



# Provisions and Implementation of AB 856

Amadou Ba, Ph.D.  
Branch Chief I  
Fertilizing Materials Inspection Program

California Department of Food and Agriculture



US Composting Council 19th Annual Conference  
January 25, 2011



## **PRESENTATION OVERVIEW**

- Fertilizing Materials Program Overview
- Background of AB 856
- AB 856 Requirements
- AB 856 Implementation
- How AB 856 fits in the organic production system in California



# PROGRAM OVERVIEW



Facility Licensing &  
Label Registration

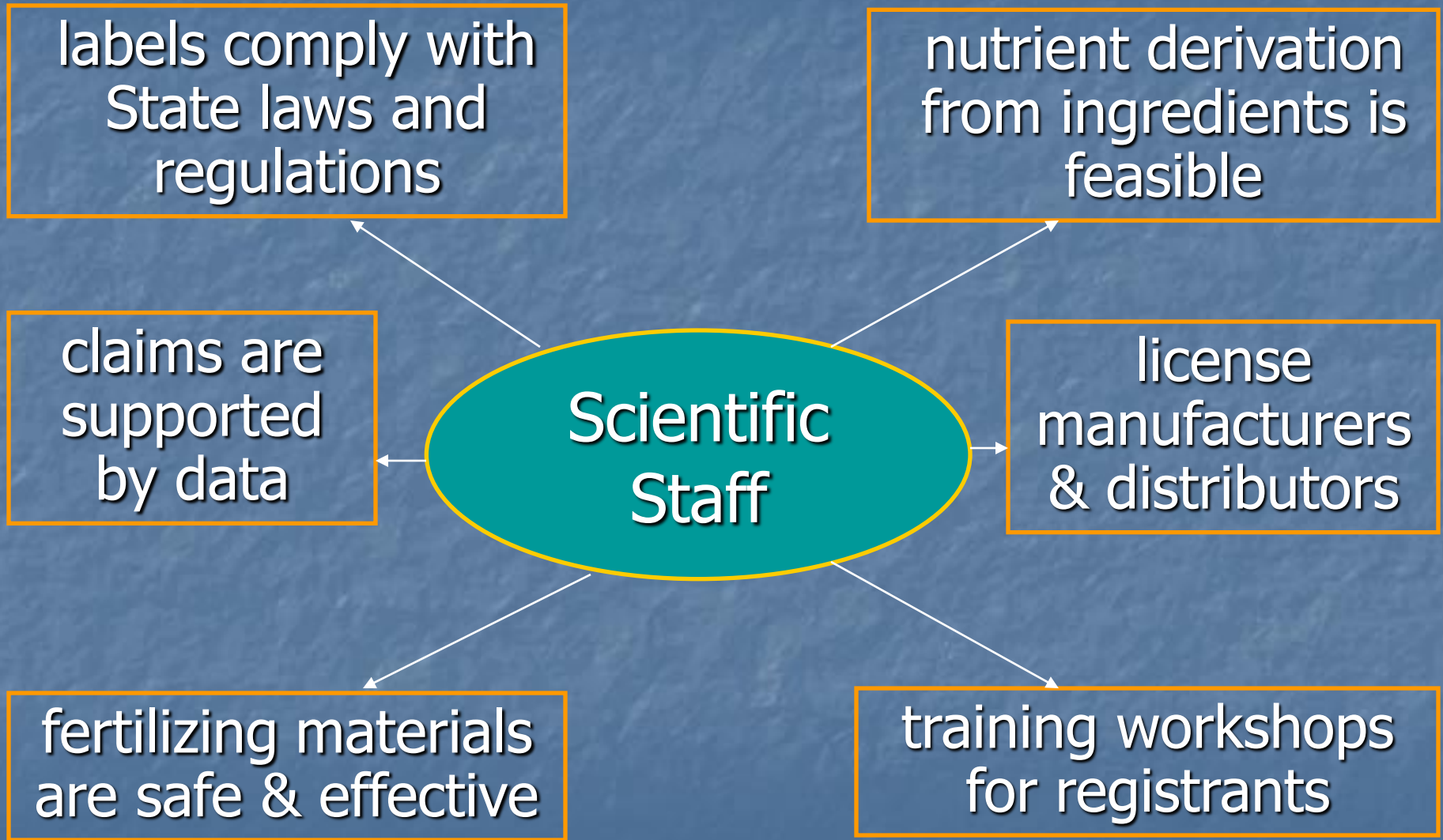
Compliance &  
Enforcement

Research &  
Education

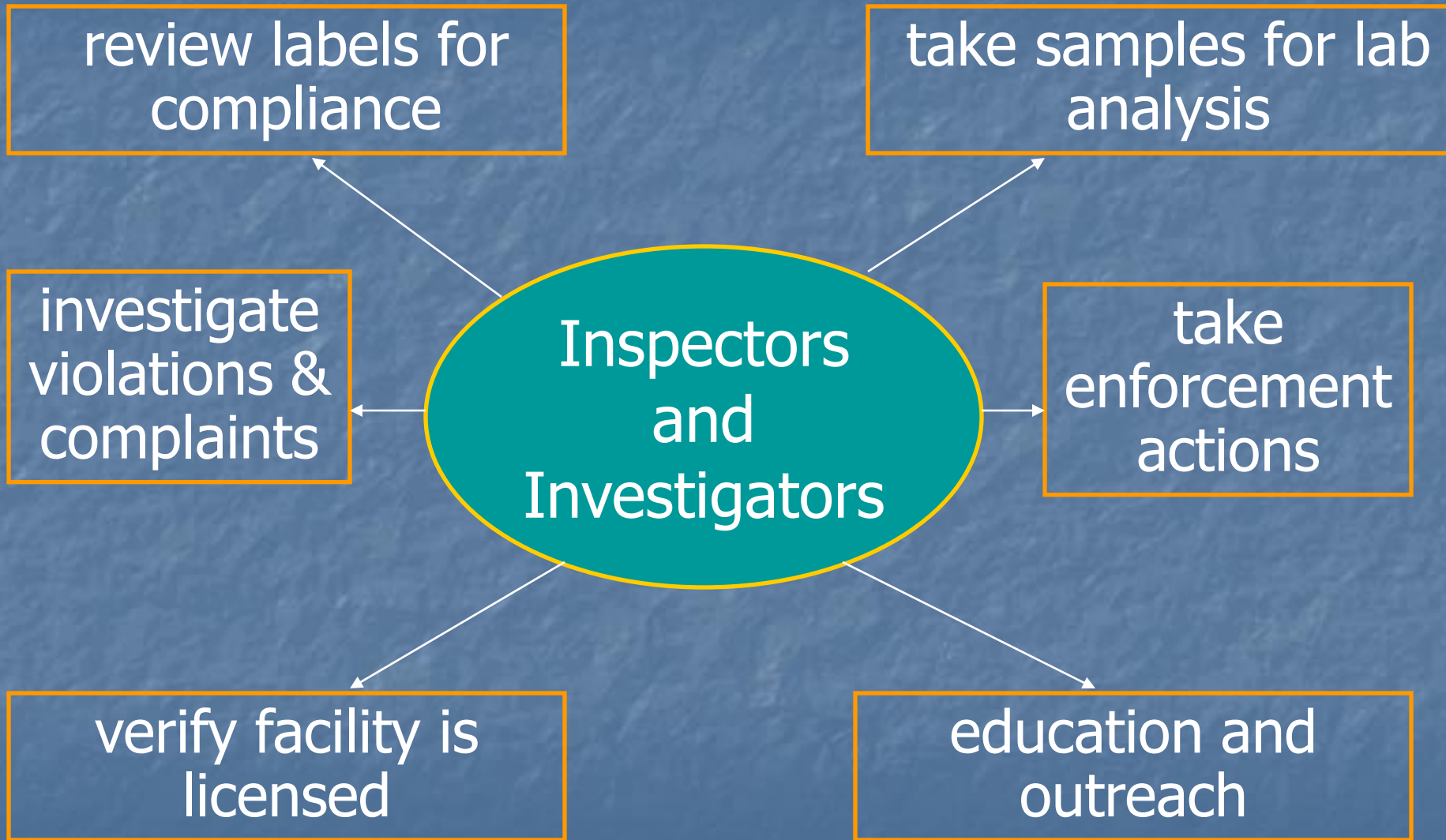
Fertilizer Inspection Advisory Board



