



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)  
September 29, 2010 Meeting Minutes  
560 J Street, Sacramento, CA 95814**

**MEMBERS**

**PRESENT**

William Lewis  
Fred Ellrott  
Russell Hall  
Amelia Saltsman  
Jacquelyn Byers  
Gene Etheridge, Chair  
Annika Knoppel  
Nancy Pleibel  
Karen Wetzel Schott  
Pompea Smith  
Mary Lou Weiss  
Leah Smith  
John Silveira  
Dale Whitney  
Kurt Floren

**MEMBERS**

**ABSENT**

Frank Wells  
Deborah Yashar  
Jennifer McColm

**CDFA**

Susan Shelton  
A.G. Kawamura  
Brian Cote  
Nate Dechoretz  
Rick Jensen  
Maria Hicks  
A.J. Yates  
Steve Patton  
Duane  
Schnabel  
Donna  
Weathers  
Kathy Alameda  
Carrie Graham

**ITEM 1: ROLL CALL**

The meeting was called to order at 10:00 a.m. by Chairperson, Mr. Gene Etheridge. Roll was called and a quorum was established.

a. Introduction of Guests

Self-introductions were made.

b. Welcome New Committee Members

There were no new committee members.

**ITEM 2: APPROVAL OF APRIL 14, 2010 MEETING MINUTES**

**MOTION:** Ms. Mary Lou Weiss moved to approve the April 14, 2010 meeting minutes as submitted. Ms. Pompea Smith seconded. The motion passed unanimously.

**ITEM 3: APPROVAL OF AGENDA**

The committee rearranged the agenda and recommended to eliminate agenda items nine, eleven, and thirteen to accommodate Secretary A.G. Kawamura's schedule.

**MOTION:** Ms. Amelia Saltsman moved to approve the revised agenda. Ms. Jacquelyn Byers seconded. The motion passed unanimously.

#### **ITEM 4: CDFA REPORTS**

##### a. Regulation Update

Ms. Susan Shelton provided the committee with an update regarding the Certified Farmers' Market (CFM) regulations that are moving through the regulatory process to address Assembly Bill 2168 and the penalty matrix stating that the 45 day comment period ended on Sept 13, 2010. Ms. Shelton stated that suggestions were received that assisted the Department in rewording some of the regulations. A fifteen day notice was provided in order to change the terminology; the fifteen day waiting period will end on October 7, 2010. The regulations are expected to be in effect in December 2010.

##### b. Enforcement Progress

Ms. Shelton stated that a market sweep was not able to be conducted in one quarter; Organic and Standardization inspectors conduct the CFM inspections. Ms. Shelton stated that the first quarter was successful; highlighting that twelve markets were visited.

##### c. Committee Vacancies

Ms. Maria Hicks provided the committee with a vacancy report.

Ms. Karen Wetzel Schott asked if a specific number of committee members must be from different regions. Mr. Rick Jensen stated that the Food and Agricultural Code does not specify the region of committee members, although the Department does work towards having committee members from a variety of regions.

##### d. Program Sunset Date

Mr. Steve Patton stated that the CFM Program sunset date is January 1, 2012. Mr. Patton stated that legislation has to be passed in order for the CFM Program to remain. If legislation were not passed, the CFM Program would revert back to the Standardization Program.

Ms. Mary Lou Weiss asked what the process is for writing new legislation. Mr. Patton stated that the legislation is typically industry sponsored.

Mr. Etheridge asked if there is a possibility to continue with the CFM Program while incorporating changes that would be beneficial to the industry while strengthening the CFM Program. Discussion ensued regarding the sunset of the CFM Program, and possible changes.

**MOTION:** Ms. Weiss moved that this board support the extension of the sunset date and renewal of the CFM Program. Mr. Fred Ellrott seconded. The motion passed unanimously.

e. Avocado Requirements

Mr. Patton stated that Ms. Donella Boreham, Avocado Program Supervisor was unable to attend the meeting. However, Mr. Patton provided the committee with an overview of Attachment D which described how to get an exemption issued. Mr. Patton stated that a certified producer certificate has to be taken to one of the locations that are listed on the attachment and an exemption will be issued. Mr. Patton stated that if the product is certified, an exemption permit is not necessary.

