

**FINAL MINUTES**  
**BOARD OF AGRICULTURE AND CONSUMER SERVICES**

7 North Eighth Street  
Richmond, Virginia  
September 24, 2004

The meeting convened at 9:00 a.m. on Friday, September 24, 2004, in the Sixth Floor Conference Room, 7 North Eighth Street, Richmond, Virginia. President Holland requested a moment of silence and then called the meeting to order. The Board Secretary called the roll:

**PRESENT**

Steve Wolfe  
L. Bruce Holland  
Gatewood Stoneman  
T. M. Hardison  
Andrea Lohr  
Gregory Galligan  
Gary B. Brown  
Eddie N. Moore, Jr.

Jim Riddell

**DISTRICT**

1<sup>st</sup>  
2<sup>nd</sup>  
3<sup>rd</sup>  
4<sup>th</sup>  
6<sup>th</sup>  
8<sup>th</sup>  
9<sup>th</sup>  
President, Virginia State  
University  
Representing Virginia Tech

**ABSENT**

Clarence Bryant, III  
Jennifer P. Nolen  
Mary Campbell  
Warren H. McConnell

5<sup>th</sup>  
7<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>

**STAFF PRESENT**

J. Carlton Courter, III, Commissioner  
Donald G. Blankenship, Deputy Commissioner  
Roy E. Seward, Board Secretary

Mr. Holland welcomed Mr. Galligan as a new board member and recognized Mr. Riddell who was representing Virginia Tech. .

**APPROVAL OF MINUTES**

The minutes of the June 10, 2004 meeting were approved as distributed.

**REPORT FROM BOARD MEMBERS**

Mr. Wolfe in his report indicated that the lower Northern Neck and Tidewater region of the First District received a rainfall surplus of three to five inches this past summer. He noted that the additional precipitation impacted field operations, particularly in the lower Northern Neck. He reported that the First District also was damaged by tornados which were produced by the recent tropical storms, noting that in the week before the meeting five tornados hit Stafford County and King George County.

Mr. Wolfe related the frustration of his constituents in dealing with large volumes of spam they still receive daily via email despite the passage of Virginia's anti-spam law.

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He also talked about dramatic increases in the cost of building supplies and the impact this price inflation is having on consumers and contractors.

Mr. Galligan noted that Virginia's Eighth District does not have much agriculture but shared with the Board his previous work as a legislative director for a Congressman from a rural district in Michigan. He added that that job had given him a first-hand experience in dealing with national agricultural issues and that as a Board member he would be interested in helping Virginia farmers. Regarding consumer issues, he told the Board that Fairfax County has its own local-based program of consumer services and that he is looking forward to seeing how the local services can be better integrated with state services.

In his report Mr. Hardison advised the Board that the next four weeks will determine whether farmers in his district survive or suffer a disaster in terms of crop production. He reported that one of his sons was recently appointed Chief of Police for the City of Franklin, and that another son has been appointed First Sergeant in the Virginia State Police in his home county. He noted that he himself will be retiring effective September 30, 2004, adding that he is looking forward to the opportunity to be more involved with the Board as time permits.

Mr. Brown reported on the burley tobacco harvest in Southwest Virginia, noting that yields will be average and that poundage will be down because a number of farmers have quit growing tobacco. He indicated that farmers still producing tobacco are hoping that Congress will pass buyout legislation. He added that cattle prices are at record levels but are not expected to stay high for long.

Mr. Riddell reported that Dr. Pat Sobrero is the new Director of Virginia Cooperative Extension. Regarding the recent storms, he noted that Cooperative Extension's agriculture agents are responsible for assessing agricultural damages in their communities when natural disasters occur. He added that these agents, for example, jumped into action when Gaston dropped excessive rain on Hanover County. He briefed the Board on Virginia Tech's critical staffing initiatives for filling additional Extension positions and provided a handout on the latest initiative. He reported that for the first time in the history of Virginia Cooperative Extension, every community will be assessing its critical needs for resources through a statewide survey.

President Moore in his report spoke of the impact of rising building costs on the University's construction efforts. He reported on plans for an agriculture field day at VSU's Randolph Farm and invited the Board members to attend. He also reported that in the last session Virginia State obtained the General Assembly's support for full state matching of federal dollars the University receives. He added that this was a welcomed change in the funding formula that has been in place for more than 60 years, and that he appreciated any support the Board members provided in achieving this goal. He reported that the University's full-time student enrollment is up, particularly on the in-state side.

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Mrs. Lohr reported that her district received 4 to 5 inches of rain from the second tropical storm that came through recently. She shared with the Board the news that the Pilgrim Pride's turkey processing plant at Hinton, which was scheduled to be closed this fall, is being purchased by a growers cooperative. She added that the purchase is a good first step and that approximately 150 growers and about 500 persons who will work at the plant are expected to benefit by this transaction.

Mrs. Stoneman reported on the affects of the recent heavy rain storms on agriculture in her district, noting that farmers have had problems getting into their fields because of wet ground. She added that washed-out roads have also affected farm operations. She also noted the additional costs of having to treat crops for disease, weed and insect problems created by the excessive rainfall this year.