# LICENSING AND REGISTRATION

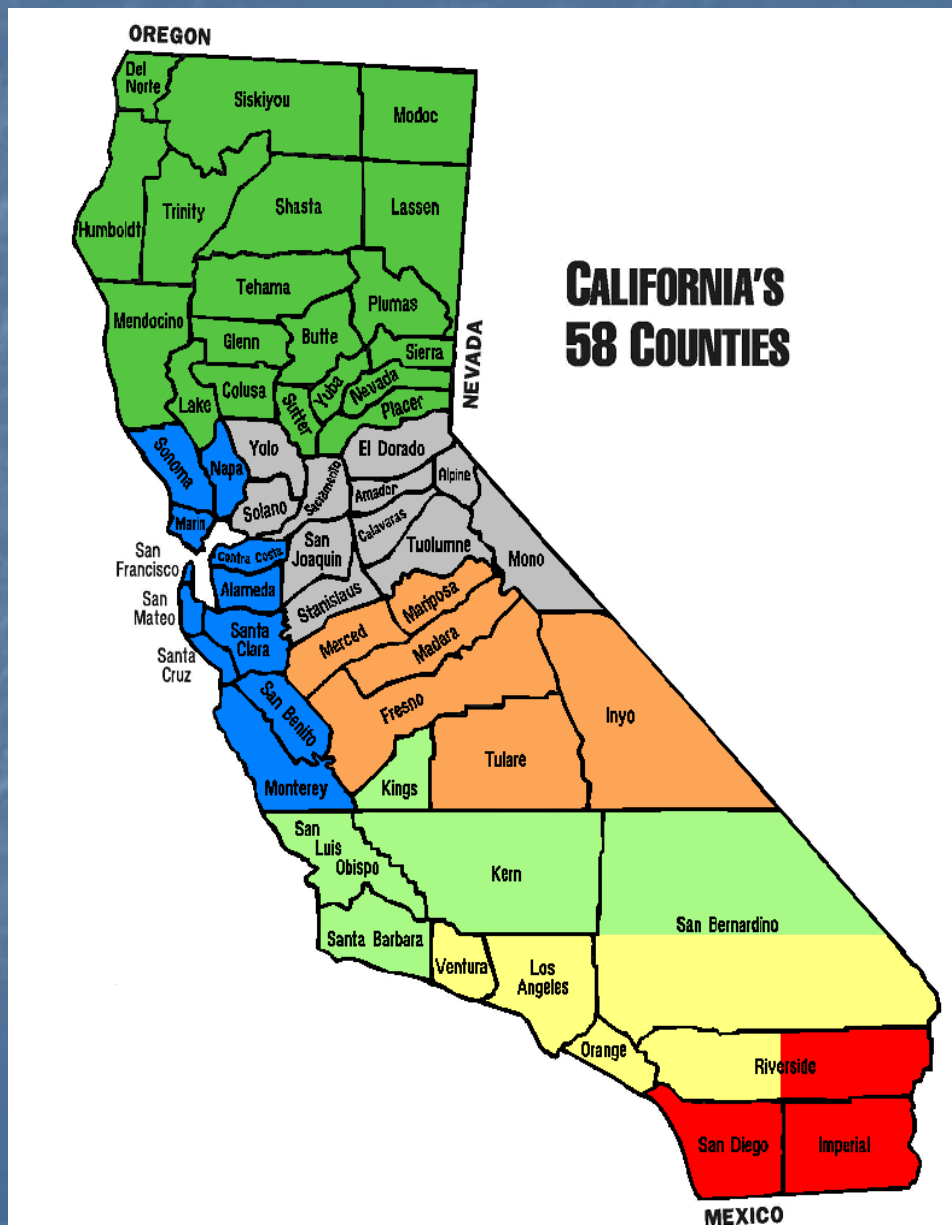


# COMPLIANCE AND ENFORCEMENT





# COMPLIANCE AND ENFORCEMENT



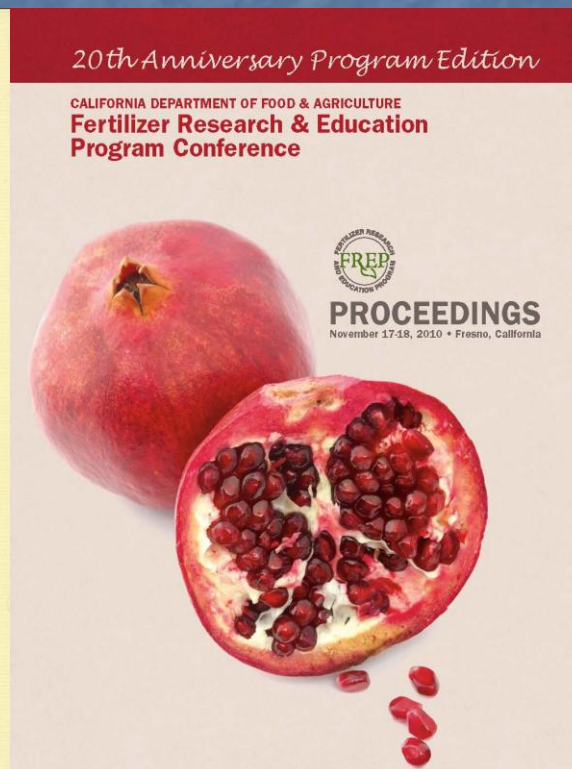
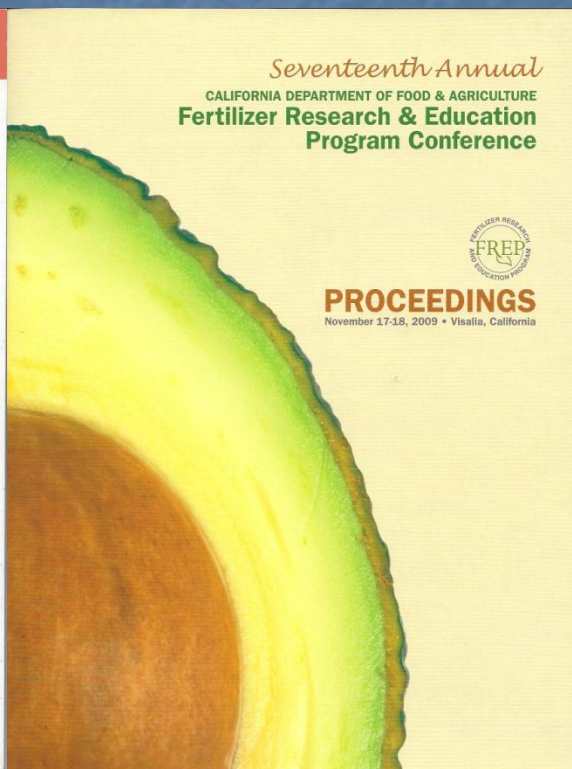
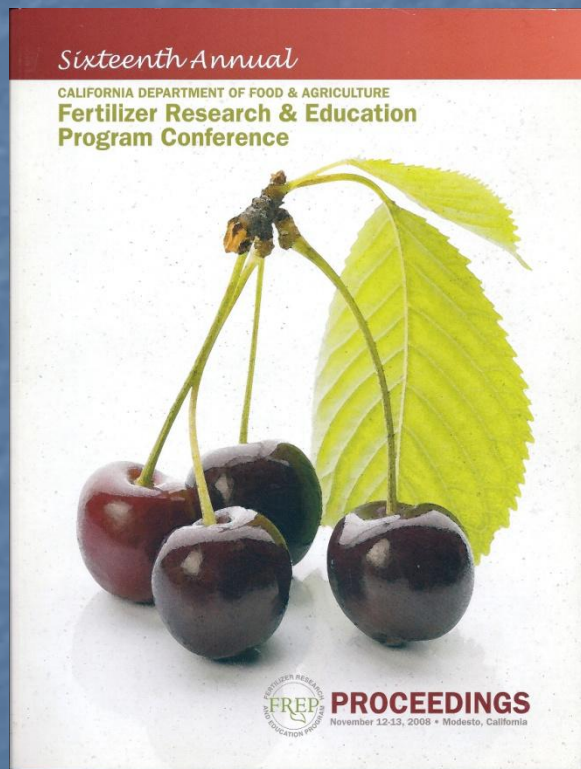


