

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
FERTILIZER INSPECTION ADVISORY BOARD MEETING (FIAB)  
Sacramento, California  
January 14, 2009  
MINUTES**

**MEMBERS**

John Salmonson  
Thomas Beardsley

David McEuen  
John Peterson  
Sanford Simon  
Jay Yost  
Tim McGahey  
Steve Spangler

**CDFA**

Nate Dechoretz  
Dale Rice  
  
Nirmal Saini  
Elaine Wong  
Amadou Ba  
Amrith Gunasekara  
Suzanne Turcotte  
Joanna Danquah  
Avnee Jivabhai  
Luz Roa  
Kristopher Gulliver  
Kent Kitade  
Kelsey Olson  
Marshall Stoddard  
Stan Kobata  
Adrianna Avalos  
Nick Young  
Pierre Labossiere

**INTERESTED PARTIES**

Renee Pinel – Western  
Plant Health  
Association  
Alex Castro - MCorp

**CALL TO ORDER**

Chairman John Salmonson called the meeting to order at 8:35 a.m. A quorum was established. FIAB member Brad Baltzer was not in attendance.

**INTRODUCTIONS AND ANNOUNCEMENTS**

Mr. Salmonson welcomed everyone to the meeting. Self-introductions were made. Mr. Salmonson announced that Senator Dean Florez was elected as Chairman of the Senate Food and Agriculture Committee.

**APPROVAL OF MINUTES**

Mr. Salmonson asked the Fertilizer Inspection Advisory Board members to review the minutes of the September 18, 2008 meeting.

**MOTION:** A motion was made by Mr. Thomas Beardsley to accept the minutes as presented. Mr. Tim McGahey seconded the motion. The motion passed unanimously.

### **DEPARTMENT / DIVISION / BRANCH UPDATE**

Mr. Nate Dechoretz informed the Board that he plans to meet with the CDFA legislative office to inform them of implementing regulations for the production of organic fertilizers and ingredients. At the division level, there have been changes including a new supervisor in Inspection and Compliances, Mr. Jerry Miller. Also, in Feed and Fertilizer, Dr. Amadou Ba has taken over as program supervisor for the fertilizer program as Dr. Amrith Gunasekara requested to return to his prior position as Senior Environmental Research Scientist. In addition, state employees are being furloughed the first and third Friday of the month. The division as a whole is in good financial shape, the industry programs advisory boards have been supportive. Mr. Dechoretz also informed the Board that as of yet he has no plans on retiring in the near future.

Mr. Salmonson inquired if the budget needs to be adjusted as a result of the state employee furloughs. He also inquired if there was a way to exempt the program from the governor's furlough program. Mr. Dechoretz replied that the budget may need to be adjusted to reflect the decrease in staffing costs. Mr. John Peterson inquired if the workload is present, can the program hire new employees. Mr. Dechoretz responded that continuously appropriated programs are currently not effected by the hiring freeze.

Dr. Gunasekara provided the Board with a Branch update on behalf of Asif Maan. He informed the group that the feed and fertilizer program split is about 95% completed. The fertilizing materials label registration now includes a research manager, four research analysts, senior environmental research scientist, and an office technician. The Inspector exam was held in October, and Mr. Justin Petty and Ms. Danielle House have been hired.

Dr. Gunasekara reported that the database development project is going quite well.

### **FUND CONDITION**

Dr. Gunasekara called the Board's attention to the Fertilizing Materials Inspection Program's Fund Condition Summary report. He noted a beginning balance of \$4,081,060 as of July 1, 2008 and an ending balance of \$6,197,342 as of November 30, 2008.

Attention was then brought to the Fertilizer Research Education Program's (FREP) financial summary report. The report showed a beginning balance of \$883,972 as of July 1, 2008 and an adjusted ending balance of \$2,166,432 as of June 30, 2008, after accounting for encumbrances.

Discussion ensued regarding the effects of the reduction in mill assessment and decrease in fertilizer prices on the program's revenue. Mr. Jay Yost advised the Board to monitor revenue, and if needed, to increase assessments in the future.

Mr. Dale Rice noted the impending employee furloughs will result in a slight drop in personnel services costs. However, this savings will be offset by the new hires to the programs.

In light of the state's financial situation, Mr. Salmonson asked the Board if there was interest to move more funds into a Certificate of Deposit (CD). The Board asked if the program funds are susceptible to being borrowed or used by the state. Mr. Dechoretz replied that it is possible for them to borrow, but not use the funds without intent to repay. Discussion ensued.

