

Pilot Project Report

Cross County Enforcement

California Department of Food and Agriculture

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Prepared for the Certified Farmers' Market Advisory Committee



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Acknowledgements

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The Project was overseen by John Pedigo, Agriculture Program Supervisor for the Direct Marketing Program.

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- Korinne Bell

Introduction / Executive Summary

In October 2012, the Certified Farmers Market Advisory Committee (CFMAC) formed a Revenue Allocation Subcommittee. This subcommittee was tasked with reallocating funds via county grant agreements with an objective of utilizing current data to form a more targeted enforcement model. The subcommittee recommended to the secretary the Project, which would demonstrate market-to-farm enforcement strategy.

In FY 2012-13, four counties were initially identified to participate in the Project. Los Angeles County was identified as the market county, as it represented multiple certified producers from each production county. The original identified production counties were Tulare, San Joaquin, and Fresno Counties because they represent large agricultural production counties in California.

Discussion ensued about the number and location of production counties. It was decided after review of data to expand the scope of work to include Fresno, Kern, Riverside, San Bernardino, San Diego, San Luis Obispo, Tulare, and Ventura counties. San Joaquin County was removed from consideration due to its geographic location.

The parameters for targeted producers were those growing on less than 15 acres, selling in 5 or more markets, and whose commodities were considered to be high-risk due to their value and availability. Selected commodities included grapes, carrots, cherries, stone fruits, melons, and corn.

Based on the established criteria from the subcommittee, six certified producers from each production county who were selling in Los Angeles County were identified, totaling 48 producers for the Project.

In March 2013, the CFMAC approved a \$50,000 allocation for the Project. The Project included cooperative agreements with nine counties to conduct enhanced, targeted enforcement from May 1, 2014, through June 20, 2014.

CDFA coordinated the project to ensure that project activities and funding remained separate from normal county enforcement activities.

Methodology

The counties conducted all inspections and enforcement activities in accordance with the Food and Agricultural Code and California Code of Regulations.

There was an agreement that Los Angeles County would be responsible for taking any adverse actions in order to provide consistency and uniformity regarding penalty measures.

It was determined by all parties, including Los Angeles, production counties, and CDFA that utilizing e-mail would be the appropriate method for communication.

For purposes of the Project, all parties agreed that production site inspections would take place no more than 48 hours after the market inspection when possible. This short timeframe prevented potential deceptive practices from fraudulent certified producers.

CDFA accompanied county staff for production inspections in Fresno County and assisted with market inspections at the Cerritos and Hollywood CFMs in Los Angeles County to assess overall Project progress and ensure enforcement uniformity.

CDFA developed and provided standardized forms for inspections which identified necessary evidence required during inspections. CDFA assisted in evidentiary review of pictures taken at the markets and production sites. Tasks performed by the market and production counties included, but are not limited to, Certified Producer Certificate (CPC) verification, writing Notices of Non Compliance (NNCs), correspondence, verification of commodity production, and preparing Notices of Proposed Action (NOPAs) for certified producers who violated regulations.

CPCs containing similar land sizes were reviewed for possible discrepancies regarding commodity production amounts. Additional narrowing and targeting of certified producers was achieved based on these inconsistencies, and over half the CPCs reviewed displayed some form of variation in commodity production relative to the CPC. Not all producers sold the targeted commodities. However, in some cases, the quantity of the production in comparison to land size raised valid concerns that the commodity was not of the producer's own production.

