



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE (COPAC)**

Meeting Minutes

**Inspection and Compliance Branch, 560 J Street, Sacramento, CA
August 18, 2009**

MEMBERS PRESENT

Blake Alexandre
Garff Hathcock
David Will
James Rickert
John Foster
Melody Meyer
John Ashby
Lauree Bradley
Sean Swezey
Karen Klonsky
Julie Spadow
Myron Cooper
Thomas Chapman
Martin Guarena

INTERESTED PARTIES

Robin Allen, CCOF
Claudia Reid, CCOF

CDFA

Paul Collins
Donna Weathers
Rick Jensen
Brian Cote
Nate Dechoretz

ITEM 1: INTRODUCTIONS

Ms. Melody Meyer called the meeting to order at 9:05 a.m. A quorum was established and introductions were made.

ITEM 2: APPROVAL OF MEETING MINUTES

MOTION: Mr. John Ashby moved to approve the May 20, 2009 meeting minutes. Ms. Julie Spadow seconded. The motion passed unanimously.

ITEM 3: ELECTION OF OFFICERS

Ms. Meyer explained that we are unable to elect officers at this meeting because our new committee members are not in place yet. They need to be present in order to comment and make a formal recommendation on worthy candidates. Mr. Rick Jensen clarified that officers are elected by the committee; members are appointed by the Secretary. The election of officers will be held November 17, 2009.

Mr. Jensen provided clarification on the definition of a term. The policies and procedures adopted by the committee November 2008 state that a term limit is two consecutive terms. Mr. Jensen stated that this is not in the code; it is not in the law, rather it is what the committee determined to follow as a policy and procedure.

MOTION: Mr. Sean Swezey made a motion to amend the Policy and Procedures Section VI: 6.3 to reflect the original intent of the COPAC by adding, “commencing with the January 2009 appointments. Term limits do not apply to alternate positions.” Mr. Ashby seconded the motion. The motion passed unanimously.

Mr. Jensen explained that the code states that the initial appointment date will be staggered fifty-fifty with one year off. Alternates terming out will not be precluded from aspiring to another term. Mr. Jensen explained that every term expires and is tied to the position, not to the individual. Each time a term expires, the committee will seek nominations. Each individual nomination is reviewed and recommendations are made to the Secretary.

Mr. Swezey encouraged all alternate members to seek existing vacancies.

ITEM 4: NOMINATION FOR NEW COMMITTEE MEMBERS

Mr. Ashby suggested that the committee endeavor to advertise more extensively for an Environmental Representative.

Mr. Nate Dechoretz recommended the committee form a subcommittee to handle and review all the applications submitted for advisory committee vacancies and then make recommendations to the committee. The work of the subcommittee will make the nomination process a lot smoother.

MOTION: Mr. Ashby made a motion to form a nomination committee to review all applicant information and make recommendations to the committee. Mr. Garff Hathcock seconded the motion. The motion passed unanimously.

The following motions were made concerning nominations for the committee:

MOTION: Mr. Ashby made a motion to nominate Ms. Ann King Filmer as a Technical Alternate. Mr. Blake Alexandre seconded the motion. The motion passed unanimously.

MOTION: Mr. Ashby made a motion to nominate Mr. Dave Martinelli and Mr. Michael Sencer as Producer Alternates. Mr. Swezey seconded the motion. The motion passed unanimously.

MOTION: Mr. Alexandre made a motion to nominate Ms. Janice Woodhouse as a Producer Alternate member. Mr. Ashby seconded the motion. The motion passed unanimously.

MOTION: Ms. Meyer made a motion that if any member currently serving on the committee wishes to continue serving another term; the committee shall recommend that they be granted another term. Mr. Ashby seconded the motion. The motion passed unanimously.

The following individuals have either been nominated or volunteered to serve another term:

- Producer Nominees: Mr. Blake Alexandre, Mr. Dave Martinelli and Mr. Gary Edwards
- Processor Nominee: Mr. Steve DeMuri
- Technical Representative Nominees: Mr. Swezey and Ms. Karen Klonsky
- Consumer Representative Nominee: Mr. Aaron Turner
- DHS Representative Nominee: Mr. Pat Kennelly
- Producer Alternate Nominees: Mr. Michael Sencer and Ms. Janice Woodhouse
- Processor Alternate Nominee: Mr. Thomas Chapman
- Consumer Alternate Nominee: Ms. Sandra Schmaier
- Technical Alternate Nominee: Mr. Martin Guerena and Ms. Ann King Filmer

The committee agreed to have the program contact Mr. Jack Young to find out if he's interested in the Consumer Alternate position.

Mr. Swezey suggested that the committee send out an e-mail announcement regarding the Environmental Representative vacancy. Mr. Jensen agreed to have the program resubmit the announcement.

