CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
FERTILIZER INSPECTION ADVISORY BOARD MEETING (FIAB)
AB 856 Subcommittee
Fresno, California
August 3, 2010
MINUTES

MEMBERS	CDFA	INTERESTED PARTIES
John Salmonson	Asif Maan	Tad Bell
Matthew Cotton	Amadou Ba	Lindsay Fernandes-Salvador
Neil Edgar	Avnee Jivabhai	Tim Stemwedel
Robert Horowitz	Dale Rice	Deborah Stemwedel
Claudia Reid	Luz Roa	Katherine Libby
Michael Brautovich	Nick Young	John Ashby
Bill Wolf	Mike Gingles	Chris Totten
Jake Evans		Peggy Myers
Rachel Oster		Paul Lipscum
Katherine Borchard		Megan Butler
Doug Graham		

CALL TO ORDER

Chairman John Salmonson called the meeting to order at 9:00 a.m. A quorum was established.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Salmonson welcomed everyone to the meeting. Self-introductions were made. Mr. Salmonson informed the group that the Subcommittee members will speak on all matters and there will be a public comments section at the end for any other attendees to give input.

MINUTES OF THE LAST BOARD MEETING

Chairman Salmonson asked the Fertilizer Inspection Advisory Board AB 856 Subcommittee members to review the minutes of the meeting. Ms. Claudia Reid presented a few changes for the minutes that she will email to CDFA for inclusion in the minutes.

MOTION: A motion was made by Mr. Doug Graham to accept the minutes with the changes as discussed. Ms. Katherine Borchard seconded the motion. The motion passed unanimously.

CUSTOM BLEND DISCUSSION

Mr. Salmonson informed the group that the working group has come up with some discussions and a recommendation about how to handle regulating custom blends. Dr. Asif Maan presented the recommendations of the custom blends working group. He informed the

group that various scenarios were discussed including registering ingredients used in blends, lowering fees for the blend label registration, and issuing a blender's license as a manufacturer or distributor of organic input materials. The limitations were the authority to register ingredients, since some ingredients may not be directly applied, liquid fertilizer blending may cause reactivity that does not meet NOP standards, a blender would have to get a manufacturer or distributor license. At this time, the program does not have the authority to register base ingredients.

Dr. Maan presented the following recommendations on behalf of the working group:

- register fertilizing materials instead of ingredients used in blends;
- register ingredients that can be directly applied without any further processing;
- CDFA will develop forms for processing blends; notification of blends to CDFA showing derivation information with guarantees (if claimed) for fast track processing and using NOP list as a reference;
- FIAB will set a blend labels registration fee;
- and there should be training or workshops for blenders.

Mr. Salmonson added that blenders will be required to develop a "notification label" that will have to be emailed to CDFA showing that all ingredients included are registered. There will be a set fee for blenders annually. Another possibility is to charge $25 per each different blend. There will be a $500 fee for two years for organic product labels including ingredients. The program must by law, track every fertilizing material including blends that are distributed in California.

Mr. Matthew Cotton asked how percentages of ingredients will be handled in custom blends since they are harder to monitor. Dr. Maan commented that if the end user is providing ingredients to a blender, who is the responsible party for the ingredient. It was determined that the end user would be held responsible for any ingredients they provide. Farmers blending materials for their own use will not have to be licensed.

Discussion ensued about the tentative fee structure. Mr. Jake Evans clarified that every custom blend that is made must have a label emailed so when CDFA inspectors visit a site, the blender will have backup paperwork.

Mr. Tim Stemwedel noted that products cannot be mixed because of reactivity and that blending may not follow OMRI and/or NOP standards and rules. Mr. Salmonson noted that CDFA cannot control industry from mixing materials that react together, all ingredients must be registered. Blenders will be provided with guidelines to follow but some things are beyond CDFA's control. Mr. Bill Wolf reminded the group that a grower must check with ACA before using ingredients haphazardly. ACA oversees what is happening in the state while CDFA regulates products, not practices. He also noted that after reviewing the law, having every label submitted will fulfill the obligation of the law.

MOTION: A motion was made by Mr. Bill Wolf to accept the recommendations of the working group and circulate them within the group to determine the specific language. Mr. Doug Graham seconded the motion. The motion passed unanimously.