Results

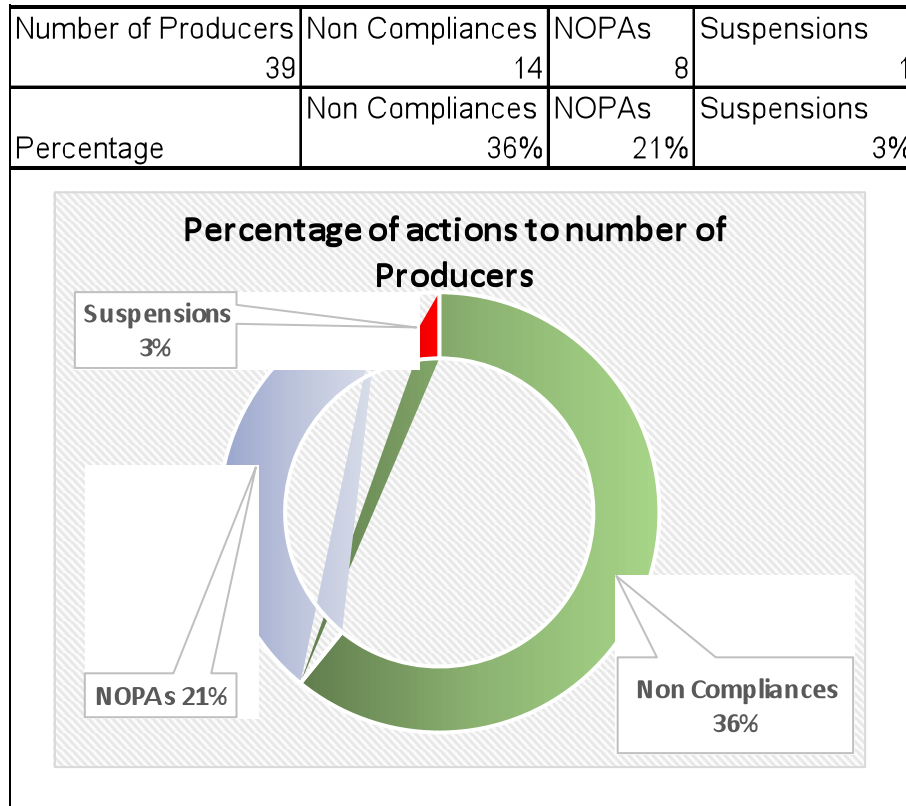
Statistics

Upon conclusion of the Project, 39 of the 48 identified certified producers were investigated. Of the nine producers not investigated, one was suspended at the beginning of the Project, one went out of business, two sold their farms, two did not show up to the markets, and three were not selling at LA markets. The enhanced enforcement resulted in 14 NNCs, 8 NOPAs resulting in fines of \$6,416 for selling product not of own production, and 1 suspension.

Lessons learned

When moving to a model that leverages the effectiveness of an inspection from market to production site the potential exists for improved consumer confidence due to a decrease in producers attempting to sell product not of their own production. There also exists a potential for reduction in quantity and variety of products within certain markets at certain times of the year because producers may not be violating the rules by purchasing at wholesale markets and re-selling those products at CFMs.

Fig. 1.1 - Pilot Project Targeted Enforcement



Positive Outcomes

- Overall communication between the counties was constant, efficient, and professional.
- Nearly all (99.5%) of the inspections from market to production site were completed within the agreed upon timeframe.
- Production site and CFM inspections were conducted thoroughly and effectively.
- The parameters established by the subcommittee were supported by the data throughout the course of the Project.

Opportunities for Improvement

- *Cost* – Cost considerations during the contract process revealed potential problems for some counties, raising concerns on the value of the contract to the cost of implementing it.
- *Personnel* – There were scheduling issues with regards to resources being readily available for production site inspections.
- *E-mail* – In the beginning of the Project, some e-mails were being sent to the wrong counties, but these issues were resolved quickly.

- *Data* – A problem was encountered due to limited data transmission capabilities on some county e-mail servers. To resolve this, the data was split up over several e-mails.

Conclusion

The results of the Project demonstrate the effectiveness of a county and state coordinated CFM enforcement model. The use of specific parameters on both commodities and acreage of production proved successful. However, CDFA expended considerable time in its efforts to identify the producers that met these parameters. The proposed database will assist in creating a more efficient process for identifying targeted parameters.

Improved communication between counties allowed for limited resources to be maximized for enforcement purposes, and future cross county enforcement projects with enforcement performed on a larger scale would provide significant progress towards making CFMs a more equitable market for producers and consumers.