Ms. Meyer asked if candidates applying for vacancies can be switched into other positions. Mr. Jensen stated that if the candidate meets the qualifications for the position, they may switch.

ITEM 5: CHECKLIST TASKFORCE UPDATE

Mr. Dave Carlson gave an update on the July 9, 2009 Organic Spot Inspection Task Force meeting. He reported that the participants reviewed the methodology used for identifying organic operations subject to spot inspections and agreed that a risk-based system for spot inspections is preferential. Given the breadth of organic operations in their agricultural practices, processes, and production outputs, quality and quantitative factors will be utilized to select operations for inspection. The program will focus primarily on non-certified operations.

Mr. Carlson reported that certified operations will also be subject to inspections. Participants recommended the program develop a short list of key questions that can be answered that will cover the majority of the areas of an operation. The task force also discussed the need to develop inter-county cooperation and training prior to the implementation of the spot inspection program.

Mr. Carlson reported the task force was briefed on the regulatory process and public notice requirements prior to the promulgation of regulations. Mr. Carlson reported the State Organic Program is currently drafting and revising documents to reflect the issues

and changes discussed and it is anticipated that the next meeting will focus on refining the spot inspection checklist and procedures.

Mr. Carlson announced the program has revised its existing registration forms. He anticipates the new forms will be effective on October 1, 2009. CDFA's Legal Council is currently evaluating several regulatory concepts proposed by the technical subcommittee.

Mr. Carlson stated that some of the changes proposed were, exempting certified operations from submitting various forms in the registration packet. Upon review, legal council has determined that the organic program does not have the authority to streamline this aspect of the registration process and must continue to collect the information regardless of certification status and furthermore the organic program does not have discretion under the Food and Agricultural Code to delegate collection of this information.

Mr. Swezey asked when everything would be ready for regulations. Mr. Jensen stated that the task force will meet in September 2009. By the end of October, the SOP will bring back the Technical Planning Committee to vet the entire modification to the program so that prior to the November meeting, the Technical Committee can make their final recommendations to the COPAC. This includes the spot inspection matrix. All other functions have been completed and are operational and are ready to be vetted. Investigations, complaint investigations, policies and procedures are in the process of being refined within the Quality Systems Manual.

Ms. Claudia Reid asked if COPAC can be a sponsor to legislation. Mr. Dechoretz explained that COPAC is to advise the Secretary; the Department could sponsor a bill. Mr. Jensen said COPAC cannot participate in lobbying activities, but COPAC can send a recommendation to the Secretary.

Mr. Jensen thanked Mr. Foster and Ms. Robin Allen's participation on the Spot Inspection Task Force.

Mr. Dechoretz congratulated the COPAC for its growth and development of the processes and for achieving all the goals set over the past two years. He expressed how rewarding the experience has been to watch COPAC embrace change.

ITEM 6: SOP UPDATE

Mr. Carlson gave an overview of the Organic Program revenue from registrations by month and year. Mr. Myron Cooper requested a report from Department of Health Services (DHS) be provided to the COPAC.

The COPAC requested that Mr. Pat Kennelly, DHS provide a report at the next COPAC meeting.

Mr. Carlson gave an overview of the new 2009 organic program registrations. From January 2009 through June 2009, the program received 194 new registrations versus 214 new registrations in 2008.

Mr. Jensen explained that the program mails out approximately 3000 renewals each year. This figure has slowly increased each year.

A committee member made a suggestion to track those who drop and how long it was in between their last registration and who was considered late. Ms. Karen Klonsky volunteered to bring a report on registrations to the next meeting.

Mr. Dechoretz reminded the committee that the program will be developing a database next year and asked the technical representatives and members of the committee what they would like the database to do for them. He stated that the program has developed an "as is" document. The next phase is called the "to be" document. This phase will require input from the program, members of the committee and stake holders. Mr. Dechoretz encouraged input on ideas for the database. He explained that the new database will not allow registrations to be processed unless all the fields are completed. The applicant will know immediately if they have completed the form correctly or not. This feature should eliminate the program's backlog.

Ms. Meyer suggested a subcommittee be formed to filter the suggestions for the database. Mr. Swezey suggested that the database have the ability to run reports.

Ms. Karen Klonsky volunteered as chair of the new Database Subcommittee. Mr. Hathcock, Mr. Swezey, Mr. Cooper and Mr. Ashby volunteered to be members of the Database Subcommittee.

Mr. Jensen stated that the program's business analyst consultant, Mr. John Kravacic will help facilitate the Database Subcommittee. Mr. Jensen stated that the program will contact Ms. Klonsky in approximately four to six months.

Mr. Paul Collins gave a report on complaints received. The program is working with the Department of Pesticide Residue (DPR). DPR notifies the program each time an organic product tests positive as part of the DPR's pesticide data program. The program handles it as a complaint and performs follow up. Mr. Collins provided an example of a complaint received from DPR regarding chemical residue on organic wheat grass. The case is under investigation with extensive testing of plant and compost materials from various locations and facilities.

