

FINAL MINUTES

Board of Agriculture and Consumer Services
Meadow Hall, Meadow Event Park
Doswell, Virginia
July 20, 2016

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 2 p.m. on July 20, 2016, in Meadow Hall in Doswell, Virginia. President Sturgis called the meeting to order. At the President’s request, Mr. Mills gave the invocation.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Steve Sturgis
Clifton A. Slade
Shelley Barlow
Robert J. Mills, Jr.
Rosalea R. Potter
L. Wayne Kirby
Kay Johnson Smith
James S. Huffard, III
John R. Marker
Richard Sellers
Kevin J. Kordek
Dr. Wondi Mersie

Lonnie Johnson

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th
Pesticides – Commercial Structural
Representing Dr. Makola Abdullah, President,
Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Neil Houff Pesticides – Commercial Agricultural

STAFF PRESENT

Sandra J. Adams, Commissioner of Agriculture and Consumer Services
Kevin E. Schmidt, Board Secretary

APPROVAL OF MINUTES

Mr. Kirby moved that the draft minutes of the meeting on May 26, 2016, be approved as distributed. Mr. Sellers seconded the motion, and it was passed by a unanimous vote.

BOARD MEMBER REPORTS

Kay Johnson Smith

Ms. Smith reported that there is a lot of interest in agriculture in her district even though there are not any farms. She recently learned about the Fort Barnard Community Garden and its Walter Reed Annex Garden in Arlington. The Garden held an Open House on July 16. The group grows various types of produce and serves as a means of introducing members of the community to agriculture. The Arlington Friends of Urban Agriculture recently hosted an event that featured a presentation by George Mason University’s Manager of Outreach and Engagement for the Office of Sustainability on Permaculture for Sustainable Food Systems.

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The event also included a presentation on mosquitoes vs. pollinators that was designed to teach people how to control mosquitos without harming people or pollinators. Ms. Johnson Smith shared information with the Board about an Alexandria nonprofit organization called the Arcadia Center for Sustainable Food and Agriculture that runs an educational farm at historic Woodlawn Plantation in Alexandria. The organization is a pro-agriculture group that seeks to educate citizens about where their food originates. The organization runs a farming camp for kids; a veteran's farm program that pays veterans to learn how to farm and then helps them find affordable farmland; and a farm-to-school program that educates students and school food service professionals about, and provides schools with, local and sustainable foods.

O. Bryan Taliaferro, Jr.

Mr. Taliaferro reported that a lack of rain is adversely affecting the crop production in his area. He stated that production has been a mixed bag depending on the location of the farm. In some areas of his district, the corn is excellent and the crops look good. In other areas, after recent high temperatures and with more heat anticipated, he expects that many farmers will take a big hit on their corn crop. He added that there are other forms of agriculture in his district and that nursery businesses are doing well in most areas.

John R. Marker

Mr. Marker reported that crops in his district are looking good so far. He added that the crops do need moisture because rainfall has been inconsistent. He stated that the corn and bean crops look good. Some farmers in his district are still bagging their first cutting of hay because of the early season rains, and there is plenty of pasture. The peaches that survived the spring frost (between 10 and 30 percent of the crop) are being harvested. He said that the apple crop is looking very good although thinning did not go as well as they had hoped, so they have to do a lot hand thinning. He reported that they have had some problems with the sizes of the apples and could use some more moisture. He stated that his district is in pretty fair shape overall.

James S Huffard, III

Mr. Huffard reported that they had adequate rain at his farm but it was not abundant. On his drive to Richmond, he did not see any bad corn in his district, which indicates that everyone in his district had adequate rain as well. At the last meeting, he reported that the cold weather cut his grass hay by 40 percent, and now they are concerned about the heat. He stated that there is a person in his district that is trying to convince farmers to grow a type of cherry bush or tree and is offering to pay them up to \$800 an acre for the harvest. The person intends to build a processing facility in a local industrial park to make a natural flavoring from the bushes. So far, the project has not moved very quickly, but it is still under development. He stated that the person likely needs to seek additional funding. He shared that one farmer sold his 300-cow dairy to plant the cherry trees, but no trees are available yet to plant so he planted pumpkins instead. He reported that dairy prices are very low and that it is hard for farmers to make it on the dairy side. His bottling plant is doing very well because the low milk prices have resulted in low input costs. He stated that they are expanding their markets and have hired an employee to sample the bottled products in stores and educate consumers. He said that his district was lucky to not be impacted by the flooding that impacted Greenbrier County, West Virginia.

