

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
FEED INSPECTION ADVISORY BOARD (FIAB) MEETING**

**Stanislaus County Farm Bureau  
1201 L Street  
Modesto, CA 95353  
(209) 522-7278**

**March 9, 2016  
1:00 PM**

**MINUTES**

**Members**

John Walth, Chair  
John Kauffmann, Vice Chair  
Bob Berczynski  
Marit Arana  
Michael Koewler  
Paul Parreira  
Thomas Prokop

**CDFA Staff**

Amadou Ba  
Brittnie Sabalbro  
Elaine Wong  
Frank Delgado  
Jenna Areias  
Killeen Sanders  
Maria Tenorio  
Nirmal Saini  
Rick Jensen  
Samantha Moran

**Interested Parties**

Chris Zanobini  
Doug Stabelfeld  
Emery Jones  
Kelly Covello  
Robert Donnelly  
Shay Rambur  
Tad Bell

**Members Absent**

John Silva  
Tim Riordan

**INTRODUCTIONS AND ANNOUNCEMENTS**

Mr. John Walth, Chairman, called the meeting to order at 1:00 p.m. He advised attendees per the Bagley-Keene Open Meeting Act, interested parties are not required to sign in or identify themselves. Self-introductions were made and a quorum was established. Board members Mr. John Silva and Mr. Tim Riordan were absent.

**APPROVE MEETING MINUTES**

Chairman Walth requested the board review the minutes of the October 22, 2015 FIAB meeting.

**MOTION:** Dr. Marit Arana moved to approve the meeting minutes; Mr. Michael Koewler seconded. The motion passed unanimously with a vote by all board members present of 6 – 0.

### **DEPARTMENT / DIVISION / BRANCH UPDATE**

Mr. Rick Jensen reported the Department's Agency Information Officer (AIO), Mr. Robert Schmidt left CDFA and now works for the Department of Information Technology; Ms. Mary Winkley is the new AIO. The Department's Information Technology Branch is currently focusing on process improvements regarding application development and project management.

The Medical Cannabis Cultivation Program (MCCP) became effective January 2016. The MCCP is within the Division of Inspection Services, and is responsible for issuing licenses to cultivators. Applications will be reviewed to ensure cultivators have local permits, and are compliant with principalities and broad statutes. CDFA will collaborate with the Department of Fish and Wildlife and the State Water Resources Control Board to confirm cultivation plans sufficiently address environmental concerns. Ms. Amber Morris, who was previously with the Plant Health and Pest Prevention Services Division for approximately ten years, was appointed as Branch Chief. The program is in the process of recruiting for additional staff. A Track and Trace database will be designed to track the movement of medical marijuana.

Mr. Bob Berczynski arrived at 1:10 p.m.

Assembly Bill (AB) 1826 was introduced by Assembly Member Mark Stone, and was sponsored by California Certified Organic Farmers. The bill, as introduced, would essentially eliminate the State Organic Program within the Division of Inspection Services. The bill was amended to revise and recast the California Organic Products Act of 2003 as the California Organic Food and Farming Act.

Mr. Jensen announced after 41 years of state service, he will be retiring in July 2016.

Dr. Amadou Ba introduced Ms. Brittne Sabalbro as the Branch's new Associate Governmental Program Analyst and liaison to the board. Ms. Sabalbro came to CDFA from the Department of Managed Health Care and has a degree in Food and Nutrition.

Dr. Ba reported there are currently no bills impacting the Feed program. However, there are two bills impacting the Fertilizing Materials Inspections Program (FMIP): AB 1811 and AB 2511. AB 1811 was introduced by Assembly Member Dodd, and pertains to the frequency of organic input material (OIM) inspections warranted by FMIP. FMIP is currently required to inspect every OIM manufacturer annually; inspections conducted nationwide are not cost effective and exceed the United States Department of Agriculture's (USDA) National Organic Program's (NOP) inspection protocol. AB 2511 was introduced by Assembly Member Levine, and is related to biochar. The biochar industry and the Governor's Office of Planning and Research supports this bill. AB 2511 defines biochar as a type of fertilizing material in a way not to impact bulk soil amendments for non-organic materials. Biochar is now defined as a fertilizing material.

Dr. Ba informed the board Bargaining Unit 10, California Association of Professional Scientists (CAPS), was instructed by the Governor's Office to focus on reaching a new bargaining agreement. This time, the CAPS members ratified the proposed three-year Memorandum of Understanding between CAPS and the Brown Administration. FMIP and lab budget will be impacted. The OIM program was recognized by USDA-NOP as one of three material review organizations in the U.S. that is International Organization for Standards (ISO) certified.