Mr. Ellrott asked if fruit from last years season that is still on the tree is picked this year, would it be considered new fruit. Mr. Patton stated it would be considered new fruit if it has not been picked from the tree. Mr. Patton encouraged the committee to utilize the phone numbers to the Avocado Inspection Program that were provided to the committee.

Mr. John Silveira inquired how he would receive proof that he is certified. Mr. Patton stated that the box or the container would be stamped.

**ITEM 5: QUARANTINE INFORMATION**

Mr. Duane Schnabel provided the committee with an overview on a variety of projects that Integrated Pest Control is working on. Mr. Schnabel stated that during 2008, California had 11 eradication programs, (not including Light Brown Apple Moth), and that 1,264 invasive pests were detected in California. Mr. Schnabel stated that funding is received from the United States Department of Agriculture, the industry, and the general fund. Mr. Schnabel stated that approximately one in five insect detections results in quarantine. Mr. Schnabel provided the committee with an overview of program triggers, quarantine pre-planning, quarantine preplanning stakeholders, quarantine incidents, bulls' eye concept with multiple cores, compliance agreements, and the initial response time.

Ms. Annika Knoppel asked how pests are detected. Mr. Schnabel stated that tips received by biologists account for most pest discoveries.

Mr. Patton asked about the stakeholders, stating that certified producers were not mentioned. Mr. Patton asked if there are written materials that can be made available. Mr. Schnabel stated that there is an invasive species brochure that addresses quarantine issues. Discussion ensued regarding quarantine information and invasive pests.

*A lunch break was taken from 12:10 p.m. to 12:40 p.m.*

**ITEM 6: SUBCOMMITTEE REPORT**

Ms. Leah Smith provided the committee with an overview of the subcommittee's progress on re-defining nonprofit organizations. Ms. Smith stated that it was not possible to have a second sub-committee meeting prior to this meeting. Ms. Smith discussed the intent of direct marketing, the current definition of "certified farmers'

market," the definition of "non-profit," issues with the current definitions, types of non-profits, the definition of a "certified producer," the current application for certified farmers' markets, the effects of unclear regulations and the application process, sub-committee survey responses (what type of markets are being run), and types of non-profit CFM operators.

Ms. Smith also provided information about clarifying regulations to support the integrity of California Certified Farmers' Markets including current issues and proposed solutions, proposed non-profit definitions, a proposed CFM definition, how to improve the application for CFM operators, and the process for implementation. Ms. Smith stated that there are some entities that are running CFM's but are not showing up on Guide Star. Ms. Weiss stated that there are some people who run CFM's who operate under a different category, and stated she thinks that they are legitimate. Discussion ensued regarding Guide Star.

Mr. Etheridge stated that there is a mission for the subcommittee, and that there is more work that can be done. Mr. Etheridge stated that he is hopeful that the information Ms. Smith has provided will encourage the CFMAC members to join sub-committees in the future. Discussion ensued regarding the subcommittees goal of re-defining non-profits and possible ramifications for markets that are already certified.

#### **ITEM 7: COMMUNITY SUPPORTED AGRICULTURE**

Item 7 and item 8 were discussed simultaneously.

#### **ITEM 8: PROTOCOL FOR REGULATION INTERPRETATION**

Mr. Etheridge stated that farmers' have informed him that they had started a Community Supported Agriculture (CSA) and that they would distribute that produce. Mr. Etheridge asked how to find out the rules and regulations on CSA's, and questioned if they are being monitored.

Ms. Byers stated that she thinks anyone who wants to participate has to have a producer certificate. Ms. Knoppell stated that she found a United States Department of Agriculture (USDA) website under the direct marketing division, on how to start a CSA. Mr. Patton explained to the committee how CSA's operate, stating that the food and agricultural code §42941 pertains to CSA's.

#### **ITEM 9: AGRICULTURAL COMMISSIONER'S REPORT**

This item was not discussed.

#### **ITEM 10: COMMITTEE POLICY II 2.8**

Ms. Patton stated that there have not been any members that have had three consecutive unexcused absences.

