

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
FERTILIZER INSPECTION ADVISORY BOARD MEETING (FIAB)  
Fresno, California  
April 20, 2010  
MINUTES**

**MEMBERS**

Jay Yost  
Tim McGahey  
John Peterson  
John Salmonson  
Sandy Simon  
Steve Spangler

**CDFA**

Asif Maan  
Dale Rice  
Amadou Ba  
Avnee Jivabhai

**INTERESTED PARTIES**

Steve Beckley  
Tad Bell  
Matt Cotton  
Dennis Dunbar  
Doug Graham  
Ray Green  
Nick Lapis  
Rachel Oster  
Renee Pinel  
Deborah Stemwedel  
Tim Stemwedel

**CALL TO ORDER**

Chairman Jay Yost called the meeting to order at 1:37 a.m. A quorum was established.

**INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Yost welcomed everyone to the meeting. Mr. Brad Baltzer, Mr. Thomas Beardsley, and Mr. David McEuen were not able to attend. Self-introductions were made.

**MINUTES OF THE LAST BOARD MEETING**

Chairman Yost asked the Fertilizer Inspection Advisory Board members to review the minutes of the March 4, 2010 meeting.

**MOTION:** A motion was made by Mr. John Salmonson to accept the minutes as presented. Mr. John Peterson seconded the motion. The motion passed unanimously.

**AB 856 IMPLEMENTATION PLAN**

Dr. Asif Maan presented the Fertilizing Materials Laws and Regulations to the board with the changes highlighted. He then introduced the details of AB 856. He noted that the bill defines "Organic Input Materials" (OIM) and requires label registration with CDFA to ensure compliance with National Organic Program (NOP) guidelines. As of January 1, 2012 all OIM product labels must be registered before they can be distributed in California. The bill also requires CDFA to perform inspections of OIM

production sites at least once a year and authorizes CDFA to take samples at various stages of OIM production. Furthermore, quarantine violations will be subject to civil penalty and the bill makes it unlawful to adulterate, misbrand, or alter fertilizing materials including OIM. Any violations will be punishable by a fine. Any person found in violation of this subdivision may also be prohibited by the secretary from obtaining a license to sell OIM in California for three years.

AB 856 also requires CDFA in consultation with the board to review the definition of OIM and to identify oversight and implementation on issues that may arise or have arisen on account of that definition. He then reviewed the fees and penalty amounts. Dr. Maan then presented an implementation timeline. This report will be published on the department website by January 1, 2012. He noted that inspection procedures will be followed by third-party inspectors within the state as well.

Mr. Sandy Simon questioned how the delay on hiring staff will affect the registration of products by the January 1, 2010 deadline. Dr. Maan clarified that the registration will begin on January 1, 2011. Mr. Tim Stemwedel questioned who will develop the registration and production inspection procedures. Dr. Maan replied that it will be completed internally by the program with the support of the subcommittee. He also noted that outside parties may be consulted for guidelines but not help to complete these procedures. Questions arose as to the impact of NOP or Organic Materials Review Institute (OMRI) certifications on the registration process and whether or not they can be used to substitute a review during the registration process. Ms. Rachel Oster questioned if stricter regulations at the state level need to be approved by NOP. It was determined that OIM are outside of the NOP scope of approval. Mr. Yost clarified that approval by CDFA will not equal organic certification.

Dr. Maan asked the board to decide on the make up of the AB 856 review subcommittee by identifying stakeholders, determining the number of members, defining the scope, nominations, if any, and timelines for the committee. The department will contact identified stakeholders for appointment on the subcommittee and will coordinate and assist the subcommittee. Discussion ensued about the number and types of stakeholders that should be included in the subcommittee.

The board determined that the following groups should be represented on the subcommittee: Organic Input Material producers, conventional fertilizer materials manufacturers, advocacy groups, Accredited Certifying Agents, organic growers, CalRecycle.

**MOTION:** A motion was made by Mr. Tim McGahey that the initial makeup of the AB 856 subcommittee should not exceed 12 stakeholders. Mr. Steve Spangler seconded the motion. The motion passed unanimously.

The following individuals expressed interest to participate on the subcommittee: Mr. Doug Graham, Mr. Tim Stemwedel, Ms. Rachel Oster, Mr. Matthew Cotton, Mr. John

Salmonson, Mr. Sandy Simon, Mr. John Peterson, Ms. Renee Pinel, Mr. Steve Beckley, Mr. Matt Cotton and Mr. Nick Lapis. The following individuals were nominated: Mr. Jake Lewin, Ms. Catherine Borchard, Mr. Bruce Rominger, Mr. Hunter Nadler, Mr. Tom Willey, Mr. Bob Horowitz, and Mr. Neil Edgar.

**MOTION:** A motion was made by Mr. John Peterson to appoint Mr. John Salmonson as the chairman of the AB 856 subcommittee. Mr. Sandy Simon seconded the motion. The motion passed unanimously.

**ADDITIONAL ITEMS / NEXT MEETING**

Mr. John Peterson updated the group with the subcommittee standing for the Fertilizer Research and Education Program (FREP) proposal that is under review for approval.

Dr. Maan informed the group that Mr. Rolf Frankenbach has left the Department. Mr. Edward Hard has been hired as a replacement in FREP.

Mr. Sandy Simon requested that the department extend the deadlines for penalties due to the new database as there are still several technical problems that are delaying processes. Dr. Maan informed the group that an industry notice will be going out soon to extend payment deadlines. Mr. Dennis Dunbar informed the group that the issues he has experienced with the database are being fixed by the staff and he supports the progress and the program.

The next board meeting will be August 19, 2010 in Sacramento, California.

**MOTION:** A motion was made by Mr. Tim McGahey to adjourn the meeting. Mr. Steve Spangler seconded the motion. The motion passed unanimously. The meeting was adjourned at 2:54 p.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

\_\_\_\_\_  
6/29/10  
Date