### **BOARD VACANCIES**

Mr. John Kauffmann reported three terms will expire on April 30, 2016. Three applications were received; two of those are from current board members. All three applicants were qualified, and after careful review and discussion, the board recommended the secretary appoint Mr. Thomas Prokop; Chairman, Mr. John Walth; and Mr. Doug Stabelfeld.

**MOTION:** Mr. John Kauffmann moved to recommend to the secretary the appointment of Mr. Thomas Prokop, Mr. John Walth, and Mr. Doug Stabelfeld. Mr. Bob Berczynski seconded; the motion passed by a vote of 5 – 0. Mr. John Walth and Mr. Thomas Prokop abstained.

### **FEED AND LIVESTOCK DRUGS PROGRAM UPDATE**

Ms. Jenna Areias provided each board member with a 2016 Association of American Feed Control Officials (AAFCO) official publication and fiscal year (FY) 14/15 Inspections Services Annual Report. The Annual Report is comprised of a Division overview and highlights recent accomplishments.

The Feed program developed a proposal for the Food and Drug Administration (FDA). The proposal included an overview of the Feed program, CDFA's regulatory authority, and the program's five year outreach and education plan. The outreach and education plan includes ensuring all program staff meet the criteria to be considered a "qualified individual" for the Food Safety Modernization Act (FSMA) regulations. The proposal would allow program staff to conduct feed mill inspections, and would allow staff to be lead auditors for Train the Trainer trainings, which will be offered in Fall 2016 through the Food Safety Alliance. Three proposed inspection checklists were also submitted in areas of Good Manufacturing Practices (GMP), including hazard analysis, preventive controls, and supply chain verification. The program met with FDA in December 2015, and was advised to send a letter to Mr. Michael Taylor expressing intent of a pilot project, which focused on mutual reliance.

Mr. Jensen announced Mr. Taylor, FDA, is stepping down in June and informed the board it appears a replacement has been identified.

Ms. Areias stated FDA is offering training for GMP inspections under FSMA, with proposed dates in August or September 2016. Because large firms must comply with FSMA GMPs in September 2016, CDFA is prioritizing itself towards this mandate. A work plan meeting is scheduled between CDFA and FDA on April 12, 2016.

Mr. Prokop asked if FDA will be prepared to enforce FSMA regulations by September 2016. Ms. Areias stated FDA does not currently seem to be prepared to implement FSMA GMPs, as FDA is currently performing medicated GMP inspections, which they have maintained for licensed firms due to quotas that must be met.

Ms. Areias stated there is currently no industry guidance on gaining compliance with FSMA regulations; however, FDA is developing them for industry. Mr. Tad Bell asked if it is possible for the Secretary to write a letter to Mr. Taylor, FDA, regarding the guidance issue. If there is a compliance date and entities are not prepared, it may be beneficial if the Secretary communicates the level of concern. Mr. Jensen stated it would be an appropriate move if necessary. Mr. Davidson commented most large firms are familiar with GMPs, and should be able to gain compliance by September 2016.

Ms. Areias stated the Feed program has a cooperative agreement with the FDA for the Animal Feed Regulatory Program Standards (AFRPS), which provides the program with \$450,000 for five years. The first step in the cooperative agreement started last year when FDA provided CDFA with \$10,000 to perform a self-assessment of the 11 standards. FDA recently audited the program's self-assessment; FDA auditors provided recommendations and feedback. The Feed program is using a team approach to meet the 11 standards.

Ms. Areias informed the board the Feed program plans to start using AAFCO's Feed Bin; it is an information sharing site with FDA and other entities. Mr. Richard Ten Eyk, past president of AAFCO, will train program staff to use the Feed Bin at the All Staff Meeting in August 2016.

Ms. Areias stated that she, Mr. Davidson, and Ms. Samantha Moran participated in AAFCO's mid-year meeting in South Carolina in January 2016. As chair for the Feed Labeling Committee, Ms. Areias announced a Medicated Feed Labeling Workshop will be held in Pittsburgh, Pennsylvania on July 31, 2016. The workshop will focus on Veterinary Feed Directive (VFD) rules and complex medicated feed labeling. The workshop will have webinar access and be held in conjunction with the annual AAFCO meeting.

Mr. Percy Mejia, a seasonal inspector in El Centro, left the program. The vacant position will be moved from El Centro to Fresno.

### **FIELD ACTIVITIES UPDATE**

Mr. Davidson stated medicated feed manufacturers are now subject to two GMP inspections; one for medicated feed, and one for FSMA. In Fall of 2016, the Safe Animal Feed Education (SAFE) program will conduct outreach and education activities for industry.

