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A. GENERAL INFORMATION

1. Date

September 30,
2016

2. Department

California Department of Food and Agriculture

3. Organizational Placement (Division/Branch/Office Name)

Division of Inspection Services/Inspection and Compliance Branch

4. CEA Position Title

Chief - Inspection and Compliance

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

The CEA A, Chief, provides oversight and direction to the Inspection and Compliance Branch within the Inspection Services Division (ISD), California Department of Food and Agriculture (CDFA) ensuring the safety and quality of fresh fruits, nuts, and vegetables; consumer confidence and equity in the marketplace, and the safety of the environment. The CEA A plans, organizes, and directs the activities of the Branch and is responsible for the development and implementation of statewide policies; legislative and regulatory development and implementation; education and outreach, providing expert advice to department management, ISD Director, and CDFA Secretariat; and compliance and enforcement of federal and state laws and regulations relating to promoting and protecting a safe, healthy food supply through efficient management, innovation and sound science, with a commitment to environmental stewardship.

6. Reports to: (Class Title/Level)

Director - CEA B

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): While the Branch Chief is not a member of the Executive Management Team, the Branch Chief will function as an extension of the Executive Management Team overseeing the Inspection and Compliance program.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The CEA A, Chief, provides oversight for the Inspection and Compliance Branch ensuring the safety and quality of fresh fruits, nuts, and vegetables; consumer confidence and equity in the marketplace, and the safety of the environment. The CEA A plans, organizes, and directs the activities of the Branch which includes the Compliance Unit, responsible for ensuring consumers receive fresh fruit and vegetables that are not adulterated, misbranded or falsely advertised; Shipping Point Inspection, responsible for USDA Terminal Market Inspections, Border Inspections and industry-requested inspections to ensure safe and environmentally sustainable fresh produce; and the newly created Environmental Auditing Unit responsible for carrying out environmental investigations and audit and enforcement functions related to the Food Safety Modernization Act (FSMA).

The CEA is responsible for the existing policy and enforcement of policy and regulations related to the Shipping Point Inspection Program, Standardization Program, California Citrus Program, Avocado Inspection Program, Direct Marketing Program, and California Organic Program.

Duties include but are not limited to the following:

Development and implementation of statewide policies; legislative and regulatory development and implementation; education and outreach, providing expert advice to department management, Division Director, and Secretariat; and compliance and enforcement of federal and state laws and regulations.

Ensures the fiscal viability and effectiveness of the Branch programs, makes program enhancements and modifications.

Establishes and implements new programs and policy. Actively engages the public and private, local, state, national, and international stakeholders to develop and formulate policy related to food safety and quality e.g. Food Safety Modernization Act, FDA Produce Safety Rule.

Works closely and cooperatively with the United States Department of Agriculture (USDA), Food and Drug Administration (FDA), consumers, academia, and the industry to mitigate foodborne threats to public health.

Directly responsible for the administration of the Food Safety Modernization Act (FSMA), signed into law by President Obama on January 4, 2011, to better protect public health by strengthening the food safety system with the focus on preventing food safety problems rather than relying primarily on reacting to problems after they occur. FSMA regulations were finalized in 2015. The CEA must develop and implement new policies for California related to biological soil, statistical threshold values and geometric means for water testing, good hygiene practices, training, and wildlife intrusion, in response to the new Produce Safety Rule.

Responsible for establishing and implementing all aspects of the newly established Environmental Auditing Unit (EAU) including but not limited to the development and implementation of policies, procedures, and rule making that will affect approximately twenty to thirty thousand California farms.

Primary contact and policy advisor on food safety, FSMA, and the Produce Safety Rule and will have an opportunity to shape policies, mandates, and interactions between the Division Director, CDFA, management, Secretariat, California agricultural industry, and other state government.

Represents the CDFA at meetings and conferences with the USDA/FDA, County Agricultural Commissioners, Association of Fruit and Vegetable Inspections and Standardization Agencies, industry trade and commodity boards, commissions, and others.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The program's mission to ensure food safety is critical to the department's mission to serve the citizens of California by promoting and protecting a safe, healthy, food supply, and enhancing local and global agricultural trade, through efficient management, innovation and sound science, with a commitment to environmental stewardship.

