

NOTES FROM THE NUT

CAPAY HILLS ORCHARD NEWSLETTER ISSUE 33



IN THIS ISSUE: MAY-JULY 2022

- Almonds and the Law
- A Deeper Look at the Process



Almonds and the Law

In this article, we are giving you our latest update concerning the regulatory threat posed to our farm and unpasteurized almonds (as formerly shared with you via e-mail and social media). This is the most that we know right now!

First off, we ask you to remember two things that will help you understand how this impacts both the farmer and the customer. This will also help you explain the crisis to family and friends less familiar with the almond industry and unpasteurized almonds in general: 1) California provides 80-85% of the world's supply of almonds and is the only U.S. state that has the agricultural environment capable of growing almonds. 2) Since 2007, by law all California almonds are required to be pasteurized, either through heat-treatment or fumigation. As you are well aware, this destroys the health quality of the almond! Even though the packaged almonds in stores will be advertised and labeled as "raw," they are NOT raw as they have been pasteurized. Now, there is an exemption in this law allowing unpasteurized almonds to be sold as long as they are sold directly to the consumer via a roadside stand. E-commerce (i.e., over-the-Internet, online website sales) have been considered an extension of a farmer's roadside stand under this exemption. This is how we at Capay Hills Orchard have been able to sell our *truly raw* almonds to you.

Let's dive in:

The staff of the Almond Board of California (ABC), a pseudo-governmental organization, proposed a rule change regarding this exemption to the Board. The change would eliminate the legality of e-commerce of unpasteurized almonds. The change was described, without specifically being mentioned (because it was hidden under a pile of other topics included in the overall rule change proposal), to the board members as insignificant. The members were assured that the change would not affect small farms, and it was really only updating wording. Nothing could be further from the truth, but without discussion or research the Board approved the measure and sent it to the Agricultural Marketing Service (AMS, a sub-agency of the USDA) for the formal rule making. Countless small farms who will be put out of business if this goes through were never informed of this proposal.

In about a week, the AMS received about 1,000 public comments in regards to this rule proposal before the official comment period ended. Most of these were strongly in favor of keeping the current exemption and disallowing this new proposal. We spoke personally with Gary Olson, AMS Regional Director, and he was shocked by how many comments of this sort came in. The AMS has not yet made a decision.

Please feel free to email Gary Olson yourself (GaryD.Olson@usda.gov) or the AMS Marketing Specialist Peter Sommers (PeterR.Sommers@usda.gov). The ABC members are starting to learn that they should read what they sign and not trust the staff. Many of them have expressed confusion and surprise after reading the comments you and many others wrote. They did not know what they were signing. Everyone is now waiting on the AMS to make a formal decision. We have no known time table for this.

There are a lot of unknowns with this, both for us and for you. We don't know what prompted this. We don't know what their reasoning is. We don't know when a decision will be made. We don't even know if the USDA making laws without Congress' approval is actually legal. Some customers have asked if we can sell almonds mail-order. Yes, we could, but most of our orders are filled via e-commerce and this greatly reduces our workload. It's like having a free full-time secretary! We simply can't continue without e-commerce. Neither can the majority of you, our customers! Perhaps not all of you are aware of this, but we actually supply our almonds to customers internationally!

Yet through all this, we realize we are in a waiting period right now and we push on. We continue praying and we continue working. We still have all varieties of almonds available, and our next crop will be ready in about two months. We are optimistic! We definitely have the attention of the ABC and AMS, and we continue to sell our unpasteurized organic almonds via all means available to us. We are glad you can still enjoy them!



A Deeper Look at the Process

We want to share with you a little more about one very important step in the process of getting our almonds from the tree to your front door: hulling and shelling. Hulling and shelling almonds in a cost-effective manner is a very complex and financially-intensive process. It involves removing the hull, cracking the shell, then sorting the unusable product (see pictures below). Being a small family farm, we do not have the resources or volume to do our own hulling and shelling.