Lonnie Johnson

Mr. Johnson reported that the new student orientations are underway at Virginia Tech (VT) and that student enrollment at the College of Agriculture and Life Sciences continues to increase over time. He stated that VT hosted several activities already in June, including the Virginia 4-H Congress, the Virginia Future Farmers of America State Convention, and the Master Gardener College. He added that the Governor's School for Agriculture is currently underway on campus.

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He reported that Dr. Sally Taylor will begin work in August as the new field crops entomologist at the Tidewater AREC Office. She replaces Dr. Ames Herbert, who is retiring after 28 years of service. Dr. Taylor received her degrees at NC State and is currently in a post-doctorate program at Purdue studying insect resistance management. He said that there are currently searches underway to fill a livestock specialist position at the Southern Piedmont AREC, a pollinator biology position and an apiculture extension position in the Department of Entomology on campus, and a tree fruit specialist at the Winchester AREC. He stated that VT is continuing its investment in facilities, equipment, and land at its ARECs to enhance and expand the AREC programs. He reported that VT is currently in the process of purchasing additional land at both the Tidewater and Eastern Virginia ARECs.

Dr. Wondi Mersie

Dr. Mersie reported that Virginia State University (VSU) hosted a Small Farm, Berry, and Vegetable Field Day at Randolph Farm on June 9 for approximately 426 attendees, including representatives of U.S. Department of Agriculture (USDA). At the event, cooperative extension specialists demonstrated the latest research results, trends, and proven techniques for maximizing profits on limited acreage. The event included many farm related exhibits. He stated that VSU's College of Agriculture, the Virginia Cooperative Extension, and USDA, with support from Virginia Tech, will host the seventh National Small Farm Conference on September 20-22, 2016, in Virginia Beach. The theme is "Creating and Sustaining Small Farmers and Ranchers." The conference will address the needs, challenges, and successes of small farmers throughout the U.S. Dr. Mersie added that VSU was looking forward to hosting Board members and VDACS staff during the Board tours and that tour participants would have a chance to tour VSU's hops trials, industrial hemp experiments, aquaculture experiments, and specialty crop products in high tunnels.

Robert J. Mills, Jr.

Mr. Mills reported that in Southside, wheat and barley recorded low test weights and reduced yields due to excessive rain and a late cold snap. He stated that the corn looks very good in his area and that some farmers have been able to have a second cutting of some summer annuals. Unfortunately, the rain has stopped in his district, and they are very concerned about the tobacco crop. The tobacco had too much rain during the growing season and is now reacting badly to the extremely hot weather. He stated that poultry is a major industry in his area. There is a lot of excitement among farmers in his district because an organic table egg company held a farm meeting with potential growers and a second company is scheduled to host a similar meeting in August. He reported that the turnout for the first meeting was huge. The organic table egg market has been growing, and northern poultry companies have been looking to expand into the south because of the large amount of acreage required to produce organic poultry products. He stated that the availability of land in his district makes it an attractive region for the industry and that he is excited about the potential it offers for additional income streams for existing farmers. He added that it is a great opportunity for second and third generation farmers to generate additional income streams so they can keep their children on the farm. He stated that many participants at the first poultry meeting were tobacco producers who are looking for additional income streams to offset some of the losses that they have experienced over the years as tobacco prices have gone down and expenses have gone up. He reported that cattle prices are half of what they were last year, which has caused cattle producers to go into survival mode and hold off on expansion and capital improvements.

