

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)
Meeting Minutes
Sacramento, California
November 3, 2008**

MEMBERS PRESENT

Blake Alexandre
Garff Hathcock
John Foster
Melody Meyer, Chair
Steve DeMuri
John Ashby
Lauree Bradley
Sajeemas Pasakdee
Sean Swezey, Vice-Chair
Karen Klonsky
Pat Kennelly
David Will
Stacy Carlsen
Aaron Turner
Julie Spadow

ALTERNATES MEMBERS

Thomas Chapman
Gary Edwards
Brian McElroy

Interested Parties

Anita Sauber
Robin Allen, CCOF
Naomi Hom, Napa County Ag. Comm.
Claudia Reed, CCOF

CDFA

Nate Dechoretz
Rick Jensen
David Carlson
Paul Collins
Melissa Eidson
Susan Shelton
Amadou Ba
Asif Maan
Kent Kitade
Ray Green
Richard Estes
Thea Lee

ITEM 1: INTRODUCTIONS

Ms. Melody Meyer called the meeting to order at 10:15 a.m. A quorum was established and introductions were made.

ITEM 2: APPROVAL OF JULY 30, 2008 MEETING MINUTES

MOTION: Mr. Blake Alexandre moved to approve the July 30, 2008 Meeting Minutes as submitted. Mr. Garff Hathcock seconded. The motion passed unanimously.

ITEM 3: ORGANIC PROGRAM REPORTS

Mr. David Carlson of CDFA's State Organic Program (SOP) presented a summary of the 2007/08 fiscal year (FY) Budget Report. The total program costs were \$803,409 for FY 2007/08. The 2008/09 budget approved at the previous meeting was \$1,203,636.

Mr. Carlson presented a summary of the Organic Complaint Log handout, which now has a new numbering system. Mr. Aaron Turner asked about the complaints filed in 2007 that are still pending. Mr. Carlson explained that some complaints are still open and under investigation. A status report will be presented at the next meeting.

Mr. Carlson discussed the New Registrations handout, indicating there were 305 new organic registrations for calendar year 2008. Mr. Turner inquired how these numbers compared to previous years. Mr. Carlson explained they are about the same, between 300-400 per year. Dr. Sean Swezey commented the improvements made on the table making it easier to understand. Dr. Swezey suggested there be a list by category of registrants for the fiscal year as well as one for the calendar year. Dr. Swezey would like to see a spreadsheet of current totals for all categories at the next meeting.

Next, Mr. Carlson presented an overview of the Spot Inspection Log 07/08 handout. The counties did 505 spot inspections during FY 07/08, which broke down to 272 producers, 44 handlers, 96 retail, and 93 certified farmers' markets. The members subsequently discussed how spot inspections were handled.

ITEM 4: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) REPORT

Mr. Pat Kennelly, Food Safety Section Manager at California Department of Public Health (CDPH) gave a brief report on an investigation being done by a television station in the Los Angeles area. The TV station took several samples, which included three to four bags of frozen mixed vegetables and four vegetarian burger type products. Tests were done at an accredited laboratory that found residue of Dieldrin. CDPH conducted an independent test with the CDFA Center for Analytical Chemistry (CAC) performing the testing and found no residue. These results were made available to the station. Mr. Kennelly indicated that most consumers are unaware that certain pesticides may be found in produce certified organic. The story was to have run last week, but so far it has not been aired.

ITEM 5: ADOPTION OF REVISED COPAC PROCEDURES

Mr. John Ashby indicated a few typographical errors in the revised COPAC Procedures. Specifically, the following:

Page 3: Section 2.3 second sentence strike "an" and add "the", the sentence should read, "In the case of additional..."

Page 5, Section 4.5 had a format issue.

Page 6, Section 5.2 (a) should be deleted in total.

Ms. Meyer noted that on Page 2, Section 1.5 "October" needs to be changed to "November" to correspond with Section 2.1 Regular Meetings. Ms. Meyer explained that the dates for the meetings were chosen so the committee could get a snap shot of

quarterly financial statements. Dr. Karen Klonsky asked if the dates chosen would preclude having a meeting at Eco Farm during their January conference. Dr. Swezey clarified that these dates are guidelines, as long as meetings are close to those mentioned a January meeting is allowed.

