Amadou Ba, Environmental Program Manager II (EPM), announced the United States Department of Agriculture National Organic Program (USDA-NOP) appointed Dr. Jennifer Tucker as Deputy Administrator. Dr. Tucker, former Associate Deputy Administrator, has been with the USDA-NOP since 2011 replacing Mr. Miles McEvoy who retired. Dr. Clarissa Matthews was appointed as USDA-NOP's National List Manager replacing Dr. Lisa Brines. The Division will meet yearly with USDA-NOP to discuss issues relating to the State Organic Program and Organic Input Material (OIM) Program.

The Department's Executive Office has been working on transition documents for the next administration coming at end of the year.

Dr. Ba reported that the Department's Animal Health Branch (AHB) has been dealing with the Virulent Newcastle Disease (VND) that was detected in San Bernardino, Riverside, and Los Angeles counties before USDA publicly addressed the emergency outbreak. USDA is providing outreach and education to farmers markets on limiting the spread of disease; USDA issued 1,100 quarantines. Two FFLDRS Branch staff aided the AHB in their effort to limit the spread of the VND.

The Governor issued several emergency proclamations for county fires in San Diego, Santa Barbara, Siskiyou, and Lake Counties.

The Antimicrobial Use and Stewardship Program's (AUS) proposed rulemaking packet regarding the sale of medically important antimicrobial drugs and restricted livestock drugs was submitted to the Office of Administrative Law (OAL) on April 25, 2018. OAL made suggested revisions, AUS withdrew the packet and released another 15-day notice on June 14, 2018. The rulemaking packet was re-submitted to OAL on July 5, 2018 and is pending review.

The Branch hired Dr. Yanhong Li, Ms. Kathryn Coke, Mr. Richard Gilbert, and Mr. Patrick Barbree as Environmental Scientists (ES) for the Fertilizing Materials Inspection Program (FMIP) registration staff. After multiple rounds of interviews, the Fertilizer Research and Education Program (FREP) made offers to fill the SES (Specialist) position; however, the candidates declined due to salary. FREP has yet to fill the SES

and ES position vacancies. Mr. Nick Young, former Supervising Special Investigator II of FMIP, promoted to a SES (Supervisory); Ms. Angelia Johnson, former Agriculture Program Supervisor I (APS), promoted to a Staff Services Manager I (SSM); and Ms. Jenna Leal, former APS IV, promoted to EPM I. Ms. Kelsea Jones was hired as an intern for FREP and Mr. Kyle Schneider for OIM.

### **FUND CONDITION / MILL ASSESSMENT / TONNAGE REPORTING**

Ms. Johnson reported, as of April 30, 2018, the beginning fund balance of commercial fertilizer was \$8,455,352; OIM was \$743,174; the combined total was \$9,198,526. The commercial fertilizer revenue was \$4,958,346 and OIM was \$1,494,756; expenditures were \$3,600,262 for commercial fertilizer and \$943,465 for OIM; encumbrances were \$111,177 for commercial fertilizer and \$36,641 for OIM. Combined total funds for commercial fertilizer and OIM were \$11,107,901 with an adjusted balance of \$10,960,083.

Ms. Johnson reviewed the FREP fund condition and reported the beginning balance was \$3,648,076; revenue was \$2,258,408; expenditures were \$1,356,408; encumbrances through April 30, 2018 were \$1,483,476 with a total adjusted balance of \$3,066,600.

Ms. Johnson presented the mill assessment for fiscal year (FY) 2017-18. The fertilizer mill assessment has been at three mills for the year with a total of \$7,243,087 in mill assessment.

Mr. Kris Gulliver, SES (Specialist), gave an update on fertilizing materials tonnage. On May 22, 2018, a notice to fertilizing materials licensees was posted regarding changes to tonnage reporting. Mr. Gulliver is finalizing the 2017 tonnage data to be published and made available on the Department's website. Changes to the database reflect new tonnage information for January to June 2018. The new non-database user form is accessible on the website and reflects changes discussed at the last FIAB meeting such as nutrient reporting for non-farm use products.

### **PROGRAM UPDATES**

Dr. Burger gave a fertilizer registration update. As of June 7, 2018; 6,816 conventional fertilizer labels and 1,758 OIM labels were approved or provisional. Since that date, all of those provisional conventional labels have been approved. As of July 9, 2018; 7,088 conventional fertilizer labels were approved and 512 OIM labels are in provisional registration status.

Chair McQueen asked if all the provisional registrations were submitted on January 1, 2018. Dr. Dale Woods, EPM I, responded that the provisional registrations could have been submitted at any time. He noted that they can take several months to complete; one large firm took five months to complete. Chair McQueen stated that she had asked, because the provisional status is only for six months.

Mr. Jake Evans asked for the percentage of provisional registrations submitted in January compared to late submissions. Dr. Woods stated two thirds of provisional registrations were submitted from January through mid-February. The program approves registrations by the date of submission; and works diligently to approve registrations as soon as possible.

Ms. Rebekah Finn, Director of True Organic Product, asked if the two-year registration cycle firm groups get priority versus other firms not on the two-year renewal cycle. Dr. Woods stated the priority for registrations is established by the application date.

Dr. Burger stated the program implemented a tracking system to chronicle the approval time of new conventional fertilizer and OIM label applications. From January 1 to June 1, 504 conventional fertilizer labels were submitted and of that total 312 were approved; 234 OIM labels were submitted and of that total 134 were approved. He highlighted that 49 percent of conventional fertilizer labels and 47 percent of OIM labels were approved within two months.