Shelley Barlow

Ms. Barlow reported that she recently graduated from VALOR after a wonderful two-year experience with the program. She stated that in her region the corn is doing very well but cotton

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and peanuts have not done as well. She said the cotton is three weeks behind on blooming and will experience a drop in production. She reported that cotton prices had a recent price increase, which had cotton selling at the best prices they have seen in two years. In her region there was too much rain in some areas and not enough rain in other areas. She stated that fruit and vegetable farmers' markets have been doing well, with approximately 20 small farms in her area directly marketing to buyers through farmers' markets in the City of Suffolk. Farmers are concerned that the biggest crop in Suffolk has become houses, buildings, and roads, and she has been working with others to figure out how to maintain the farmland that they have. She stated that there have been conversations about bees and solar farms among farmers in her district.

Clifton A. Slade

Mr. Slade reported that the commercial vegetable industry in his district was blessed with plenty of rain but the amount of rain resulted in unusual disease pressure on crops. He stated that his first tomato crop was lost to early blight and that his squash crop is also gone. He said that vegetable industry farmers' profits are still in the field and they are hoping for the second crop to come in. He said that the weather has been excellent for corn. He shared that the best days lie ahead for organic vegetable farmers because weed growth slows down later in the season. The excess rains early in the season resulted in heavy weed growth, especially for certified organic farms.

L. Wayne Kirby

Mr. Kirby reported that the wheat crop in his district has not been good. He cannot remember a worse wheat crop. The heat almost destroyed the corn crop in his region, but when the rain came two days later and the corn crop was saved, corn prices plummeted. He said that the pundits say that farmers have missed their opportunity to realize good prices on crops, but corn prices have begun to recover. He said in his immediate district, it has been a mixed bag. The corn crop looks good, some producers have just finished up their wheat harvest, and some farmers are replanting beans. He stated that his district has been dealing with Palmer amaranth (glyphosate resistant weed, also known as pigweed) and it has forced them to change the way they do things.

Richard Sellers

Mr. Sellers introduced himself to the Board. His district includes part of Fairfax County and part of Prince William County. The people in his district are not big agriculture producers, but they are big agriculture consumers. He shared that he works for the American Feed Industry Association (AFIA). His association recently awarded a three-year grant to Dr. Mark Hanigan of VT to perform dairy cattle nutrition research. On July 19, the AFIA hosted 10 interns from the MARE Center in northern Virginia. He stated that he is a board certified animal nutritionist and is certified in poultry science. He said his wife has been trying to organize a number of churches in Fairfax County to grow produce to supply to social service organizations. The 40 x 26 foot plot at his church yields approximately 500 pounds of produce that they deliver to nonprofit organizations. He stated that he has been involved in agriculture primarily on a national level, but that he has lived in Virginia for 25 years. He expressed his appreciation to the Governor for his appointment and to the agency and Board staff for their assistance.

Kevin J. Kordek

Mr. Kordek shared information with the Board about pollinators and stinging insects and reminded Board members to be aware of mosquitos. He stated that mosquitos have been very bad this year and breed easily in clogged gutters and downspouts. He has received many calls about the potential negative impact of mosquito control on beneficial pollinators. He suggested

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that consumers research mosquito control companies and the products that these companies are using before allowing them to apply any pesticides on their property. He said that the mild winter meant that many homeowners did not do routine maintenance on their homes. The lack of routine maintenance combined with the recent rains has resulted in an increase in moisture intrusion issues in crawl spaces underneath houses. He reported a bumper crop of ticks and fleas this year and recommended that everyone check their pets. He invited the Board to the 2016 Virginia Pest Management Association State Technical meeting, which will take place September 21-22 in Richmond. The meeting will include world class speakers from all over the country who will cover many timely topics. He added that the Master Tech series will start in September and the first class will be on bloodsuckers.

Rosalea R. Potter

Ms. Potter reported that the weather has impacted the crops everywhere. She noticed on her drive to the meeting that it looked like some corn had been planted as recently as two weeks ago in addition to corn that was 10 feet tall. She stated that the hay crop is abundant and looks pretty good. Her region has experienced a lot of rain but has not experienced the flooding that their neighbors in West Virginia experienced. One of her neighbors lost 400 bales of hay in a flood. She said that although the cattle market is down, the meat processing business is still good. She stated that a lot of their processing customers are looking for USDA inspection, which indicates that they are going to be selling their products at farmers' markets. She said that farmers' markets are driving their meat processing business at this point.