Ms. Meyer clarified Page 4, Section 2.8 indicating that the program would be responsible for the meeting minutes; and to add, "to be prepared by program staff". She went on to explain that on Page 7, Section 6.3 the overlap in term lengths was to avoid large turn over of members at the same time.

MOTION: Mr. Alexandre moved to approve the procedures as revised. Mr. John Ashby seconded. The motion passed unanimously.

A copy of the California Organics Products Advisory Committee Procedures is attached as EXHIBIT A.

ITEM 6: USDA NATIONAL ORGANIC PROGRAM STAFF REPORT

Mr. Rick Matthews, National Organics Program (NOP) Standards Development Manager, gave an overview of the NOP. Mr. Matthews announced Mr. Jim Link was the new administrator for the NOP. Mr. Matthews explained the NOP has grown by five staff to 15 staff total; with three divisions, Accreditation, Auditing and Training Branch – Mr. Mark Bradley, Chief; Standards Development and Review Branch – Mr. Matthews, Chief; and, Compliance and Enforcement Branch – Ruihong Guo, Branch Chief. The program will co-locate into one office with renovations being completed by late November 2008.

Mr. Matthews announced the next meeting of the Organics Standards Board is scheduled for November 17-19, 2008, at the Savoy Suites Hotel in Washington, DC. For more information and to view the agenda, visit the website at <http://www.ams.usda.gov>.

Mr. Matthews explained the cost share program started October 1, 2008. The program has not been approved as retroactive to 2007. The cost share amount for California is \$950,000 for federal fiscal year 08/09. The agreements end on a yearly basis in September, and unspent funds go back into the pool. Depending on how this first year goes funding may increase next year. Mr. Matthews also discussed the new draft livestock regulations that went public last December and the organic poultry regulations. The members went on to discuss issues associated with the new regulations.

Mr. Brian McElroy asked Mr. Matthews if the SOP has the authority to investigate certification agencies. Mr. Matthews responded that the SOP does have this authority.

The committee took a break at 11:30 a.m. and reconvened at 11:45 a.m.

ITEM 7: ORGANIC PROGRAM OVERVIEW AND EVALUATION PROCESS

Mr. Nate Dechoretz introduced the presentation of the SOP to the committee. He emphasized the importance of a relevant program through a technical planning process. The process may take six months or more, but it will help identify resources needed and funds available for those resources. Mr. Dechoretz reiterated the need for a transparent, effective, and efficient program.

Mr. Rick Jensen announced that Mr. Ray Green will be retiring at the beginning of 2009, and Mr. Carlson is now Acting Supervisor for the program. We plan to use this time to effect a smooth transition, utilizing Mr. Green's experience and vast knowledge of the California and National organic programs. Mr. Jensen stated the next step would be to advertise the vacancy and make an appointment. The committee inquired as to the appointment process.

Mr. Jensen stated that in August, the SOP presented the enhanced Spot Inspection plan to the counties and to the industry, including the ACA's. Subsequently, questions and concerns regarding the plan were conveyed to the SOP from the NOP, County Commissioners and ACA's. These included a letter sent to the NOP from the California Certified Organic Farmers (CCOF), which listed specific complaints about the operation of the SOP. Upon receipt of the concerns, the program consulted with CDFA legal counsel and determined that there is statutory authority for the SOP to conduct spot inspections however, regulatory authority is lacking. Therefore, the spot inspections were immediately suspended until regulatory language can be formally promulgated and enacted. Mr. Jensen explained that an aggressive timeline is needed; therefore, the program reached out to industry members to create a Technical Planning subcommittee. Mr. Jensen stressed the need of COPAC members to disseminate information to the industry to make the program more transparent.

Mr. Carlson, Mr. Paul Collins, and Mr. Richard Estes, CDFA Legal Counsel, presented the program overview to the committee.