## RESEARCH AND EDUCATION

- Fertilizer Research and Education Program (FREP) was created in 1990 to address environmental issues (NO<sub>3</sub>)
- FREP funds competitive research projects to promote agronomically sound and environmentally safe use of fertilizing materials
- FREP has funded over 150 research and education projects
- Typical funding is \$150,000 for a three year project
- Technical Advisory Subcommittee advises on research priorities and project selection



# Annual FREP Conference



20<sup>th</sup> Annual FREP Conference

November 2011







# AB 856 BACKGROUND

- AB 856 was introduced in response to CDFA's investigation of an organic fertilizer manufacturer
- Liquid fertilizer claimed for organic production was found adulterated with an unapproved ingredient
- CDFA in consultation with the Fertilizer Inspection Advisory Board (FIAB) reviewed the incident
- FIAB formed a subcommittee to study the issue and make recommendations
- Identified gaps in CDFA's authority to regulate fertilizing materials used for organic crop and food production



## **AB 856**

- Defines Organic Input Material (OIM): excludes pesticides from the definition
- Provides CDFa the authority to regulate OIM manufactured and distributed in or into California
- Requires OIM labels be reviewed and registered with CDFa to ensure compliance with USDA-National Organic Program (NOP) standards
- Allows CDFa to charge a fee for OIM label review and registration
- Sets OIM label registration fee cap at \$500 per product for two years



## **AB 856**

- Authorizes CDFA to conduct onsite inspections of OIM manufacturing processes
- Take samples at various stages of OIM production
- Requires CDFA to inspect OIM manufacturing facilities at least once a year
- Provides for onsite inspection of out-of-state facilities by NOP recognized third parties
- Allows CDFA to levy civil penalties on any person in violation of California fertilizer laws and regulations



## AB 856

- Makes it unlawful to adulterate, misbrand, or alter fertilizing materials including OIM
- Makes violation of this subdivision a misdemeanor punishable by a fine of no more than \$15,000 for the first offense, and a minimum fine of \$15,000 for each subsequent violation
- Any person found in violation of this subdivision may also be prohibited by the secretary from obtaining a license to sell OIM for three years



## AB 856

- Requires CDFA in consultation with the Fertilizer Inspection Advisory Board to:
  - Review OIM definition and issues related to implementation of AB 856, and
  - Publish a report on the CDFA's website by January 1, 2012



## AB 856 RECAP

- The main goal of AB 856 is to ensure integrity and composition of fertilizing materials used for organic food and crop production in California ...meet USDA-NOP standards
- AB 856 fills gaps in CDFFA's authority to regulate fertilizing materials used for organic food and crop production
- AB 856 provides CDFFA enhanced enforcement authority to achieve compliance
- CDFFA is working with the Fertilizer Inspection Advisory Board and other stakeholders on the implementation of AB 856 requirements



# AB 856 IMPLEMENTATION

- FIAB formed **AB 856 Subcommittee** to assist the Board and the CDFA in addressing potential implementation issues
- The Subcommittee is represented by stakeholders including:
  - Composting industry
  - OIM manufacturers
  - Accredited Certifying Agents
  - Organic grower
  - Trade organizations
  - FIAB members
  - CalRecycle



# AB 856 IMPLEMENTATION

- AB 856 Subcommittee met on June 9, 2010 and identified potential implementation issues
- Prioritized the issues – compost labeling issue was recognized and given priority
- Created Compost Working Group (CWG) to study issues with compost label registration, nutrient claims and lab analysis





# Compost Labeling & Nutrient Guarantees

- Compost for organic production to be licensed and label registered
- Label minimum guarantees have to be met for nutrients
- Registered label may be published on composter's website
- Composters provide registered label to the customer instead of lab analysis
- CDFA to adopt AAPFCO investigational allowances for compost nutrient guarantee compliance