Neil Houff

On behalf of Mr. Houff, who was unable to attend the meeting due to a prior commitment, Mr. Schmidt read the following message: I am part of the advisory committee for the Pollinator Protection Plan. To date, after regional town hall meetings around the state, there was a phone conference call meeting on May 24 and a meeting at the state capital on June 15 for the Pollinator Protection Plan Advisory committee. Although it was expected that this would wrap up the proposed plan, things did not go as expected. There was a very cooperative atmosphere between all parties involved and genuine concern for the burdens this could place on each of them. Emphasis was placed on not rushing this process and getting it right should regulations follow at some point down the road. Therefore additional meetings are in the process of being scheduled. This spring has been a challenging one for producers and commercial applicators due to the wet May and compressed planting season. One of the biggest challenges we are facing this year in the crop protection industry is Glyphosate resistant Maretail/Horseweed in soybeans. There are GMO and chemistry answers for this challenge that are just around the corner, but acceptance of this technology by downstream consumers is critical for it to be an effective tool. Without this, expect substantial yield reduction in our soybean crops. I look forward to working with the board and getting to know each of you, and again apologize for my absence.

Steve Sturgis

Mr. Sturgis agreed with Mr. Kirby that this was the worst wheat crop he had seen in his 40 years of growing wheat. He said that not only was the yield bad but the quality of the wheat was bad. The wheat quality is so bad that the wheat is being priced as feed wheat. The granaries have actually capped the deduction they are taking based on wheat quality because it has been so bad. Approximately 80 to 90 percent of the crop has been damaged according to the granaries. He said that he has encountered very few problems with microtoxins, which is surprising. He stated that they are expecting a good bean crop and the corn crop is beautiful. The potatoes are looking very good, but the heat is a concern so they are trying to get the potatoes out of the ground quickly. The snap bean crop has not fared well due to the rain. Other farmers have

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reported problems with bacterial speck, which has caused problems with bean shipments. He reported that on July 1, central Accomack County had a flood on the Eastern Shore that closed Route 13 for six hours. They received 14 total inches of rain that day, and 4.7 inches in one hour. They had a nice bean crop and the corn crop looks good. He hopes the prices increase because with bad yields, bad test weight, bad markets, and the bad bean crop last fall, they are struggling.

COMMISSIONER'S REPORT

Commissioner Adams delivered her report to the Board. During the presentation of this report, she briefed the Board on personnel changes, recent and future events, and other matters relating to VDACS. A copy of the written report on which her presentation was based was included in the Board meeting folder.

REVISIONS TO OFFICE OF PESTICIDE SERVICES - INTERIM ADMINISTRATIVE PROCEDURE FOR COMPLIANCE ACTIONS

President Sturgis called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Fleeson Trossbach briefed the Board on the proposed revisions to the Office of Pesticide Services' administrative procedure for compliance actions.

Following Ms. Trossbach's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt the proposed revisions to the Office of Pesticide Services - Interim Administrative Procedure for Compliance Actions as presented by staff today and authorize staff to take any and all steps necessary to file this revised administrative procedure with the Virginia Registrar of Regulations. Mr. Kordek seconded the motion, and it was carried by a unanimous vote of the Board

FINAL EXEMPT ACTION TO ADOPT – 2 VAC 5-319 (BEST MANAGEMENT PRACTICES FOR THE OPERATION OF APIARIES IN ORDER TO LIMIT OPERATOR LIABILITY)

President Sturgis called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the final exempt action to adopt 2 VAC 5-319, Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability.

Following Mr. Nichol's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-319, Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability, as presented by staff and that the Board authorize staff to take any and all steps necessary to have this exempt regulation become a final regulation of the Board. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

MEETING RECESS

At approximately 3:50 p.m., President Sturgis called for a recess.

