

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
FERTILIZER INSPECTION ADVISORY BOARD (FIAB)  
Organic Input Material (OIM) Subcommittee**

**2800 Gateway Oaks Drive, Room 101  
Sacramento, CA 95833**

**January 27, 2012  
MINUTES**

**MEMBERS**

John Salmonson, Chair  
Bill Wolf  
Brise Tencer  
Doug Graham  
Jake Evans  
John Peterson  
Matthew Cotton  
Michael Brautovich  
Neil Edgar  
Robert Horowitz  
Sanford Simon

**CDFA**

Amadou Ba  
Asif Maan  
Dale Woods  
Greg Mukai  
Luz Roa  
Nick Young  
Maria Hicks  
Mike Gingles  
Rick Jensen  
Wei Wu

**INTERESTED PARTIES**

Chris Totten, EB Stone  
Deborah Stemwedel, COFI  
Dragon Macura, Agro Thrive  
Jay Yost, IAP  
Justin Comages, True Organic Products  
Malcolm Ricci  
Meghan Butler, Recology  
Peggy Miars, OMRI  
Renee Pinel, WPHA  
Ray Green, Go Green Consulting  
Steve Beckley, Organic Fertilizer Association of California  
Tad Bell, True Organic Consultant  
Tim Stemwedel, COFI

**INTRODUCTIONS & ANNOUNCEMENTS**

Chairperson, Mr. John Salmonson called the subcommittee to order at 9:00 a.m. Dr. Asif Maan introduced Ms. Brise Tencer; he informed the subcommittee that she is representing California Certified Organic Farmers (CCOF) in place of Ms. Claudia Reid. Self-introductions were made and a quorum was established. Ms. Katherine Borchard and Ms. Rachel Oster were unable to attend the meeting.

**MINUTES OF THE LAST BOARD MEETING**

Mr. Salmonson requested that the subcommittee review the September 15, 2011 meeting minutes. Mr. Bill Wolf requested that the minutes be amended on page three, paragraph four to change "organic" to "certified organic."

**MOTION:** Mr. Michael Brautovich moved to accept the September 15, 2011 meeting minutes as amended. Mr. Bill Wolf seconded; the motion passed unanimously.

**PROGRAM UPDATES**

Dr. Dale Woods informed the subcommittee the Organic Input Material (OIM) logo is approved for use on organic input material that is registered by the Department. The use of the logo is not required, but if it is used it must be displayed on the front panel of the label.

Mr. Robert Horowitz asked if there are other options available for displaying a product as a registered OIM if an entity chooses not use the CDFA logo. Dr. Woods stated that the OIM registration displays the product as a registered OIM, and the product will be listed as approved in CDFA's fertilizer product database, which is accessible from the Department website.

Dr. Woods stated organic label claims has been a long standing issue for the Department; what is or is not an OIM and about organic related terms on labels. In an effort to clarify the terms and be consistent, the program has developed a process. If someone puts the term "organic" on their label, they are already trying to state their product is a registered OIM. But, when there are terms such as "organic ingredients" or something similar, the program reviews the label because that is an OIM claim. The program then sends the entity a letter giving them three options. They can remove the term organic from their label, register the product as an OIM, or they can clarify the purpose of their product by stating on their label, "not for use in organic crop and food production in California."

Discussion ensued regarding the term "organic" and products in the channel of trade that are not approved by other Material Review Organizations. Dr. Woods stated that a letter regarding label claims will be sent to the industry to provide clarity.

Dr. Woods stated as of December 2011, CDFA has approved 161 OIM applications from approximately 60 firms. Additionally, 160 applications require additional information; 18 of the labels pending review are in staff's queue; and 36 were recently submitted and still need to be reviewed.

Mr. Neil Edgar asked if products pending review are allowed in the market. Dr. Woods stated that if a fertilizing material product is not registered, it should not be sold.

Mr. Jake Evans commended CDFA staff for doing a great job in reviewing OIM product labels in a timely manner.

Ms. Peggy Miars asked if CDFA field staff will receive training from the National Organic Program (NOP). Dr. Amadou Ba stated some CDFA investigative staff have over 25 years of experience conducting inspections. CDFA and Agricultural Services Certified Organic (ASCO) conducted joint training inspection activities.

Mr. Wolf asked if there is a break down for in-state versus out-of-state inspections. Dr. Maan stated there is still an issue with conducting out-of-state inspections, and there is not a break down at this time.

Mr. Dragon Macura asked the process for the 400 OIM applicants that are transitioning to the OIM Program. Dr. Woods explained there is a transition period, and provided a brief summary of the process.

Mr. Nick Young stated OIM inspections have begun, and staff training is completed. Investigators are operating in pairs for the first six months of conducting OIM inspections. Mr. Young stated every OIM inspection is unique; they sample mid-way and at the end of

the process to determine how the final product was produced. The initial inspections are announced a minimum of one week in advance unless CDFA believes there is pushback, cancellation is unreasonable, or if adulteration is suspected; notice will not be given. Mr. Wolf commented that NOP revised their memo and specified a minimum of one unannounced inspection. Mr. Young stated although the initial inspection is scheduled, follow up inspections will be unannounced.