Currently California produces over 400 different crops which enter State, national, and international commerce. Inspection and Compliance (I&C) staff perform verification audits, inspections, and environmental investigations to ensure good handling and agricultural practices are utilized to contribute to a safe food supply. FSMA brings reform to the nation's food safety systems, and has a significant impact in California given the scale of fresh fruit, nut, and vegetable operations.

The CEA will be responsible for the high-level policy decisions and oversight that comes with expanding the Branch's food safety functions.

Goal 1: Policy Development and Oversight: Develop and oversee implementation of policy related to the state's commercial supply of fresh fruits, nuts, and vegetables in order to ensure wholesomeness and safety.

Goal 2: Legislature: Manage the review and analysis of bills introduced in the Legislature that impact the Department, environment, fresh produce industry, and the public.

Goal 3: Farm Inventory: Formulate a process to maintain and develop a farm inventory system.

Goal 4: Assessment: Develop annual milestones and performance measures to assess progress toward the overall goal of preventing foodborne illness in the State of California and the nation.

Goal 5: Education: Facilitate compliance through standardized, education focused regulatory inspections that include guidance and educational references.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Responsibilities are expanding in the highly sensitive area of food safety requiring constant oversight and policy direction. The duties of the position have expanded to implement the Food Safety Modernization Act (FSMA), Produce Safety Rule, signed into law by President Obama in January 2011; regulations finalized in 2015 requiring the development of a new program. For the first time the FDA FSMA Produce Safety Rule establishes, federal science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. These regulations are intended to minimize on-farm food safety risks.

As California produces over 400 different commodities, standards vary for those growers not using safety metrics. In many instances, the size of the grower determines if he/she is financially able or willing to establish safety standards. It is improbable that small scale growers can incorporate the Produce Safety Rule standards into their operations without requisite education and outreach, putting them at risk for noncompliance. Avoiding this requires the appropriate education, outreach, and enforcement in order to provide California producers a clear path to Produce Safety Rule compliance. In addition to being out of compliance, these farms would be taking a reactive approach to any foodborne illness prevention. Small to medium size producers play an important role in California's food supply chain, and the CDFA must implement guidelines and best management practices for implementing the Produce Safety Rule to ensure compliance on all California farms regardless of size.

In order to address implementation challenges of the enhanced Produce Safety Rule, CDFA is establishing an Environmental Auditing Unit (EAU) that will be responsible for environmental investigations, education, enforcement, and compliance.

The CEA must immediately begin implementing the following:

- Set standards, develop regulations, guidance, and policy for California
- Design strategies to promote and oversee industry compliance
- Implement, monitor, evaluate, and refresh transition strategies and performance metrics
- Allocate resources for implementation activities
- Develop on-farm regulatory inspection approach protocols
- Develop inspection reporting tools
- Develop on-farm bio security and behavior protocols
- Collaborate with external resources FDA, industry, universities, other state and federal agencies
- Develop a standardized educational curriculum to increase the understanding of produce safety
- Build national networks for produce safety
- Conduct grower trainings
- Influence and expand industry compliance
- Develop meaningful public health metrics to measure success such as reduction in produce-related foodborne illnesses
- Collect and evaluate inspection data to identify regional trends for targeted outreach, education, research and work plan prioritization
- Initiate legal action as needed to protect public health

The position currently allocated as Branch Chief, Department of Food and Agriculture, is responsible to plan, organize, direct, review, coordinate, and evaluate Branch activities, oversee the administration and management of personnel and staffing; develop, direct, and implement Branch policies, procedures, rules, and regulations; and develop and/or influence the development and implementation of statewide policy. The expansion responsibility within the Inspection and Compliance Branch as well as the policy decisions and implementation of this new program warrant the allocation to CEA A. In addition, CDFA is responding to CalHRs request, in an effort to consolidate classifications, to consider the reclassification of Branch Chiefs and Special Assistants to the CEA level.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA must develop and implement policies, laws, rules, regulations and standards for California related to the Produce Safety Rule. As the largest agricultural producing state in the union California will be developing and implementing several food safety regulations that will impact the State of California and other states. The CEA will be directly responsible for implementing policies and procedures for California producers which impact agricultural water and water quality testing; biological soil amendments, including raw manure and stabilized compost; sprouts; domesticated and wild animal grazing and harvest waiting periods; worker training and health hygiene, and; equipment, tools, and building requirements. It is estimated twenty to thirty thousand California farms will be subject to the new rules.

