

Questions Captured at the Approved Source Roundtable Discussion

Question:

Who is paying the \$201 fee to Environmental Management and signing the approved source/Best Management Practices (BMP) forms? Is this fee brand new?

Response:

(Steve Lederer, Director Dept of Environmental Management) The fee was established in 2009, but at that time, there was no program to enforce. The program has since been developed, and within the last few months Environmental Management has been collecting the fee.

Question:

If a public school garden doesn't necessarily produce enough food to justify a \$201 fee- and the garden is more of a learning experience- are they exempt?

Is a non-profit school that grows produce for use in their own kitchens exempt?

Response:

(Steve Lederer) Non-profits can have the \$201 fee waived but public schools are not non-profits, so they are subject to the fee. There is an exception: if a non-profit "parents club" takes care of a public school garden, they can and apply for the approved source designation, and the fee can be waived.

Question:

Does this fee apply to wineries with commercial kitchens and other similar businesses?

Response:

(Steve Lederer) The fee is applicable to every business that falls under these regulations- all permitted retail food facilities need to be regulated. These include restaurants, schools, wineries, public and commercial kitchens, etc. There are situations that do not apply though, such as employee gardens.

Question:

At the time I installed my hotel culinary garden, there was no approved source program. Now I'm being told by Environmental Management that I have to meet these new regulations. Am I expected to incur great costs for capital outlays- required fencing, hand washing facilities, potable water source- when I see commercial agriculture all around me not being held to the same BMP?

Response:

(Steve Lederer) All permitted restaurants already have the proper water source on site. Environmental Management is open to reviewing the BMP guide and taking a better look at the fencing issue. The current BMP guidelines do not require fencing. It is unlikely that any of the BMPs will result in large (if any) expenditures.

Question:

Is it necessary to have an actual "Approved Source" garden agreement, or is there a lack of education on the subject? If it is a BMP issue or a public health and safety issue, let's talk about it.

Response:

(Dave Whitmer, Agricultural Commissioner) It is important (and a legal requirement) to have something that states you are an approved source; there's a value to having some type of documentation.

(Greg Clark, Assistant Agricultural Commissioner) was really struck by the fact that in Marie Bianco/Small Business Development Center's survey of producers and restaurant chefs, that food safety issues were very important to both producers and buyers (producers what to grow food safely, and buyers what to purchase "safe" food.)

Suggestion:

Develop an educational component, something like the health certificate training. Not an inspection but a training module of some kind.

Suggestion:

Food safety/safe gardening class or training is a great idea. It's an opportunity to learn the reasons why the BMP are important. It's a different dynamic and makes more sense than simply being told what to do.

Suggestion:

Create a fillable PDF online where a person could enter all the necessary information and create their own version of a culinary agreement that applies to them (self-certified approved source).

Response:

(Hillary Gitelman, Director of Conservation, Development and Planning) As far as the education component goes, the BMP sheet may not be enough. Maybe another manual is in the works, one that details the information and education components.

Response:

(Dave Whitmer) People who figure out ways to achieve something is often far better than the government telling you what to do. He likes the idea of education class, suggests using the food handler training as an example, if Yvonne and the Master Gardeners are willing to help develop a class. It can be a voluntary class now, but thinks that it could turn into a mandatory issue later based on his experiences dealing with things like this.

Suggestion:

It's helpful to see what things are not acceptable in the BMP in addition to what is acceptable.

Suggestion:

There seems to be two sides to this: an educational aspect verses the site itself. The educational aspect includes the person being trained, and the site is the thing being approved to use pesticides on, grow organically, etc.

Question:

Do we approach Environmental Management or the Ag Commissioner with something that has not been done before, or should I keep working until there is a precedence set or an authority established to base a decision on?

Suggestion:

Create an incentive program of some sort to encourage compliance versus penalties (preventative vs. regulatory enforcement). Incentives to attend a training or class, to become an approved source, etc. Maybe work with Napa Municipal Green Waste to receive discounted compost.

Suggestion:

Create a public online database of approved sources, anyone could find out who's certified.

Question:

What's the best way to communicate with public to get feedback on the BMP? Use an email list; create short survey to get feedback; send out newsletters?

Comment:

A local chef is concerned that the small, backyard growers will be left out of the approved source discussion. He relies more on the local growers, he knows exactly where the produce comes from as opposed to ordering from a big produce company.

Comment:

Homeowners used to harvest their backyard fruit now they are too busy to do so. In the past he has harvested it for use in his hotel, but these BMP/approved source issues won't allow for that.

What about gleaners, foragers and mushroom foragers?

More things to consider:

Retail food law that covers "food stored or prepared" in a private home: does this apply to fruit and vegetable gardens at a private residence?

Does documentation of produce provided to the public need to be done at the time of purchase and/or delivery?

What water sources are truly acceptable? Pond water versus public water system or well water.

Next Steps:

- Michael Cromwell will convene the Ad Hoc Committee on Local Food Policy to discuss next steps.
- Environmental Management will continue accepting comments on the "best practices" document and culinary garden agreement. The next version will include an expanded educational component (why are these best practices?) and possibly a simpler "I have read and understand the best practices handout" agreement. Environmental Management will also continue to monitor discussions about this issue at the State level.
- The Ag Commissioner's office will develop an "approved source" certificate and consider creating a web location for all growers/producers that are considered "approved" by virtue of their participation in other programs (e.g. pesticide applicators, farmers market participants, etc.).