**MOTION:** A motion was made by Mr. Jay Yost to move \$3 million into a CD account. Mr. Thomas Beardsley seconded the motion. The motion passed unanimously.

### **REGISTRATION UPDATES**

Dr. Gunasekara provided the Board with a registration status report. He reviewed the staffing and realignment of duties. Dr. Gunasekara updated the Board about the product database and informed that it is an efficient tool for investigators and the industry however; it is only for home and garden fertilizers. He further stated the program recently processed license renewals; license and registration forms have been updated to reflect the Board approved fee change. Dr. Gunasekara informed the Board that about 10 hours a week, or 25% of staff time has been dedicated to the new INSPECT database replacement project until March 2009.

Dr. Gunasekara informed the Board that the backlog has been reduced and continues to drop. He presented a timeline, projecting the backlog will be completed within the 90-day limit by May 2009. He foresees no backlog by the end of August 2009.

A recap of inspectors and investigators duties and areas of responsibility was presented, noting one region in the central valley with an inspector vacancy.

Dr. Gunasekara noted that of the 5 Board motions made in 2008, 4 have been completed. The remaining motion on the completion of the full disclosure of ingredients regulations is in progress. He then presented the planned 2009 activities. He noted that a letter will be mailed to industry requesting a specific humic acid testing method to reduce the number of violations.

Mr. Salmonson asked when the backlog will be completed. Dr. Gunasekara noted that from the 11-month backlog, we are down to a 6-month backlog and are only 90 days off the 90-day legal limit. Mr. Peterson suggested completing less complicated registrations sooner so as to reduce the backlog more efficiently. Dr. Gunasekara replied that option has been considered but in fairness to industry they are handled in the order they are received. Furthermore, it is difficult to say there are less complicated labels until they are reviewed, and all labels require an extensive review. The Board questioned if products continue to be distributed and sold if registration is pending. Mr. Nick Young

replied that a violation is issued if registration is incomplete or current labels are not registered.

In the past, registered product lists were printed and sent to each investigator, Mr. Young informed the Board that this required inspectors to call the research analysts for current or new registrants. The new product database has eliminated this need because a product's registration status can be checked online. He noted that even retailers use the website to verify if the products they are buying are registered. Mr. Sandy Simon suggested that registrants be provided with the link to the database to check the status of their products.

Mr. Young noted that in 2008, the inspectors' goal to collect 1,200 samples has been exceeded. The goal remains the same for 2009.

Mr. Young presented the case of an agricultural mineral that was found to have six times the legal limit of Cadmium. It was found at a major California distributor but was manufactured in France. The product was quarantined the same business day as the results were found. Samples were then taken from two additional products from the same manufacturer. Sales were traced and it became a statewide investigation. Products were quarantined at eight locations in seven cities, resulting in additional lot number violations. The product guarantor agreed to a voluntary recall of all lot numbers of this product. Corrective actions included the licensee recalling of approximately 1,857.5 gallons, and the product being returned to the manufacturer.

### **DATABASE UPDATE**

Mr. Alex Castro introduced himself. He informed the group that he is from M-Corp and is currently working on developing a new database for the Fertilizing Materials Inspection Program. He noted that they are implementing a program called ExtraView, which is an application that is already developed and will be adjusted to the needs of the program. He informed the group that much of the backlog is a result of insufficient information and is industry based. The staff is currently determining the methods by which work is completed on a daily basis. The goal is to have manufacturers log onto the system, fill in the information, complete all necessary documentation, and pay appropriate fees. This process will reduce the amount of correspondences necessary. Mr. Castro noted that this very interactive process will eventually lead to training modules developed for industry and staff. Discussion ensued about the details of the database.

### **ORGANIC INPUTS SUB-COMMITTEE UPDATE**

Mr. David McEuen provided a report on the Organic Inputs Subcommittee meeting on January 13, 2009. The committee recommend to the Board the following: adopt the Association of American Plant Food Control Officials definition of organic input; develop of a new category in the laws to regulate the use of organic inputs; require CDFR review of organic input fertilizer labels including bulk products; provide funding to support the review and inspection process specific to organic inputs; have separate staff focused

strictly on organic industry inspections and review; and move forward on civil-penalty language for violations. Mr. Yost questioned if this would include special mixes. Dr. Gunasekara reported that one-time mixes would not be included.

Mr. Nirmal Saini questioned what additional requirements will be needed of the laboratory. Mr. Peterson responded that this is the first of many steps and as the process continues, the specific needs from the lab will be determined.

Mr. Simon noted that this proposal does not negate the responsibilities of the certifier. He noted the full disclosure of ingredients will help with the problem of inconsistencies.