Agricultural Water and Water Quality Testing - The types of water used for agricultural water are incredibly diverse. It has been determined that generic E. coli bacteria found in the intestinal tract of both people and animals, are consistent indicators of the presence of feces. Identifying fecal contamination is important in assessing the safety of agricultural water, and the likelihood of disease-causing microorganisms. California producers must be educated to understand water sources and water distribution systems. Reviews and studies of microbial die-off rates in conjunction with a producer's water profile to determine the amount of variability in the quality of water used for irrigation must be conducted. Policy, rules, regulations, testing protocols, and ongoing monitoring must be developed and implemented to minimize future outbreaks related to the distribution of agricultural water.

Biological Soil Amendments - Soil amendments are chemical, biological, or physical material intentionally added to the soil to improve the chemical or physical condition of the soil in relation to plant growth or to improve the capacity of the soil to hold water. Biological soil amendments of animal origin consist in whole or in part of manure or non-fecal animal by products or table waste and have potential to produce pathogens of public health concern. Policy, rules, and regulations must be developed and implemented relating to using, handling, conveying, treating, and storing biological soil amendments preventing harmful impact to the environment and public health. CDFA must ensure processes used for treating biological soil amendment are found to be scientifically valid methods.

Sprouts - Sprouts have frequently been associated with foodborne illness outbreaks. Sprouts are especially vulnerable to dangerous microbes. Policy, rules, regulations, and standards will be developed and implemented to take measures to prevent the introduction of dangerous microbes into or onto seeds or beans used for sprouting, treating seeds or beans, testing sprout irrigation water, testing the growing harvesting, packing and holding environment for the presence of Listeria species and for taking corrective actions and future monitoring.

Domesticated and Wild Animal Intrusion - Grazing animals and livestock contaminate produce, posing potential public health concerns. Policy, rules, and regulations must be developed and implemented requiring farmers to take measures to prevent contamination and ensure that harvested produce has not been contaminated.

Worker Training and Hygiene - Infected or ill persons handling produce on the farm can result in contamination of produce and food contact surfaces. Policy, rules, regulations, standards, and education must be developed and implemented to ensure hygienic practices when handling produce or food-contact surfaces.

Equipment, Tools and Buildings - Inadequate sanitation of equipment, tools, and buildings results in contaminated produce. Policy, rules, regulations, standards, and best practice guidelines must be developed and implemented to ensure appropriate sanitation measures are put into place to prevent contamination of produce and food contact surfaces, storage, and maintenance and cleaning of equipment and tools. CDFA must determine that the proper disinfectant application rate is safe for both produce and handling surfaces.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The CEA has full responsibility and independent decision making authority for the implementation of FSMA, Produce Safety Rule, and serves as the departments authority to influence policies, mandates, and interactions between the Secretariat, California's agricultural community, and the nation. Other states look to California as a leader in implementing the Produce Safety Rule to identify and communicate any legislative or regulatory remedies necessary for successful implementation.

The CEA participates in the identification and resolution of executive level policy issues affecting California's food safety and serves as a key policy advisor to the Director of Inspection Services, executive management and Secretariat.

The CEA plans, organizes, and directs the Inspection and Compliance Branch and has full responsibility and independent decision making authority for the development, implementation, and modification of policies, laws, rules, and regulations related to the Branch's operations.

California agriculture leads the U.S. with cash farm receipts, with over a third of the nation's vegetables and two-thirds of the United States' fruits and nuts produced in the state. Given the scale of California agricultural production, decisions made in this position have important statewide, national, and global implications.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will continue to monitor, evaluate, and modify existing policy and develop and implement new policy related to the implementation of the Produce Safety Rule which impacts California producers in areas related to agricultural water and water quality; biological soil amendments, including raw manure and stabilized compost; sprouts; domesticated and wild animal grazing and harvest waiting periods; worker training and health hygiene; and equipment, tools, and building requirements. The ramifications of these policies on California's farming community are immense and multifaceted.