

DRAFT MINUTES
Board of Agriculture and Consumer Services
Oliver W. Hill Building, 102 Governor Street
Richmond, Virginia
May 26, 2011

The meeting convened at 9:00 a.m. on Thursday, May 26, 2011, in Room 220 of the Oliver W. Hill Building, 102 Governor Street in Richmond, Virginia. President Rogers called the meeting to order. Mr. Ellis gave the invocation. The Board Secretary called the roll:

PRESENT

Stephen Ellis
Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert Mills
Rosalea Riley
Edward S. Fleming
Patrick A. Toulme
Charles C. Clark, Jr.
John D. Hardesty, Jr.
Dr. Jewell Hairston

DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th

Representing Dr. Keith t. Miller, President
Virginia State University

Dr. Brian Calhoun

Representing Dr. Charles W. Steger, President
Virginia Tech

ABSENT

Melvin E. Murphy

11th

STAFF PRESENT

Matthew J. Lohr, Commissioner
Sandra J. Adams, Deputy Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

Mr. Mills made a motion that the minutes be approved as distributed. Mr. Ellis seconded the motion and the Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Rogers turned the meeting over to Commissioner Lohr, who called for nominations for Board President.

Mr. Clark nominated Mr. Rogers for President and Mr. Hardesty seconded the nomination. There being no other nominations, Mr. Clark moved that nomination be closed and that Mr. Rogers be elected President. Mr. Mills seconded the motion. The Board then elected Mr. Rogers President by a unanimous vote.

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Mr. Rogers accepted the gavel as President and called for nominations for Vice President. Mr. Clark nominated Mr. Ellis for Vice President and Mr. Mills seconded the motion. There being no other nominations, Mr. Hardesty moved that nomination be closed and that Mr. Ellis be elected Vice President. Mr. Mills seconded this motion. The Board elected Mr. Ellis Vice President by a unanimous vote.

Mr. Rogers called for nominations for Board Secretary. Mr. Ellis nominated Mr. Seward, and Mr. Mills seconded the motion. There being no other nominations, Mr. Fleming moved that the nominations be closed, and that Mr. Seward be elected Secretary. Mr. Hardesty seconded the motion. The Board voted unanimously to elect Mr. Seward as Secretary.

REPORT FROM BOARD MEMBERS

President Rogers reported that his area has been relatively dry. He briefed the Board on the status of Virginia Tech's efforts to reorganize the Extension program, noting that Tech is waiting to hear from the Department of Education regarding this matter. He added that Tech will have meetings later this summer or early fall to solicit input from individuals and groups involved in agriculture. He advised that Dr. Calhoun would probably be providing more information on the subject in his report from President Swiger. Mr. Rogers mentioned Osage's plans to sell its ethanol plant located in Hopewell and commented that he hoped Osage's action will not have a negative impact on farmers that have made plans to sell their barley to this company. He suggested Commissioner Lohr might have some insights on this matter to share in the Commissioner's report to the Board.

Mr. Clark reported that, despite spotty rainfall, his area is green. He stated that corn is coming through the ground for the most part and that some acreage still needs to be planted. He thanked the Commissioner for his support and help in responding to local calls for help following the recent tornado that devastated parts of Washington County. He also mentioned that it has been a nightmare trying to clear debris left by the powerful storm. He noted that trees in his area were hit hard. He also reported that farmers experienced physical damages and that tremendous damage was done to farm fences.

Mr. Toulme reported that there are a large number of horse lovers in northern Virginia, and a fair number of stables, especially in the Great Falls area. He advised that he received very positive feedback regarding what VDACS has been doing to keep horse owners informed on the equine herpes virus and what they can do to keep their horses safe. As he noted in his report, there was a recent outbreak in western states and in Canada, and there is currently no vaccine to stop the spread of the disease. He added that horse owners in his district are watching this situation very, very closely.

Mr. Hardesty reported that his district has received a lot of rain. He noted that farmers in his area are three weeks behind in their corn planting and about 65 to 70% of them are finished. He reported only about five percent of the soybean acreage is planted.

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He noted that hay crops have doubled since last year and that the barley and wheat look good despite some disease on the wheat. He commented that the apples have a light set because of the cloudy, cool days they have had, and that the peaches were early and they have a good set. He reported that last year stink bugs damaged the apple and soybean crops in his area. He added that when the stink bug hatches out later this year this insect pest is expected to be a big problem. He noted that at this time there is no effective spray for controlling stink bugs. He invited Board members to attend the National Holstein Association Annual Conference, which is scheduled for June 22-28, 2011, at the Richmond Marriott.

Mr. Ellis reported that his area is experiencing a great spring and that all crops are in the ground and up and growing with a good stand. He commented that the wheat and barley are in great shape right now. He mentioned that market prices high farmer seem nervous about these prices maintaining their levels.