Mr. Yost inquired about the funding source. Mr. Salmonson replied that it would be through tonnage taxes and other fees required of the organic producers.

Discussion ensued as to whether Organic Materials Review Institution (OMRI) listings will be of use, and it was determined that OMRI listings can be one of many tools the organic label reviewer can use in the review process. The Board discussed the option of becoming a third-party organic certifier. Discussion ensued about the positive and negative effects of such an action.

**MOTION:** A motion was made by Mr. Tom Beardsley to accept the recommendations of the Organic Inputs Subcommittee as stated. Mr. John Peterson seconded the motion. The motion passed unanimously.

Mr. McEuen noted the next goal for the subcommittee will be certification. The Organic White Paper displaying what the program currently does for organic products will be sent out to the Board. The Subcommittee has reviewed and approved the White Paper.

Dr. Gunasekara will take suggestions into account and conduct a program review to determine the number of staff members and the amount of funding needed. He will present these figures to the Subcommittee at the next meeting.

Mr. Salmonson noted that we can start the process with some seed money, but it will eventually have to become self-sufficient over time.

### **CLOSED SESSION**

A Closed session was called at 11:15 a.m. for the Board to discuss the three vacancies on the Fertilizer Research and Education Program –Technical Advisory Subcommittee (FREP-TASC).

### **OPEN SESSION**

The closed session was called to an end at 11:20 a.m. at which time Mr. Salmonson invited all attendees back for the remainder of the open session meeting.

### **FREP TECHNICAL ADVISORY SUB-COMMITTEE APPOINTMENTS**

He reported the Board's decision to appoint Mr. Eric Ellison and Mr. Chris Simas to the FREP TASC, and to delay the appointment of a third vacancy. The FREP TASC will make an appointment after their May meeting in order to recruit a candidate from the private manufacturing sector.

### **FREP UPDATE**

Dr. Gunasekara informed the group that there are currently 17 on-going projects with 3 new projects awaiting contract signatures that are to begin in January 2009. He reported on a joint FREP and Western Plant and Health Association fertilizing workshop held on November 12 and 13, 2008. Dr. Gunasekara noted that the conference was a success and well attended. The key research areas in the request for project suggestions were to update nutrient requirements, efficiency in drip irrigated micro-irrigation systems, fertilizer efficiency through cost-benefit analysis, and innovative techniques to improve fertilizer use efficiency. Goals for FREP in 2009 include the Annual Fertilizer Registration Workshop and processing project proposals.

### **AB 32 UPDATE**

Dr. Gunasekara informed the group that an additional position is not required as he will continue as Senior Environmental Research Scientist and will take over that workload. He will continue to research the N<sub>2</sub>O issue and put together a scientific review of the subject.

Dr. Gunasekara noted that he has been approached to organize a symposium in August 2009 in Washington DC regarding greenhouse gas emissions policy.

Mr. Dechoretz clarified that the money previously approved by the Board for a position to research N<sub>2</sub>O is no longer necessary.

### **REGULATIONS UPDATE**

Mr. Kent Kitade informed the Board that the disclosure of ingredients and protection of trade secrets regulation was submitted in August of 2008. The comments have been compiled and responses have been submitted to the legal council for review. If the proposal needs revision again, another 15-day comment period will be required.

### **LABORATORY UPDATE**

Ms. Elaine Wong presented handouts displaying the lab results. She compared the number of samples from 2007 to 2008 and noted an increase of 53%. The laboratory is at full capacity, with one chemist full time for fertilizers and another at 20% time for

fertilizer. She noted that if organic tests are required further down the road, a chemist position might be required to support the workload.

**ADDITIONAL ITEMS / NEXT MEETING**

The next Board meeting will be held on May 14, 2009 at 8:30 a.m. in Monterey, California.

Mr. Salmonson announced that he will be giving up the Chairmanship after 21 years. He recommended that Mr. Yost become the Chairman of the Board. Mr. Salmonson plans to remain on the committee.

**MOTION:** A motion was made by Mr. John Peterson to nominate Mr. Jay Yost to Chairman of the Fertilizer Inspection Advisory Board. Mr. Tom Beardsley seconded the motion. The motion passed unanimously.

**MOTION:** A motion was made by Mr. Tom Beardsley to adjourn the meeting. Mr. John Peterson seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:50 a.m.

Respectfully submitted by:

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Asif A. Maan, Ph.D., Branch Chief  
Feed, Fertilizer, Livestock Drugs and Egg Regulatory Services  
Inspection Services

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Date

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