SCOPE OF OIM DEFINITION AND LABEL REGISTRATION

Dr. Maan provided the group with an AB 856 overview and scope. He reviewed the program before AB 856, the background of the legislation, the scope of AB 856 and how it fits into the organic production system. He noted the three main components of the program: facility licensing and label registration, compliance and enforcement, and research and education. Dr. Maan then highlighted the functions and responsibilities of the program and the details about duties. He then reviewed the progress of the subcommittee. CDFA will present a draft overview of onsite inspections and proposed regulations.

REPORT ON DRAFT CIVIL PENALTY REGULATIONS

Dr. Amadou Ba presented the draft regulations with the changes as requested at the last meeting. He reviewed the subjects that arose at the last meeting. Dr. Ba informed the group that the civil penalty matrix, based on authority of AB 856, must be included in the regulation to mitigate any possible legal issues in the future. He then presented the updated misdemeanor language based on the suggestions from the last meeting. Mr. Cotton expressed concern with the specificity of the verbiage. He noted that from a composter's perspective, this will be difficult and costly to follow. Several attendees expressed concern with the phrase "accidentally" in the following phrase "…all steps taken to assure that prohibited substances are not intentionally or accidentally in the product…" Discussion ensued. It was decided that this item will be revised and sent to the subcommittee for review.

Dr. Ba then noted that the issue of who will be paying for the cost of out-of-state inspections is still with the legal office, however it will be the responsibility of the OIM manufacturer to incur costs. Discussion ensued. It was determined that this issue will be tabled until the next meeting. Dr. Maan reviewed the funding sources and types for the program and OIM program.

DRAFT OF INSPECTION PROTOCOL

Mr. Nick Young presented the draft OIM Inspection protocol which include: scope of inspection, pre-inspection packet, inspector criteria, samples, OIM quality assurance checklist, documentation, and exit interview. The scope of the inspection will include review of all product inventory, CDFA OIM quality assurance checklist, assess areas of risk or deficient standard operating procedures, qualitative report on firm's processes or products, sampling, random records audit to cross-reference with existing inventory, and exit interview. The pre-inspection will include reviewing manufacturer's files, and scheduling an appointment ideally during a production run. Inspector's criteria will include: reasonable knowledge of OIM; familiarity with AB 856 OIM legislation; degree in agronomy, plant science, horticulture, soil science, botany, biology or related; CDFA FMIP, NOP and AAPFCO training; and at least one year of professional agricultural inspection experience. Sampling will include samples being analyzed at the Center for Analytical Chemistry or ISO-recognized out-of-state laboratory, secured, dated and identification code (bar-code), preserve the chain of custody, samples will be delivered or sent to the lab no later than 72 hours, follows all sampling protocols of FMIP (sampling equipment, safety, quantity, etc.), and multiple locations. For documentation, inspectors will have access to all OIM and fertilizer-related records, and a

final report. An exit interview will include a review of the findings, additional information required, any challenges noted by manufacturer, action items/areas of risk, and signed statements.

Discussion arose about section 3 of the checklist regarding the review of ingredients during the registration process. Concern arose about the specificity of the checklist and the standard to which the questions are written. Mr. Young clarified that the checklist follows best manufacturing standards and standard operating procedures. Discussion ensued because the checklist does not align with the authority.

Mr. Wolf questioned how many of the procedures will be included in the procedural regulations. Dr. Maan noted that these serve as a manual only. Mr. Young noted that this is a draft and CDFA is very open to suggestions for change. He asked that the subcommittee review the checklist before the next meeting, via email. Discussion ensued about the checklist.

Mr. Young requested a working group be formed to work on the checklist. Mr. Matthew Cotton, Mr. Doug Graham, Mr. Neil Edgar, Ms. Rachel Oster, Mr. Robert Horowitz, Mr. Jake Evans, and Mr. Bill Wolf will participate in this working group.

ADDITIONAL ITEMS / NEXT MEETING

Ms. Stemwedel requested that CDFA post approved product labels on the website because there have been situations where manufacturer's are changing labels. Dr. Maan noted that currently product names are listed on the website and CDFA will look into the possibility of posting product labels on the website. Mr. Young added that if that situation arises, inspectors should be notified. Inspections would find products like this.

The next Subcommittee meeting is scheduled for September 15, 2010 in Monterey. The Checklist working group will be meeting in Monterey in September 14, 2010 at 3 pm. The meeting after that will be on October 21, 2010 in Sacramento.

MOTION: A motion was made by Mr. Doug Graham to adjourn the meeting. Mr. Matthew Cotton seconded the motion. The motion passed unanimously. The meeting was adjourned at 12:36 p.m.

Respectfully submitted by:

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