Mr. Davidson stated the program's Tissue Residue (TR) contract ends at the end of August 2016; the program expects to complete 100 TR inspections by the end of March 2016.

Mr. Davidson stated the program's Feed contract ends at the end of September 2016; the program expects to complete 75 Bovine Spongiform Encephalopathy (BSE) inspections and 20 non-licensed GMP inspections.

Mr. Davidson iterated AFRPS focused working groups were established to work towards meeting the 11 Standards. All program staff will participate in a variety of trainings throughout summer and fall. Two Feed, Fertilizer, and Livestock Drugs Inspectors will attend a TR training in North Carolina and all other program staff will complete online training developed by FDA.

### **LIVESTOCK DRUGS/SB 27 UPDATE**

Ms. Areias stated the Feed and Livestock Drugs Program budget change proposal (BCP) was approved by the Governor. SB 27's three functional components include: monitoring, stewardship, and regulatory compliance. The BCP submitted reflected positions and funding requests for both the Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch and the Animal Health Branch, in order to prepare for the additional anticipated workload. The program will receive 2.5 employee positions for FY 16/17 for regulation development in areas of monitoring and regulatory compliance. On July 1, 2016, the program will begin recruiting to fill the positions.

Ms. Areias stated the program plans to meet with industry and stakeholders to develop focused technical working groups' on the new program's development. Ms. Areias stated there are also additional requirements through the new VFD Rule. Dr. Arana added the veterinarians know the requirements, but extensive outreach must be developed to educate the industry on the new requirements. The program has distributed VFD brochures at feed mills and retail stores to spread awareness of the new requirements.

### **SAFE AND TASC UPDATE**

Ms. Areias announced a FSMA Seminar will be held at the DoubleTree Hotel in Modesto on March 10, 2016, and is co-sponsored by the California Grain and Feed Association (CGFA) and the National Grain and Feed Association.

The SAFE program is preparing to conduct outreach and education activities, including a Qualified Individual Training that will be offered through CDFA in Fall 2016. All SAFE program staff will participate in FDA's Lead Auditor and Train the Trainer trainings in summer 2016 through the Food Safety Preventive Controls Alliance (FSPCA).

SAFE is seeking a summer intern to assist the FIAB's Technical Advisory Subcommittee in reviewing ingredient safety and efficacy data of new and novel feed ingredients. SAFE will also be offering training based on the Process Verification Inspection results, which indicates where firms need the most assistance in order to gain compliance with FSMA regulations.

### **TECHNICAL ADVISORY SUBCOMMITTEE**

Ms. Areias stated TASC has been focused on identifying a framework for new/novel, or undefined feed ingredients that can be approved on a "provisional" level. TASC is proposing to use the AAFCO framework for the application process, but allowing the Feed program the freedom to expedite the application process. Additionally, TASC would be authorized to revoke a provisional approval, at the program's discretion. At the last TASC meeting, the committee accepted the current TASC Process Flow as developed by the program. Dr. Arana, TASC Chair, announced TASC has an application form for the approval of new, novel, and undefined feed ingredients. The process included three deadlines per year that coincide two months before the FIAB meeting since their approval and action is needed.

Ms. Areias requested a motion from the board to move forward on developing regulations for the provisional license.

Mr. Berczynski asked if the program or AAFCO will have final approval. Ms. Areias stated CDFA will provide a "provisional" approval, until AAFCO approves the ingredient. Dr. Arana commented that an AAFCO's provisional approval could take up to two years.

Mr. Davidson stated that regulations must include who can revoke the provisional license, and all provisional products must report "required reportable incident's" (i.e. animal death or feed safety issues) to FDA.

Mr. Chris Zanobini asked if CDFA gives provisional ingredient approval with no expiration date, what would be the purpose of the approval process through AAFCO. Ms. Areias stated AAFCO's Feed Recommendation Committee only meets bi-annually to make recommendations to their Board of Directors; it would not be fair to the California industry to wait that long.

Mr. Bell stated if statute changes are needed, CGFA can assist in order to create a thorough application process.

**MOTION:** Dr. Marit Arana moved to approve the program drafting regulations for review of new, novel, and undefined feed ingredients, per the TASC recommendation; Mr. Michael Koewler seconded. The motion passed with a 7 – 0 vote by all board members present.

Mr. Bell suggested TASC develop a risk matrix for feed ingredients used unilaterally by feed manufacturers in order to assist individuals in complying with FSMA. Ms. Areias stated TASC is in the process of identifying ingredients and prioritizing whether it presents a risk or not.