First, we have a little history to share with you. When the kids were young (roughly 9-16 years old), we found an organic hulling-and-shelling machine which a farming couple owned, about 45 minutes from us up the Capay Valley. The machine was clean and well cared for, but it was expensive to rent and we had to provide the labor for the sorting portion. The machine could only sort a small amount, so the overall job (involving hundreds of pounds of almonds) became very big quickly! Yet for the years before we planted our new crop (when we were harvesting from our 100+year-old trees), it was manageable. It just wasn't the kids' favorite orchard job to sit at a conveyor belt and pick out bad almonds!

After we re-planted in 2009 and 2010, our yield began to rise beyond what we could realistically do up the valley, so we found a larger organic huller-and-sheller. BIG DIFFERENCE! Firstly, it was much more cost effective since the operation sold the hulls for cattle feed, which offset their costs, and their much larger machine was modern enough to perform some sorting. However, the relationship soon ended due to poor administrative and operations skills.

Next, we found another organic huller-and-sheller up the Sacramento Valley, but about two hours away. This relationship went well until a new huller-and-sheller right in our area completed the construction and organic certification of their plant, Cortina Hulling and Shelling. This was just 15 minutes away! Their equipment is new and their facility is modern and well maintained--all of it organic-certified. They only process almonds--no other tree nuts. Due to imperfections that exist with machine sorting, we still need to perform some sorting back at our farm. Cortina also sells the almond hulls for organic cattle feed, and the shells are sold for animal bedding, fire logs, plastics stiffener, and other small uses. Each time we searched for a huller-and-sheller we encountered the common problem that we are a small grower and not a "big" customer for the huller. Our current huller likes the locals, so they work well with us.

The process involves trucking our field run (nuts inside shells inside hulls with a few sticks) to the huller. It is at this point, *and this is the only point*, where our almonds are not on our property until being sold to you. Once at the huller, they are stockpiled for a few days, separate from other farmers' almond crops, waiting until there is enough organic crop from other growers to start running crops through the machines.

Finally, the field run is moved into the facility. It is an immense structure with countless machines, reaching even to the 100-ft. tall ceilings! The field run is routed through a multitude of screening decks, aspirators, conveyors (to transport from machine to machine), several stations of shear rollers, several vibratory gravity tables, and finally optical sorters. There are literally about 24 machines the nuts pass through in removing the hulls and shells to sorting out the hulls, shells, and bad nuts. At this point the nuts are ready to be picked up. Brian drives down with a flat bed trailer and picks up our hulled-and-shelled almonds!

The whole process (including optical sorting) is not perfect. It is important to us that our customers are very satisfied with our almonds, and so we devote an unbelievable amount of energy to that end. They are hand-sorted and inspected by eight pairs of eyes before they reach you! We do this on-site using an old conveyor belt from a tortilla factory that doubles as our packaging station the rest of the year. In fact, in order to be legally allowed to offer unpasteurized almonds, we are required to do our own hand sorting. We hire every available member of the family, as well as a few locals, and most of our local workers return each year, often bringing new workers with them.

Organic farming may produce some imperfections. Unfortunately the sorting process is not perfect, but we do the best we can. It is possible to receive absolutely no flaws in your almonds. It is also possible to receive some almonds with shelling machine blemishes, marks, chips, or insect damage. We make every reasonable attempt to sort these out, but we are not perfect. Smoked almonds may have uneven roasting and salt coverage. The bottom line is that you can expect us to do our very best to provide a quality product from our family to yours because we care!

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YouTube:

<https://www.youtube.com/channel/UCykQpA6lbn77GUSbiD9y4qQ>

Instagram:

<https://www.instagram.com/capayhillsorchard/>



The hulling-and-shelling facility we currently use



The blue bin is called a hopper and it funnels the almonds onto a conveyor belt which carries them to the top of the trailer and pours them in! Look at all those nuts!



All three "parts" of a fully-ripe almond: hull, shell, and almond; shell and almond; and just the almond!