# Compost Labeling & Nutrient Guarantees

- CDFA to develop process for complaints / violations: including AAPFCO investigational allowances
- CDFA outreach to composting industry and the farming community

# 2011 Organic Input Material Program Workshop

Date: Wednesday, February 2, 2011

Location: Stanislaus County Agricultural Center  
Harvest Hall, Suite D/E and G  
3800 Cornucopia Way, Modesto, CA 95358

## Break-Out Session Topics:

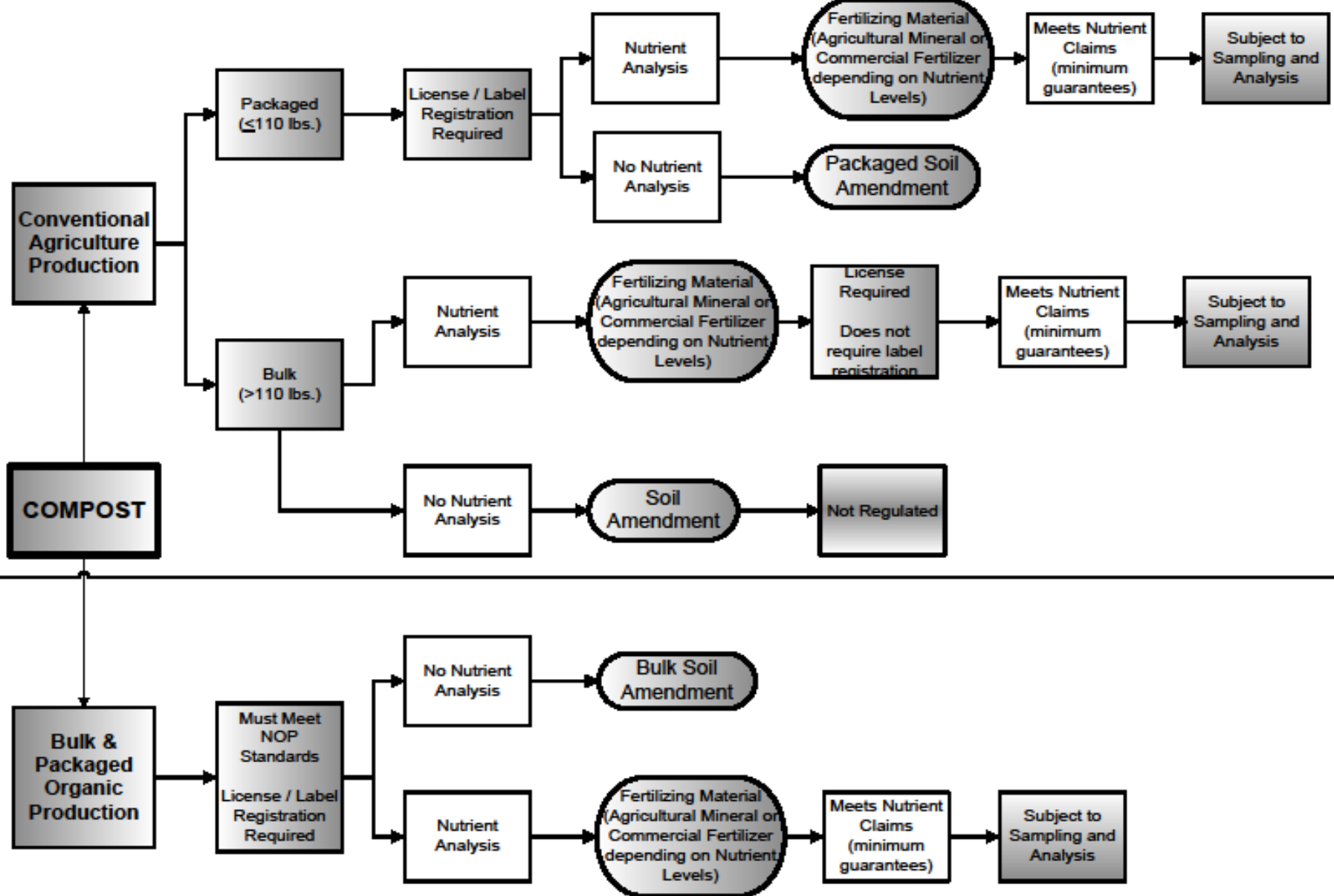
1. Licensing, Registration and Labeling
2. Inspections, Tonnage Reports and Mill Assessments

To attend this workshop, please RSVP with your name, affiliation and phone number no later than January 28, 2011.

