

California Walnut Board

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GRADES & STANDARDS COMMITTEE MEETING MINUTES

Friday, January 21, 2011

The California Walnut Board Grades & Standards Committee held a teleconference meeting on Friday, January 21, 2011. Committee Chairperson Bill Carriere called the meeting to order at 10:02 a.m. Ms. Steindorf called the roll and established a quorum. The following Committee members were present on the teleconference:

Bill Carriere, Chairperson
Steve Lindsay, Vice Chairperson
Frank Guerra
Gus Mariani

Committee members Chuck Crain, Sam Keiper, and Pete Turner were absent. Also on the call were: Duane Lindsay, CWB/CWC Technical Advisor; Mike Hurley of DFA; Dan Haley, CWC Representative in Washington D.C.; and CWB staff members Dennis Balint, Carl Eidsath and Dana Steindorf.

The first order of business was the approval of the minutes from the last Grades & Standards Committee meeting held on September 2, 2010. Mr. Guerra made motion to approve the minutes as mailed, Mr. Steve Lindsay seconded the motion and the motion carried unanimously by roll call vote.

The next agenda item was the report from the Food Safety Working Group. In the absence of working group chairperson Don Barton, Mr. Eidsath explained that the working group met on January 20, 2011 at the CWB office in Folsom. The primary purpose of the meeting was to prepare for the Food Safety training that will be conducted by NSF. A representative from NSF gave the working group a summary of the training; there will be two different tiers within each handler organization – a QA tier and sanitation line-worker target. The modules are still in development and there will be orientation given to the Davis group by the handlers. Those handlers will be identified by the end of next week and the goal is to have the majority of the visits completed prior to the winter meeting in February. Mr. Eidsath will also be giving an update of the training at the winter meeting.

Mr. Eidsath also commented that Dr. Linda Harris attended the Food Safety Working Group meeting to give a review of her previous work and also some direction for future work. There were about eight to ten different avenues of research and commercial trials that were discussed during the meeting. Mr. Eidsath stated that he, Don Barton and Steve Lindsay have a conference call Monday afternoon, January 24th, to flush out the proposals and bring

recommendations to the Grades & Standards Committee on research to conduct immediately and at harvest in the fall.

Mr. Steve Lindsay commented that the working group had talked about the omega-3 fatty acid exchange and nutritional values and how those are affected by heat treatments in Mike Hurley's project on PPO. Mr. Lindsay thinks more funds should be allocated to the study to analyze that aspect. Mr. Eidsath stated that it will probably be a \$500 test; however, we may want to do more than one test. Mr. Hurley stated that there is a 125 degree high temperature test, the 105 degree, and a control, so there are two variables and a control. Mr. Balint commented that we may want to test multiple samples at each level (large samples) and at different time stages, i.e. one month, three months, six months.

Mr. Guerra made a motion to allocate an additional \$10,000 to Mike Hurley's project on PPO. Mr. Lindsay seconded the motion and it carried unanimously by roll call vote.

Mr. Balint stated that there is concern over whether or not the activities of the Food Safety Working Group are going to reach down to all levels of the industry and it has been suggested that we may want to put language into regulations (rules to enforce minimal standards in food safety). To make food safety regulations under the Board, we must go through formal rulemaking. This committee could refer the issue to the Marketing Order Revision Committee for review, or it may take it up at the next meeting for further discussion. The Committee then discussed creating voluntary standards versus formal rulemaking. Mr. Balint suggested that this Committee give direction to the Food Safety Working Group to develop the framework for a potential marketing order rulemaking process on food safety. Chairperson Carriere, Vice-Chair Lindsay and Carl Eidsath will work together to develop a strategy.

Chairperson Carriere moved on to the next agenda item, Ruling on Sulfuryl Fluoride. Mr. Haley commented that EPA announced a proposal to do away with the tolerances on sulfuryl fluoride. The registrant will have an opportunity to challenge the decision during a comment period. EPA is basing their decision on long-term exposure to fluoride. Mr. Haley stated that what is unique about this decision is that EPA really was tortured internally because they knew that not only EPA themselves, but MBTOC (the technical committee of the Montreal Protocol) has relied, in large part, on sulfuryl fluoride being an alternative to methyl bromide to justify cutting the walnut industry's critical use exemption year after year. Terminating the tolerances to sulfuryl fluoride opens up the door to the argument that if sulfuryl fluoride is not available, then we need to increase the amount of methyl bromide allowed to the industry under the CUE. Of course, USEPA did not want to do that, so they have given the dried fruit and walnut industries a three-year phase out. By doing so, they gave EPA and MBTOC the ability to say that sulfuryl fluoride continues to be registered for use in walnuts and dried fruit, and therefore, has no effect on the CUE.

Going forward, Mr. Haley would like to know how much sulfuryl fluoride is used in the walnut industry. Mr. Guerra commented that he was forced to transition to sulfuryl fluoride at the start of the last season; because he was not shipping to the two or three countries that require methyl bromide, his supplier would not sell it to him. Mr. Carriere stated that his supplier said the same thing to them; he has largely transitioned to sulfuryl fluoride as well. Mr. Hurley stated that during a meeting with Dow last month, they mentioned that the walnut industry had mostly transitioned over to sulfuryl fluoride; Dow felt that the walnut industry was headed in the direction of complete transition. Mr. Steve Lindsay commented that Diamond Foods transitioned over last year also; the biggest argument for the transition was that they could be fined for inappropriate use of CUE pounds of methyl bromide. The Committee also discussed

other alternatives to methyl bromide and sulfuryl fluoride and on-going research into alternative treatments.

Mr. Balint summarized what the next steps should be: 1) write a paper to submit to EPA about the inefficacy of phosphine gas as an primary fumigant alternative to methyl bromide; 2) develop a stronger argument for getting back some of our methyl bromide through the CUE; and 3) wait until the end of the comment period and then conduct another meeting of this Committee to discuss how to move forward with sulfuryl fluoride.

Under other business, Mr. Carriere asked if there was any information to report on the food safety legislation that was recently passed. Mr. Eidsath stated that he heard FDA will have 12 to 18 months to make proposals on how they will comply with the new rules. Mr. Haley commented that this new food safety law requires many inspectors at a great cost and a Republican congress coming in that states they will not fund it. It could be a long time before we see specific proposals and regulatory language.

The time and place of the next meeting will be at the end of March, final date selection to be determined by the Chairperson and staff. There was no need for Executive Session. Hearing no further business, Chairperson Carriere adjourned the meeting at 10:52 a.m.