#### **ITEM 11: CHAIRMAN'S REPORT**

This item was not discussed.

### **ITEM 12: NEW BUSINESS**

Secretary Kawamura spoke to the committee regarding recent negative media at farmers' markets in Southern California and about the sunset of the Certified Farmers' Market (CFM) Program which will occur on January 1, 2012 if new legislation is not promulgated.

Secretary Kawamura compared the recent negative media and the potential damage to the industry to the E. coli outbreak in spinach in the summer of 2006. Secretary Kawamura stated that it is unknown how many people are currently being affected by fraudulent sellers at CFM's. Secretary Kawamura stated that a challenge for any inspection framework is re-determining how much responsibility a CFM market manager should have.

Mr. A.J. Yates stated that he remembers the structure of the CFM Program when it was originally formed, as well as the objectives. Mr. Yates stated that the supplementing issues at CFM's went away for a while, but has recently returned with the recent piece from the media. Mr. Yates stated that it is important for farmers' to be able to sell their product and they have the ability to sell a product that is truly ripe. This is what draws people to CFM's. The Department wants to maintain credibility at CFM's, and not lose the trust of the consumers.

Ms. Saltsman stated that Santa Monica has long had an audit program for enforcement. Ms. Saltsman stated that some other market managers attempt to do audits.

Ms. Pompea Smith stated that she is glad that Secretary Kawamura is here to support the integrity of the CFM's. Ms. Smith commented that this issue is upsetting and important and needs to be addressed. Ms. Smith asked how do market managers enforce regulations and work with the committee to ensure the credibility of the markets.

Mr. Etheridge stated that there are many challenges at CFM's including the non-certified section. Mr. Etheridge stated he is not saying to eliminate the non-certified sections, but stated that it is an issue.

Secretary Kawamura stated that it sounds like the consensus of the CFMAC is that market managers should have more responsibility. Mr. Etheridge stated that the committee has discussed implementing a market manager certification and accreditation through a third party. Secretary Kawamura asked how much progress has been made on the implementation of market manager certification. Ms. Weiss stated that she is doing a presentation in March at the Small Farm Conference.

Ms. Kathy Alameda, Specialty Crop Block Grant Program (SCBGP), CDFA, provided the committee with an overview of the SCBGP, highlighting that funding is given out nationally for specialty crops. The committee was provided with flyers regarding the competitive process. Ms. Alameda stated that these project funds could potentially go towards promoting all farmers' markets throughout the state. Discussion ensued regarding the SCBGP process.

The CFMAC viewed the media clip that was aired by the press regarding farmers' markets that were selling products that they did not grow. Mr. Jensen iterated that the reporter said that there are dozens of vendors that are making false claims, but there were only three that were shown on television. Mr. Silveira commented that for every negative story, there are many positive stories.

Mr. Jensen stated that this is an appropriate time to find a solution to assist the CFM Program in being restructured to address the current issues. Mr. Jensen suggested forming an ad hoc technical working group that would consist of local enforcement entities, local municipality interest, members of the CFMAC, market managers, and producers. Mr. Jensen encouraged the committee to submit the names of individuals who would be willing to work extremely hard over a short time frame.

**MOTION:** Ms. Weiss moved that the Department reach out in a public way through the media to encourage participation through a series of statewide listening sessions to develop solutions to the current issues at CFM's and to receive public input. Ms. Saltsman seconded. The motion passed unanimously.

**ITEM 13: MEMBER ROUNDTABLE DISCUSSION**

This item was not discussed.

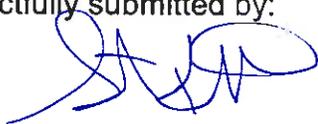
**ITEM 14: NEXT MEETING/AGENDA ITEMS**

The next meeting is scheduled for Wednesday, January 19, 2011, at 10:00 a.m.

**ITEM 15: ADJOURNMENT**

Mr. Ellrott moved to adjourn the meeting at 3:12 p.m. Ms. Nancy Pleibel seconded. The meeting was adjourned.

Respectfully submitted by:



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Steve Patton, Compliance Chief  
Certified Farmers' Market Program  
Inspection Services