Mr. Estes clarified due process for appeals of proposed denials, suspensions, and revocations. Mr. Estes stated that going forward more regulations would be very helpful to prevent problems with appeals and mediation. Further, both the NOP and SOP encourage mediation whenever possible; however, currently both parties do not find it mutually beneficial so it is not considered an option. Mr. Estes stated that if there is no mediation, then you are in litigation which escalates costs, time, and resources. Mr.

Brain McElroy commented that the SOP was created for no other reason than to handle the appeal and mediation process, and that there is misuse of the appeal process. Ms. Meyer noted that this is one of the issues to be discussed in the Technical Planning subcommittee. The committee went on to discuss the issues related with mediation and litigation.

Ms. Meyer noted the formation of the subcommittee is to review SOP business requirements, gaps, solutions of gaps, and regulation criteria to make the program more transparent and more effective. Ms. Melissa Eidson, CDFA Inspection Services Division, announced the members on the committee:

Mr. Todd Bredlin, Grimway Farms, Organic Trade Association
Ms. Kim Dietz, Smuckers, Growers Representative
Ms. Claudia Reid, CCOF
Mr. Rich Landon, Ag Commissioner Rep, Accredited Certifying Agent
Mr. Patrick Kenneley, CDHS Rep, Technical Advisor
Mr. Richard Matthews, NOP
Mr. Mark Quisenberry, Ag Commission Rep
Mr. Mark Lipson, Organic Farming Research Foundation
Ms. Melody Meyer, Committee Co-Chair, COPAC representative

Ms. Eidson explained that to keep costs at a minimum, the Webinar Resource, which is like a conference call except through the web, would be utilized for meetings. There will be three meetings each dealing with a different topic, 1) Regulations, 2) Enforcement, and 3) Due process. Meetings will be held once per month with the first to be late November, early December. Ms. Eidson indicated that each member would receive a binder of all the related materials approximately 10 days prior to the meeting. This committee will then report back with its findings and recommendations. Ms. Meyer asked if there were any COPAC members interested in being on the Technical Planning subcommittee. The following members expressed their interest:

Mr. John Foster
Dr. Sean Swezey
Mr. John Ashby
Ms. Lauree Bradley
Mr. Thomas Chapman
Mr. Aaron Turner
Mr. Stacy Carlsen

ITEM 8: MEMBER REPORTS

Mr. Steve DeMuri reminded the members of the National Organic Standards Board meeting November 17-19. Mr. DeMuri highlighted several agenda items to be discussed at the meeting, including sourcing organic seed, organic pet food standards, and a petition to de-list lecithin.

Mr. Foster explained that the start time for the Canadian Organics regulations has been delayed until July 2009. Once implemented, there will be a 2-year transition period for compliance. Comment was made that more information on the Canadian Organic Program is available on the Organic Trade Association and CCOF websites.

Mr. Carlsen expressed concern over the CCOF letter regarding spot inspections, and suggested regulations be promulgated or problems will emerge. Dr. Swezey concurred, stating that COPAC was very much in favor of, and had made it very clear, that these spot inspections are very important in the organic program.

Dr. Sajeemas Pasakdee informed the committee of the upcoming Organic Fertilizer Association of California & California Association Pest Control Advisors Organic Fertilizer Seminar to be held on December 10, 2008 in Salinas. She distributed the registration form.

ITEM 9: PUBLIC COMMENTS

No public comments.

ITEM 10: NEW ITEMS

Mr. Dechoretz thanked the committee for their support of the process and their dedication to the organic program.

ITEM 11: NEXT MEETING/AGENDA ITEMS

MOTION: Dr. Swezey moved to have the next meeting at Eco Farm during their January 21-24, 2009 conference in Pacific Grove. Mr. Ashby seconded. The motion passed unanimously.

Ms. Meyer wondered if there was still time to have COPAC be on the Eco Farm agenda, and asked Mr. Alexandre to look into the matter.

ITEM 12: ADJOURNMENT

The meeting was adjourned at 1:51 p.m.

Respectfully submitted by:

David Carlson, Acting Supervisor
California Organic Program
Inspection and Compliance Branch

DC/tl