### **LEGISLATIVE REPORT**

Dr. Ba stated the legislative report is almost complete; there is one remaining issue in completing the report. The issue is clarifying the definition of the scope of OIM. In 2010, this subcommittee addressed the scope of OIM and CDFA accepted the recommendation that materials making claims of compliance to the NOP or claims of use in organic production require label registration. The second recommendation pertains to claims on labels, literature, or extensions of labels, such as websites or social media. Dr. Ba stated that CDFA determined that products which are not claiming to be an OIM and do not have labels, do not have to be registered with the Department. CDFA will promulgate regulations that "Natural Organic Fertilizer" products that do not have a label, do not make claims of compliance to the NOP, or claims for use in organic crop and food production, are not required to register with the Department.

Discussion ensued regarding farm-to-farm transactions with minimal processing, single ingredient transactions, and scenarios in which an entity would need to register their label with CDFA.

Dr. Ba provided an update on the proposed regulation stating there was one issue regarding the OIM regulations. The Office of Administrative Law requested that CDFA obtain concurrence from the Department of Finance on the STD. 399 form. Concurrence from the Department of Finance was obtained and no additional issues are foreseen.

Mr. Wolf commented that the Department has done an excellent job of siphoning through the complex matrix. Mr. Wolf then asked what the Department considers a label or a claim. He stated the Federal Trade Commission determined that a labeling claim goes beyond what is on the package; they say it consists of bills of lading, shipping documents, invoices, and what individual employees verbally say are all labeling claims. He requested this be put into the record to protect the integrity of the Department and the Program. The intent of this clarification was not to have companies avoid OIM registration and intentionally sell to organic farmers. From a legal perspective, a label is not just what is on a bag. Dr. Maan stated that the Department already has a definition of labeling and a label and they include the content that Mr. Wolf described.

Mr. Jake Evans commented that if there was a manure supplier who sells only manure because he's a farmer and a fertilizer manufacturer chooses to buy that manure to sell to an organic farm, the person that sells that manure never has to be registered, and organic farmers can buy it. The fertilizer manufacturer who buys that product has to register it because he has a label. The Department may ask what is in that manure or what is

comingled in the manure, and there can be a situation in which that manure is not NOP compliant. If the buyer of that manure chooses not to register the manure, it may be spread on organic ground. This law was brought up and pushed by CCOF to improve the industry; I understand that is the way CCOF wants it. But, for the record, Mr. Evans stated he does not understand the fairness of how this is possible by just not regulating it. There is going to be challenges when you choose to label the manure and do the right thing; it may not be able to be used for organic farming. It does not seem to be an equal marketplace; the person making their manure is a different situation than the person producing manure for fertilizer. Mr. Evans stated it is not the Department's responsibility, and he agrees with the definition of a label and labeling Dr. Maan referred to, that is already in law.

Mr. Rick Jensen stated that he understands Mr. Evans' comment and concern, but tying this back to NOP regulations and compliance, there is no requirement that soil amendments, compost, almond hulls, or rice hulls be produced organically, and they can be used. The only qualification is that it cannot be contaminated with a prohibited substance. There is no mandatory testing of that in the NOP regulations.

**MOTION:** Mr. John Peterson moved to accept that CDFA report to the legislature regarding the scope of OIM (included in the last paragraph of agenda item 4) in regards to National Organic Fertilizer. Mr. Doug Graham seconded the motion; the motion passed. Mr. Horowitz abstained.

The paragraph referred to in the motion states "CDFA will proceed with regulations to the effect that "Natural Organic Fertilizer" products that do not have a label, do not make claims of compliance to the NOP, or claims for use in organic crop and food production are not required to register with CDFA."

### **MOVING FORWARD**

Dr. Maan thanked the 13 member subcommittee for assisting the Department in working through the implementation of the OIM Program, specifically the very complicated issues. Additionally, Dr. Maan thanked the subcommittee for their understanding of the Department's position and work in clarifying the scope of the definition of OIM.

Dr. Maan stated there are still issues with custom blends and with out-of-state inspections. The legislative report was very specific to the definition of OIM; it did not include these issues.

Mr. Wolf stated that in the comments submitted by the Organic Trade Association (OTA) in March 2011, it asked for consideration in the report to the legislature their concerns including recognizing other Accredited Certifying Agent's (ACA) and allowing other inspection bodies to participate in in-state inspections, the recognition of Material Review Organization's (MRO) and of other MRO inspections, to ensure there is no redundancy. He wanted to identify those issues as still needing to be worked through. Having resolution of conflict between MRO's and having uniformity and reciprocity between MRO's is going to emerge as another challenge.

Dr. Maan stated the legislative report was very specific; the Department, in consultation with the advisory board, will review the definition and determine what materials need to be included in the definition or not. Through this process, certain materials have been excluded to clarify the definition. The NOP does not have a comprehensive system to define what an MRO is at this point. Mr. Wolf stated the NOP is currently working on that process and plans on publishing guidance documents soon.

**ADDITIONAL ITEMS/NEXT MEETING**

Dr. Maan recommended the subcommittee meet approximately six months after implementation. Mr. Wolf suggested using Doodle to pick a meeting date.

Mr. Salmonson stated the subcommittee should now only have two meetings yearly since the majority of the issues have been vetted out.

Mr. Peterson requested progress reports be sent to subcommittee members. Dr. Maan stated updates are provided at the Fertilizer Inspection Advisory Board meetings. Additionally, the legislative report will be posted on the Department's website; the link will be sent to subcommittee members when it is approved by the Secretary.

**MOTION:** Mr. Neil Edgar moved to adjourn the meeting at 10:51a.m.; Mr. Robert Horowitz seconded. The motion passed unanimously.

Respectfully submitted by:



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Asif Maan, Ph.D., Chief  
Feed, Fertilizer and Livestock Drugs Regulatory Services

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1/27/12  
Date