Mr. Holland reported on the impact of rainfall this year on crops on the Eastern Shore noting that some crop acreage damaged by excessive rain earlier in the year could not be replanted in time for harvest because of continued heavy rains during the season. He noted that summer vegetables were washed out on the Shore and that, for the most part, fall vegetables were not planted on time because of excessive rain that prevented farmers from getting into the fields. He noted that this year's corn crop is probably one of the best crops the Shore has ever seen. He added that the heavy rains have really hurt soybean production with as much as 50 percent of many fields drowned out.

Mr. Holland talked about the work of the Department of Conservation and Recreation to draft proposed amendments to its Nutrient Management Training and Certification Regulation (4 VAC 5-15). He mentioned that the Virginia Department of Agriculture and Consumer Services and representatives of the agriculture community served on DCR's advisory committee that was formed to assist in drafting those amendments. He expressed concern that, despite this industry input, the proposed amendments will not be fair to agriculture. He encouraged Board members to become informed about DCR's proposals, to comment on these proposals, and to take part in any meetings or public hearings DCR may hold regarding the proposed regulation amendments.

### **COMMISSIONER'S REPORT**

The Commissioner reported on the following matters:

- \*New Personnel
- \*Sudden Oak Death
- \*Asian Soybean Rust
- \*Emerald Ash Borer
- \*Registration of Sellers of Legal Service Plans
- \*Purchase of Pilgrim's Pride Hinton Plant
- \*Virginia Hosts National Council of State Agricultural Finance Programs
- \*U.S./Canada Potato Wars
- \*Equine Study Report
- \*Recodification of Title 3.1
- \*Quarterly Report – Weights & Measures Civil Penalties
- \*Agency Accomplishments for FY 03-04

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- \*Agency Strategic Planning
- \*AGRI-CADABRA at State Fair
- \*Virginia Tree Selected as U.S. Capitol Holiday Tree
- \*Joint Avian Influenza Exercise
- \*West Nile Virus Update
- \*Eastern Equine Encephalitis Cases
- \*Virginia's BSE Surveillance Plan
- \* Virginia Grown Program Update

### **COMMODITY BOARD REPORTS**

The Board received reports from the following boards: Cotton Industry Board represented by Bill Shockley; and the Peanut Board represented by Dell Cotton.

### **WITHDRAWAL OF NOIRA – 2 VAC 5-60**

Dr. Dave Cardin, Deputy State Veterinarian, recommended that the Board withdraw a Notice of Intended Regulatory Action published September 11, 2000, for 2 VAC 5-60, Rules and Regulations Governing the Operation of Livestock Markets. Dr. Cardin indicated that after the withdrawal of the NOIRA, the Department would reassess the need and objectives for amending 2 VAC 5-60 given the considerable time that has passed since the regulatory process was initiated.

Following questions about the staff recommendation, Mr. Moore moved that the Board of Agriculture and Consumer Services withdraw a Notice of Intended Regulatory Action appearing in *The Virginia Register of Regulations* for September 11, 2000, to amend 2 VAC 5-60, Rules and Regulations Governing the Operation of Livestock Markets. Mrs. Stoneman seconded the motion and it was carried by a unanimous vote.

### **WITHDRAWAL OF NOIRA – 2 VAC 5-140**

Dr. Cardin also recommended that the Board withdraw a Notice of Intended Regulatory Action published September 11, 2000, for 2 VAC 5-140, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia. He explained that a considerable amount of time has passed since the regulatory process was initiated and that the Department needs to reassess the need and objectives for amending 2 VAC 5-140.

Following questions about the staff recommendation, Mr. Wolfe moved that the Board of Agriculture and Consumer Services withdraw a Notice of Intended Regulatory Action appearing in *The Virginia Register of Regulations* for September 11, 2000, to amend 2 VAC 5-140, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia. Mr. Moore seconded the motion and it was carried by a unanimous vote.

### **WEIGHTS AND MEASURES BRIEFING**

Dr. Marvin Lawson, Director, Division of Consumer Protection, briefed the Board on the weights and measures program fees situation and answered questions regarding funding for the program. Dr. Lawson agreed to provide the Board with copy of his presentation.

**PLANS FOR FUTURE MEETINGS**

Mr. Seward asked the Board to reserve the following dates for future Board meetings:

December 9, 2004

March 17, 2005

He also asked the Board to send him their suggestions for locations of the Board's July meeting outside the Richmond area. He noted that once a location has been selected Department staff would assist in planning for this meeting and a Board dinner and an agricultural tour that would held in conjunction with the Board meeting.

**PUBLIC COMMENT PERIOD**

No comments from the public were received.

Mr. Holland took the opportunity to report on the success of the Ag Expo that held on the Eastern Shore in August.

**ADJOURNMENT**

The meeting adjourned at approximately 12:00 noon.

Respectfully submitted,

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L. Bruce Holland, President

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Roy E. Seward, Board Secretary