Mr. Swezey asked the program to continue pursuing the environmental findings on the chemical residue found on the wheat grass and how far it gets into the growth chain. i.e. compost, water stream, plants, etc. Mr. Swezey stated that the Synthetic Pyrethroid Task Force is also looking into this matter as well. He recommended that the program team up with the task force to support their work.

ITEM 8: NOSB UPDATE

Mr. Steve Dimuri was unable to attend today's meeting. Ms. Meyer presented an update on the NOSB. Ms. Meyer encouraged the committee to take a look at the National Organic Standards Board's website to see what is there. The NOSB is open for recommendations and comments for body products. The NOSB is also looking at Nanotechnology. Other countries are stating that anything with Nanotechnology can not be included in their organic program. The NOP will also be making recommendations on production standards for terrestrial plants and containers and enclosures. There will also be a livestock material annotation of technical corrections. Public comments are encouraged on all agenda items.

ITEM 9: FOOD SAFETY LEGISLATION DISCUSSION

Mr. Ashby stated that many of his comments are based on the Organic Trade Association. He explained that organic foods are subject to all food safety requirements and are no different than conventional foods.

Antibiotics - Mr. Ashby reported that the Institute of Food Technologists says that using antibiotics on farms has zero risk and is not the cause of antibiotic resistance and that by not using antibiotics in the huge way we are currently doing, risks human health. The Pew Commission on Industrial Farm Animal Production report found the complete opposite.

Pesticides - Mr. Ashby reported that the Institute of Food Technologists has an official "Risk" explicitly mentioned in its scientific summary of organic testing stating that plants grown without pesticides can be more dangerous because they grow their own poisons making these non-pesticide foods potentially unsafe.

Preservatives – Mr. Ashby reported that there is a lot of pressure to try to preserve food. Nanotechnology is looked at as one of the "solutions".

Manure Composting – Mr. Ashby reported that manure composting can be a problem area. Composting requirements that currently exist for organics controls pathogens to a very large extent, but conversely, this composting does not guarantee sterilization of the resulting compost. Mr. Ashby stated that there will most likely be another big food safety situation and depending on the severity, there will be immense pressure to "do something" about manure compost.

Prevention through Process – Mr. Ashby reported that prevention through process, rather than post-contamination remediation is what we really want to see.

Traceability – Mr. Ashby reported that traceability is already required for all foods, including organic. Traceability programs are already being used by some marketers and are very expensive. Interoperable traceability means having data available about

everything that is made or sold in a live database that can be real-time searched in the event of a health issue.

Food Safety Issues – Mr. Ashby reported that food safety issues are not limited to microbial contamination. There is much resistance on this subject and officials do not want to discuss publicly the subject of pesticides, antibiotics, synthetic hormones and various plastic and coating implications in endocrine disruption for varying reasons.

Mr. Dechoretz stated that the matrix from the Leafy Green Marketing Agreement (LGMA) does not say to eliminate habitat. It says just the opposite that they should contact and consult their local Fish and Game office and Agricultural Commissioner's office to develop manageable solutions.

Ms. Meyer reported on a variety of different components to food safety; the produce traceability initiative; guidance just came out from the Food and Drug Administration regarding melons and tomatoes and their need to be treated with chemicals or heat treatment. The pasteurization of almonds is also included. Ms. Meyers recommended members and guests at today's meeting become a member of the Organic Trade Association and get involved. The food safety task force meets on a weekly basis.

ITEM 10: PUBLIC COMMENTS

Ms. Reid, CCOF, brought copies of the September 2009 Certified Organic Magazine to share with members and guests. Ms. Reid reported that Ms. Peggy Miars stated that she was pleased to hear of the progress and steady improvement being made with the organic program.

Ms. Reid stated that she was pleased to see that a new process for committee nominations is now in place.

Ms. Reid stated that CCOF has concerns regarding ongoing investigations, complaints and counties handling investigations are not being trained appropriately.

Ms. Reid was recently asked by three people how do interested parties get on the mailing list. Ms. Reid also stated concern that individuals that previously were on the interested party list are no longer receiving information.

Ms. Reid asked if we could put out the word to ask if interested parties would like to elect receiving their notices electronically. Mr. Jensen stated that the program could submit a press release or create an announcement on the CDFA website with details describing how to have your name added to the interested parties' mailing list.

ITEM 11: NEW ITEMS

Nothing new to report.

ITEM 12: NEXT MEETING/AGENDA ITEMS

Ms. Meyer announced that the next committee meeting will be scheduled November 17, 2009.

ITEM 13: ADJOURNMENT

The meeting was adjourned at 2:30 p.m.

Respectfully submitted by:

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

DH/dw