You may RSVP by email to [cdfaoim@cdfa.ca.gov](mailto:cdfaoim@cdfa.ca.gov) or by calling (916) 445-0444.



# California Department of Food and Agriculture - Compost Licensing Registration Requirement





# Scope of OIM

OIM definition: “that IS TO BE used in organic crop & food production”

The following measurements would be cause of for required registration and inspection as an OIM under AB 856:

- Making claims of compliance to NOP, claims for use in organic production including submission by the supplier for listing by other third party reviewers recognized by NOP;
- Claims on labels, literature, or extensions of labels, website, etc. that the products are suitable for use by organic producers.



# OIM Custom Blend Label Review

- Data will be analyzed to understand the scope and frequency of custom blends, and determine a course of action for processing custom blend labels.
- Custom blend label process fee will be set by the FIAB
- CDFA to conduct outreach and training workshops for custom blenders



# OIM Site/Facility Inspection Procedures

Developed:

- Site inspection procedures and protocol
- Audit checklist

## Civil Penalty Matrix and Regulations

Thoroughly reviewed by the subcommittee



# Out-of-State OIM Site Inspections

- Inspections will be performed by NOP recognized third party/ies:
  - using CDFA site inspection procedures and checklist
  - notify CDFA 72 hours prior to inspection
  - provide all inspection records to CDFA
  - at least one inspection a year
  - CDFA will work with USDA-NOP to identify and designate third parties for out-of-state and out-of-country OIM manufacturing site inspections





# Review OIM Label Registration Fee

- OIM label registration fee as recommended by the Fertilizer Inspection Advisory Board:
  - \$500 for each differing product label
  - Label registration is good for two years
  - Label renewal is due on January 1 of each even year

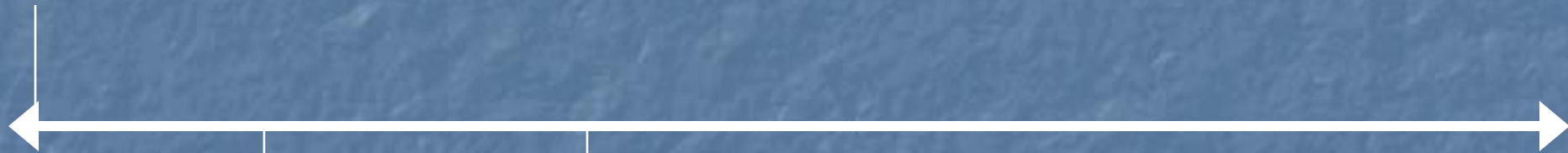


# OIM Label Registration Timeline

(Transition Period)

Begin OIM label  
review and  
registration  
January 1, 2011

OIM label  
registration  
effective date  
January 1, 2012



Review

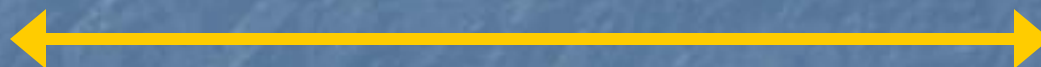
Licensing and  
label registration  
workshop Feb. 2,  
2011 Modesto

OIM labels  
submittals by  
April 30,  
2011



# Licensing and Label Registration Cycle

License renewal odd year



January  
1, 2011

January  
1, 2013

Label registration renewal even year



January  
1, 2012

January 1,  
2014



# Next Steps

- CDFA submitted the regulation package to the Office of Administrative Law (OAL) on Jan. 21, 2011

<http://cdfa.ca.gov/is/regulations.html>

- Conduct AB 856 focused workshop/s (Feb. 2, 2011 in Modesto)