Dr. Woods presented regulation and Association of American Plant Food Control Officials (AAPFCO) updates. Since the last FIAB meeting, the Department's Legal Office made comments and minor changes to the content of the FMIP's proposed rulemaking to revise the administrative penalties violations matrix. The program was advised to list text within each of the misbranding penalties in the violation matrix and to include legal definitions for "fraud," "willful misconduct," and "gross negligence." The proposed rulemaking was submitted to OAL and published on July 6, 2018 with a 45-day comment period deadline of August 20, 2018.

Dr. Woods stated Mr. Young will attend the AAPFCO summer annual meeting in Fort Lauderdale, Florida from August 1-3, 2018. Topics to be discussed at the AAPFCO meeting will include alternative definitions, a national uniformity toward "Nonplant Food Ingredient" section, and definitions for calcium nitrate/Calcium Ammonium Nitrate (CAN). CAN is a major issue for large fertilizer firms as there are different rules on how to list CAN in other states. Yara North America is part of a work group determined to readdress and amend AAPFCO definitions. The Department was heavily involved in the work group with Yara.

Mr. Greg Cunningham, Manager of the Scotts Miracle-Gro Company, expressed his concern that the term 'CAN' would be confused with the old term 'CAN' in the marketplace, because worldwide the term 'CAN' is referred to as ammonium nitrate mixed with limestone. If Yara's definition proposal passes, the conversion of the double salt into the term would also create the acronym 'CAN'. Dr. Woods stated that the choice of acronyms will be part of the work group discussion. The Department's concern is that the acronyms have a trademark and divergent usage of 'CAN.'

Mr. Evans stated from the Department's perspective, AAPFCO definitions can be used as a reference at the program's discretion. He explained the challenge from a

manufacturer's standpoint stating that there is no clear definition of how to use terms with different requirements from the Department and AAPFCO. Dr. Woods stated the program has the authority to require firms to label certain products and can also utilize AAPFCO definitions as a resource.

Ms. Natalie Jacuzzi, SES (Specialist), gave a FREP update. She announced that the FREP conference would be held October 23-24, 2018 in Seaside, California. She reported that 50 concept proposals were received in response to the 2018 Request for Proposals (RFP). Of the those 50, the Technical Advisory Subcommittee (TASC) recommended 12 proposals for development into full proposals. TASC will meet in August to review the full proposals and select those for the program to fund January 1, 2019. Mr. David McEuen asked how much the program anticipated it would cost to fund the approved research projects. Dr. Ba responded that FREP has a yearly budget of \$3 million and the resources are available to fund all 12 proposals; however, it is ultimately the program's decision.

The program's RFP on biochar created a lot of interest with growers and industry representatives. In 2016, FREP funded two projects on biochar, "Soil Biochar Amendment to Improve Nitrogen and Water Management" by Dr. Suduan Gao, Soil Scientist, in Southern Central Valley and "The Evaluation of Biochar for On-Farm Soil Management in California" by Dr. Sanjai Parikh, Associate Professor of Soil Chemistry from the University of California, Davis (UC Davis). In discussions with Dr. Parikh, it was discovered that there are minimal outlets to convey the information on biochar which resulted in the formation of a Biochar Field Day. FREP hosted a successful Biochar Field Day at UC Davis Russell Ranch Ag Facility on June 6<sup>th</sup>, 2018. The Biochar Field Day was designed for growers, industry representatives, researchers, and government representatives interested in biochar. Over 100 attendees participated in the presentations, poster sessions, and panel discussions.

Ms. Maryam Khosravifard, EPM I, provided a lab update. She reported the lab received 624 samples, a 43 percent increase from last year, and 80 rush samples, a 13 percent increase from last year. The lab received 3,095 assays with an average number of assays per sample remaining constant relative to last year.

The sample turnaround time has improved compared to last year; 88 percent within 15-21 days. The lab's goal is to analyze 100 percent of samples within a 21-day turnaround time while modernizing technology and electrical requirements. The lab has procured an Inductively Coupled Plasma Optical Emission Spectrometry (ICP-OES) machine, which should arrive soon. The lab has successfully met all of the assessment criteria to convert the mineral analysis method from wet chemistry to ICP-OES analytical technique and is now accredited.

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

Chair McQueen asked for agenda items for the next FIAB meeting. At the last meeting, the board asked the program to speak with the NOP about the possibility of a fast-track method for the registration renewal approval process of already approved OIM products that make any change to the nitrogen, phosphorous, or potassium in their products. NOP representatives have not been available to meet and discuss the issue; discussion will take place when NOP is available. Mr. Evans stated he will meet with the program to follow up on the issue.

### **NEXT MEETING**

The next FIAB meeting will be September 26, 2018 at 9:00 a.m., in Sacramento, California.

**MOTION:** Mr. Gary Silveria moved to adjourn the meeting; Mr. Doug Graham seconded. The motion passed unanimously by all board members present with a 5 - 0 vote.

Chair McQueen adjourned the meeting at 10:06 a.m.

Respectfully submitted by:

### **ORIGINAL SIGNED BY DALE WOODS**

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Dr. Dale Woods  
Environmental Program Manager I  
Fertilizing Materials Inspection Program

7/10/2018  
Date