Mr. Mills reported that this spring has been unusual in his area of the state has actually gotten some moisture. He noted that all the early corn is in, beans are in, and the wheat looks great. He reported that as he traveled from his home to Richmond for the Board meeting he found that everybody in the 5th district seems to be out trying to harvest hay. He observed that so far this year a lot of poor quality hay has been made. He commented that he is concerned about how this will affect the feed situation when farmers have to rely on their hay to feed cattle. He reported that he spoke to a group called Lead Virginia a couple of weeks ago. He added that the group included business men and women from across the state and that the majority of them were from the D.C. and Richmond area. He noted that the group visited a dairy operation in Pittsylvania County to learn about food safety and what farmers are doing to produce food for consumers at home and abroad. He commented that the VDACS brochure on Virginia agriculture would be helpful to him in communicating with groups like that one.

Dr. Calhoun reported that Virginia Tech is anticipating a report back from the Department of Education on Tech's reorganization of Cooperative Extension and that once this input is received his university will begin meeting with the public to obtain input on the subject. He encouraged the Board members to participate in this process. He reported that Dr. Edward Jones, who previously worked at North Carolina State University, has begun his new duties as Associate Dean and Director of Virginia Cooperative Extension at Virginia Tech. He added that Dr. Jones is traveling around the state and meeting with traditional stateholders as well as others who have an interest in the programs and work of Cooperative Extension.

Dr. Hairston, who is Interim Dean of the School of Agriculture, reported on the considerable efforts of Virginia State University President Miller in advocating and supporting Virginia Cooperative Extension and the VSU's School of Agriculture. She reported that VSU recently graduated approximately 550 students, including nearly 20 from the School of Agriculture. She advised that the School of Agriculture is seeking to double enrollment from approximately 380 students to 700 in the next couple of years.

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Dr. Hairston added that this summer VSU will be looking at current academic programs to see how we can strengthen them so that our graduates are marketable and prepared for the agricultural work force. She advised that Virginia State will be calling on industry experts for input. She reported on President Miller's work to develop a new strategic plan for the university. She noted, for example, that VSU will be considering how, as a 1890 Land Grant institution, the university can better connect with small farmers, particularly African American and Hispanic landowners. She reported that President Miller is interested at looking the possibility of establishing a Veterinary School at VSU. She reported Virginia State will be holding its 26th Annual Agriculture Field Day on August 23, 2011, and that this year's theme is "Practical Tools for the 21st Landowners."

Mr. Fleming reported that the small grain barley and wheat crops are doing very well thanks to adequate rainfall and that corn planting is finished. He advised that he attended the April 8th grand opening for the Cooper Vineyard where Virginia's First Lady gave the keynote address. He noted that the farmers markets opened in Goochland and Manakin-Sabot area, and that they are doing very well. He added that hay cutting has been good thanks to timely rainfall.

Mr. Sturgis reported that the lower part of the Eastern Shore is extremely dry. He noted that the potato crop looks very good thus far. He advised that snap bean growers had to irrigate their land before they could plant their crop and stay on schedule, and that farmers had to irrigate soybeans just to get them out of the ground. He added that Irrigated corn is about three inches tall and rain is needed soon. He reported that Accomack County on the upper end of the Shore has gotten some rain. He indicated that the strawberries he has seen this year looked good and were delicious.

Mr. Bain reported that his district is on the verge of another drought and farmers are concerned. He advised that tobacco growers have a wonderful looking crop. He noted that soybeans had to be replanted because of unfavorable weather. He added that farmers are worried about impact of the upcoming heat wave. He indicated that continued dry weather will damage pastures and require farmers to feed hay again.

Ms. Riley reported that it has been really wet in her area of the state. She noted that most producers are behind in putting in cover crops such as barley and rye and they are also behind in getting up their hay because of wet conditions. She added that corn planting has also been delayed. She advised that most of the farmers markets in the area have opened as well by this time and indicated that the weather probably has damped the turnout.

COMMISSIONER'S REPORT

Commissioner Lohr briefed the Board on personnel changes, recent and future events and other matters relating to the Department of Agriculture and Consumer Services. A copy of a written report on which his presentation was based was included in the Board's meeting folders.

VIRGINIA AGRICULTURAL STATISTICS REPORT

Herman Ellison, who heads the Virginia State Office of the National Agricultural Statistics Service (NASS) of the U. S. Department of Agriculture, briefed the Board concerning recent agricultural statistics reports released by NASS on Virginia. Mr. Ellison also reported on surveys to be conducted.

