

California Walnut Board

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GRADES & STANDARDS COMMITTEE MEETING MINUTES

April 15, 2013

The California Walnut Board Grades & Standards Committee held a teleconference meeting on Monday, April 15, 2013, at the CWB Office in Folsom, CA. Committee Chairperson Bill Carriere called the meeting to order at 10:04 a.m. Ms. Dana Steindorf called the roll and established a quorum. The following Committee members were present:

Bill Carriere, Chairperson
Steve Lindsay, Vice-Chairperson
Sam Keiper (non-voting)
Frank Guerra
Gus Mariani
Pete Turner

Committee member Chuck Crain was absent. Committee member Sam Keiper attended in person, as did Jeremiah Szabo of DFA. Others attending via telephone were Thomas Jones, Lori Carlson and Tom Vogel of DFA; Andrea Ricci of USDA/AMS; Mr. Matt Rocha of Morada Nut Company; and CWB staff members Carl Eidsath, Abhi Kulkarni, Dana Steindorf and Heather Donoho.

The first order of business was Review and Approve UNECE Inshell Explanatory Brochure. Mr. Eidsath had previously distributed a copy of the draft brochure and photos to the Committee. He asked the Committee for their comments on the defect pictures and the interpretations of the defects. Mr. Lindsay stated that the beauty shots on page 4, page 16 and page 20 should be cleaner. Mr. Carriere stated that there is one really small walnut in the photo on page 12; Mr. Eidsath commented that Mr. Kulkarni did take some new photos of mold, so he will replace that shot. Mr. Kulkarni confirmed that he does have some better close-up shots that can be used. The consensus of the Committee was to pass the brochure on to Dorian LaFond for submission. Mr. Eidsath stated that it could take as long as two to three years for final approval.

Chairperson Carriere moved on to the next agenda item, Review and discuss FDA's request for comments on proposed FSMA guidance. Mr. Eidsath referred to the talking points document that he sent to the Committee via email. He stated that May 16, 2013 is the deadline for public comments to FDA on FSMA; the plan is for the CWB to enter comments for the produce rule, the preventive control rule and the huller/dehydrator status. He would like to get the Committee's consensus on how to notify the industry (growers, hullers and handlers) in order for them to submit comments as well.

Ms. Ricci stated that Federal Boards and Committees are not allowed to comment on other federal agency proposed rules. She asked if this is something educational that the Board is going to send to growers and handlers letting them know how they would be affected by the proposed rules. There was a discussion about whether the Board or Commission would be submitting the comments – the CWC does not have the same restriction on commenting. Anything the Board sends to growers, handlers or hullers can only be educational; the Board cannot advocate for an issue. Ms. Ricci stated that it is her understanding that federal boards or committees cannot comment on FSMA, but she will get clarification on that. If the Board prepares comments or a statement, Ms. Ricci would need to review it before submission.

The Committee then discussed the points they would like to see addressed, including the education of hullers/dehydrators. Mr. Keiper stated that DFA has a list of about 400 hullers which probably covers more than 90% of the hullers in the state. Mr. Eidsath stated that currently hullers/dehydrators do not have to register with FDA under the Bio-terrorism Act; they are not considered food processors because all they do is wash and dry the product. He stated that we are going to have to educate FDA on hullers/dehydrators and how they operate. The Committee agreed that the best course of action would be for hullers to submit comments to FDA. Mr. Guerra asked about handlers who do not shell product; Mr. Eidsath stated that there are a handful of handler who do not have to register under the Bio-terrorism Act because they are not considered processors of food. He indicated that we will have to get clarification from FDA on the status of those handlers that do not shell product.

The Committee then discussed the proposed produce rule for farms including the agricultural water issue. Mr. Vogel stated that he does not believe that FDA is clear on the orchard irrigation practices for our commodity, they are more focused on leafy greens and other row crops where water comes in contact with the product. Mr. Eidsath stated that we will explain in our comments the irrigation practices used in our industry.

The Committee then reviewed the exemptions section of the produce rule and discussed the difference between a small farm versus large farm. Mr. Vogel stated that he believes that FDA is using the same annual sales amounts from their definitions of a small business/very small business that the Small Business Administration uses. Mr. Carriere commented on the exemption for any farm with sales less than \$500,000; \$500,000 is a lot of walnuts and he is not sure they should be exempt. A small farm could have a food safety incident just as a large farm could. Mr. Guerra pointed out that the exemption for farms with sales of less than \$500,000 AND most of its sales to qualified end users (general public, restaurant or retail establishments) goes against the marketing order handler regulations.

Mr. Eidsath then presented the key provisions for the preventive controls for handlers. The Committee reviewed the provisions and exemptions and had no issues with them. Under the “further comments requested” section, Mr. Eidsath asked for the Committee’s comments. Ms. Ricci stated again, that the Board can educate FDA on the way the industry operates currently, but they cannot take a position on any of the proposed rules. Mr. Eidsath asked Ms. Ricci to send him the parameters in writing.

The time and place of the next meeting will be at the discretion of the chair. There was no need for an Executive Session. Hearing no further business, Chairperson Carriere adjourned the meeting at 11:38 a.m.