Discussion ensued regarding the approval of TASC's plan.

### **CAL RECYCLE REGULATIONS UPDATE**

Dr. Ba reported CDFA is engaged with Cal Recycle about rendering, moving plant residue in quarantined areas, land application, and feed ingredient issues. Definitions that impact food/feed programs include the agricultural by-product material that was amended to include fruit, nuts, cotton, vegetables, stems, leaves, seed, nut hull, shells, etc. Cal Recycle's regulation Section 17855, 5H, states if an activity is part of a licensed animal food manufacturing or licensed rendering operation, firms are exempt from the regulation, if licensed with CDFA.

Discussion ensued regarding Cal Recycle's regulations.

Dr. Ba suggested the board allow a Cal Recycle speaker to be on the agenda for the next FIAB meeting; Mr. Koewler agreed stating it would be an educational process for the board. Chairman Walth agreed to have a speaker from Cal Recycle at the next FIAB meeting.

### **EXTRAVIEW DATABASE UPDATE**

Ms. Areias stated the branch is upgrading to a newer version of the Extraview Database. The program still uploads each individual lab report on every firm's homepage. Ms. Areias stated the Feed Licensing Desk staff, Mr. Timothy Valles volunteered to host a webinar based training for industry for licensing, lab reporting, and tonnage reporting. He stated that would be a valuable tool for industry.

### **TONNAGE REPORT UPDATE**

Dr. Ba presented the feed tonnage reporting information for FY 2015/2016. Reported tonnage for quarter one was 6,588,658, which brought the program \$790,639. Reported tonnage for quarter two was 5,202,850, which brought the program \$624,342. In the first month of the third quarter, reported tonnage was 1,342,517, which brought the program \$161,102. Based on FY 15/16 tonnage reporting, the tons sold and

revenue collected meet and exceed trends from FY 13/14. As of January 2016, a total of 13,134,025 tons were reported, which was \$1,576,083 in tonnage revenue.

### **FUND CONDITION REPORT**

Dr. Ba stated, from July 1, 2015 through January 31, 2016, total combined revenue for the Feed and SAFE programs was \$2,620,855; expenditures were \$1,783,251; encumbrances were \$114,700; the adjusted combined ending balance was \$2,578,377. As of January 31, 2016, the total ending balance for the Feed program was \$2,565,291, the ending balance for the SAFE program was \$127,786.

### **CAC LAB REPORT AND UPDATE**

Ms. Elaine Wong stated that because of the Monensin samples and analyses, rush samples were higher than usual. The lab received 1,000 samples, and the average assays per sample was 4.47. The lab met the 21-day turnaround goal for 93 percent of samples.

Ms. Wong stated at the previous FIAB meeting, the board approved the purchase of a Liquid Chromatography Mass Spectrometry (LC-MS) machine. The lab received three quotes, which ranged from \$152,542 to \$162,173; the lab plans to move forward with the purchase.

Ms. Wong provided the board with an update regarding the lab portion of the AFRPS grant. Ms. Wong and the Quality Assurance Officer were required to attend a mandatory meeting with FDA in Louisville, Kentucky. The goal of the meeting was to assist labs in becoming ISO certified; the Center for Analytical Chemistry (CAC) is currently partially accredited. The discussion at the meeting was regarding microbiology; feed was not discussed. Because CAC is already ISO certified in the food section of the lab, they were identified as a mentor lab for West Virginia. CAC has started meeting with the lab in West Virginia regarding any issues on Standard Operating Procedures, tracking, and other components of the lab to assist them in becoming ISO certified.

The Feed program and CAC plan to add a new line item to the program's budget for CAC purchases of lab equipment. Chairman Walth stated the program will amend FY 16/17 budget to add in the new line item. Mr. Jensen encouraged the board to formally approve the revised budget at the next FIAB meeting.

### **AGENDA ITEMS FOR FUTURE MEETINGS**

Chairman Walth asked the board for agenda items for the next meeting. The budget amendment and the Cal Recycle speaker will be added to the agenda for the next FIAB meeting.

**NEXT MEETING**

Chairman Walth recommended the next meeting be coordinated in conjunction with the Cal Recycle speaker. The next meeting will be in June 2016. The board members will be polled to select a date.

**MOTION:** Mr. Michael Koewler moved to adjourn the meeting; Dr. Arana seconded. The motion passed with a 7 – 0 vote.

The meeting was adjourned at 3:31 p.m. by Chairman Walth.

Respectfully Submitted By



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Jenna Areias, Feed Program Supervisor  
Feed, Fertilizer, and Livestock Drugs Regulatory Services

3/09/2016  
Date