PROPOSED REPEAL - RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA WEIGHTS AND MEASURES LAW (2VAC5-340)

Andy Alvarez, Director of the Division of Consumer Protection (DCP), introduced Erin Williams who briefed the Board on the periodic review of 2VAC5-340, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, and presented staff recommendations that 2VAC5-340 be repealed given that changes to the Law make the regulations no longer necessary.

Following comments and questions, Mr. Ellis moved that the Board concur that the Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, 2VAC5-340, be repealed as recommended by staff given that these regulations are no longer needed because of changes in the Virginia Weights and Measures Law, and that the Board direct staff to take any and all steps necessary to repeal 2VAC5-340 through the fast track regulatory process provided by the Virginia Administrative Process Act.

Mr. Mills seconded the motion and it was carried by a unanimous vote of the Board.

PROPOSED REPEAL - RULES AND REGULATIONS PERTAINING TO THE REGISTRATION AND CERTIFICATION OF GRAPE NURSERY STOCK (2VAC5-470)

Erin Williams of DCP briefed the Board on the periodic review of 2VAC5-470, Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock, and presented the staff recommendation that the regulations be repealed given that they are no longer necessary.

Following comments and questions, Mr. Toulme moved that the Board concur that the Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock, 2VAC5-470, be repealed as recommended by staff given that these regulations are no longer needed by industry, and that the Board direct staff to take any and all steps necessary to repeal 2VAC5-470 through the fast track regulatory process provided by the Virginia Administrative Process Act.

Mr. Clark seconded the motion and it was carried by a unanimous vote of the Board.

FINAL ACTION – ADOPTION OF REGULATIONS FOR THE APPLICATION OF FERTILIZER TO NONAGRICULTURAL LANDS (2VAC5-405)

Erin Williams of DCP briefed the Board on public comments received concerning the proposed Regulations for the Application of Fertilizer to Nonagricultural Lands (2VAC5-405) which were published in The Virginia Register of Regulations. Ms. Williams advised that staff expects to come back to the Board at the August 9th meeting to

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present a proposal to amend 2VAC5-405 to address recent changes to state law enacted by the 2011 General Assembly.

Following comments and questions, Mr. Clark moved that the Board adopt the Regulations for the Application of Fertilizer to Nonagricultural Lands (2VAC5-405) and authorize staff to take any and all actions necessary to make these regulations final.

Mr. Ellis seconded the motion and it was carried by a unanimous vote by the Board.

PUBLIC/STAFF COMMENTS ON PROPOSED HEALTH REQUIREMENTS GOVERNING THE ADMISSION OF AGRICULTURAL ANIMALS, COMPANION ANIMALS, AND OTHER ANIMALS OR BIRDS INTO VIRGINIA (2VAC5-141)

Dr. Richard Wilkes, Director of the Division of Animal and Food Industry Services (DAFIS), briefed the Board concerning the documents provided to the Board before the meeting and which were included in the Board meeting folders relating to the Proposed Regulations – Health Requirements Governing the Admission of Agricultural Animals, Companion Animals, and Other Animals or Birds Into Virginia (2VAC5-141). Dr. Wilkes noted that Dr. Dan Kovich of DAFIS had prepared these documents which provided a summary of public comments received on the proposals and which covered the provisions of the proposed regulations and which presented suggested changes being offered by staff in response to public comment. Dr. Wilkes advised the Board that both Dr. Kovich and he were available to answer questions and that staff will be present at the August 9th meeting to answer any additional questions the Board raises. Dr. Wilkes indicated that staff expects to present the proposed regulations at the August meeting for the Board's consideration for adoption.

BRIEFING ON OFFICE OF MEAT AND POULTRY INSPECTION & BUY LOCAL FOOD MOVEMENT

Barry Jones, DAFIS's Inspection Manager for the Office of Meat and Poultry Inspection, briefed the Board on VDACS's Meat and Poultry Inspection Program and the Buy Local Food Movement.

BRIEFING ON AGRICULTURAL COMMODITIES INSPECTION

Don Delorme of the Division of Consumer Protection (DCP) presented a report on the DCP's Agricultural Commodities Inspection program.

NEW BUSINESS

No new business was discussed.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers noted that the August 9 meeting and August 10 tour will be hosted by Mr. Mills in Pittsylvania County. Mr. Mills reviewed for the summer meeting and tour. President Rogers noted that the Board's last meeting of 2011 is scheduled for December 8 in Richmond.

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PUBLIC COMMENT PERIOD

Donna Pugh Johnson, President of the Virginia Agribusiness Council, invited Board members to attend any of the six regional townhall meetings the VAC will be conducting throughout the state this summer. She added that Secretary Haymore and other members of the Governor's Cabinet are being invited to participate in these meetings which will provide an opportunity for the public and public officials to talk about mutual interests.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12 noon.

Respectfully submitted,

Paul W. Rogers, Jr., Board President

Roy Seward, Board Secretary