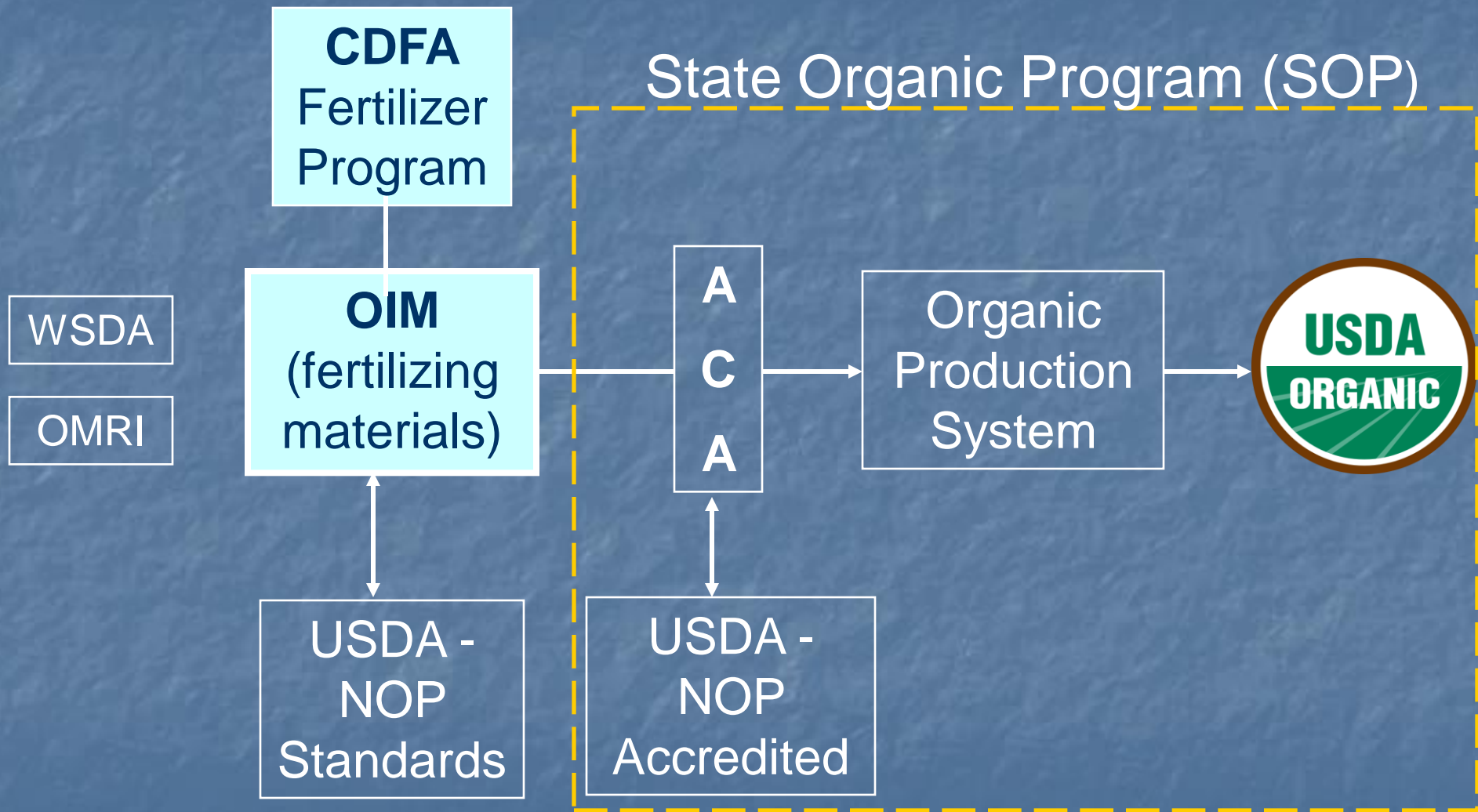
- Present OIM program to USDA-NOP

- Start drafting AB 856 review report

- Establish working relationship with ASCO, OMRI, and WSDA

- Complete the hiring process

# Organic Production System & AB 856



*Thank You*