REMARKS FROM SECRETARY OF AGRICULTURE AND FORESTRY HAYMORE

At 4:01 p.m., President Sturgis reconvened the meeting and introduced outgoing Secretary of Agriculture and Forestry Haymore. Secretary Haymore thanked the group for its support during his tenure as Secretary and during his previous tenure as Commissioner of Agriculture and Consumer Services. He stated that he would continue his support of Virginia agriculture when he begins his new role as Virginia Secretary of Commerce and Trade on September 6.

PROPOSED STAGE – 2 VAC 5-425 (VAPOR PRESSURE REQUIREMENTS FOR GASOLINE ETHANOL BLENDS)

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President Sturgis called on Joel Maddux, Program Manager, Office of Weights and Measures. Mr. Maddux briefed the Board on the proposed action to adopt 2 VAC 5-425, Vapor Pressure Requirements for Gasoline Ethanol Blends.

Following Mr. Maddux's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-425, Vapor Pressure Requirements for Gasoline Ethanol Blends, as presented by staff and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

WELCOME FROM MEADOW EVENT PARK – MONICA BURROW, VENUE MANAGER

President Sturgis called on Monica Burrow. Ms. Burrow welcomed the attendees and provided a brief overview of the history of Meadow Event Park.

NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-115 (REGULATIONS FOR DETERMINING WHETHER A PRIVATE ANIMAL SHELTER MEETS THE PURPOSE OF FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS)

President Sturgis called on Dr.Carolynn Bissett, Acting Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett briefed the Board on the proposed Notice of Intended Regulatory Action for 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals.

Following Dr. Bissett's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary file a Notice of Intended Regulatory Action for 2 VAC 5-115, Regulations for Determining Whether A Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals, for public comment. Ms. Smith seconded the motion, and it was carried by a unanimous vote of the Board

U.S. DEPARTMENT OF AGRICULTURE – NATIONAL AGRICULTURAL STATISTICS SERVICE UPDATE – HERMAN ELLISON, STATE STATISTICIAN

President Sturgis called on Herman Ellison to deliver this presentation. Mr. Ellison delivered his presentation updating the Board on national agricultural statistics.

INDUSTRIAL HEMP UPDATE – ERIN WILLIAMS, SENIOR POLICY ANALYST, OFFICE OF POLICY, PLANNING, AND RESEARCH

President Sturgis called on Erin Williams to deliver this presentation. Ms. Williams delivered her presentation updating the Board on the progress of the Industrial Hemp Research Program.

PLANS FOR PETERSBURG AND ASHLAND TOUR

Board staff and Mr. Kirby shared information with the Board about the itinerary and logistics of the following day's tours in Petersburg and Ashland.

NEW BUSINESS

Mr. Mills shared his concerns about the use of Agricultural Stewardship Act complaints as a form of harassment. He specifically mentioned a tobacco farmer who has been subject to multiple Agricultural Stewardship Act complaints, all of which were investigated and determined to be unfounded. Secretary Schmidt provided additional information on the case referenced by Mr. Mills and stated that agency staff consulted the Office of the Attorney General to explore the

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agency's options. Assistant Attorney General Bell was present in the audience and provided information about possible legal options if further complaints are filed.

FUTURE BOARD MEETINGS

President Sturgis announced that the next meeting will take place on December 8, 2016, in the Virginia State Capital.

PUBLIC COMMENT PERIOD

Heidi Meinzer, an attorney and member of the Board of the Virginia Federation of Humane Societies, shared background information about the impetus for the recent legislation requiring VDACS to promulgate regulations impacting private animal shelters. She thanked VDACS and the Board for its recent work on shelter regulations. She stated that the Virginia Federation of Humane Societies looks forward to working with VDACS on the private animal shelter regulations.

ADJOURNMENT

There being no further business, Mr. Mills moved that the Board adjourn. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board. The Board adjourned at approximately 4:56 p.m.

Respectfully submitted,

Steve Sturgis, President

Kevin Schmidt, Secretary