

## **FINAL MINUTES**

Thursday, May 20, 2021

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m. on Thursday, May 20, 2021. The meeting was held by electronic communications means due to the state of emergency issued by Governor Northam as a result of the novel coronavirus (COVID-19). The meeting was held using Cisco WebEx Events. President Barlow called the meeting to order.

### **ROLL CALL**

The Board Secretary called the roll:

#### **PRESENT**

O. Bryan Taliaferro, Jr.  
Shelley Barlow  
Cecil Shell  
Margaret Ann Smith  
L. Wayne Kirby  
Kay Johnson Smith  
John R. Marker  
Richard Sellers  
Neil Houff  
Charles Church  
Lonnie Johnson

Dr. M. Ray McKinnie

#### **CONGRESSIONAL DISTRICT**

1<sup>st</sup>  
4<sup>th</sup>  
5<sup>th</sup>  
6<sup>th</sup>  
7<sup>th</sup>  
8<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Pesticides – Commercial Agricultural  
Pesticides – Commercial Structural  
Representing Dr. Timothy D. Sands, President,  
Virginia Tech  
Representing Dr. Makola Abdullah, President,  
Virginia State University

#### **ABSENT**

Clifton A. Slade  
Donald Horsley  
James S. Huffard, III

3<sup>rd</sup>  
2<sup>nd</sup>  
9<sup>th</sup>

#### **STAFF PRESENT**

Charles Green, Deputy Commissioner, Virginia Department of Agriculture and Consumer Services  
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services  
Katherine Coates, Virginia Department of Agriculture and Consumer Services

#### **APPROVAL OF MINUTES**

Mr. Sellers moved that the draft minutes of the meeting on March 25, 2021, be approved as distributed. Mr. Shell seconded the motion. The motion was approved by a unanimous roll call vote.

**APPROVE:** Taliaferro, Barlow, Shell, K. Johnson Smith, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

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### **ELECTION OF OFFICERS**

Deputy Commissioner Green opened the floor for nominations for Board President. Ms. Johnson Smith nominated Ms. Barlow for President, and Mr. Shell seconded the motion. There being no other nominations, Deputy Commissioner Green closed the nomination and called for a vote on the nominee. The Board elected Ms. Barlow as President by a unanimous roll call vote.

**APPROVE:** Taliaferro, Barlow, Shell, K. Johnson Smith, Marker, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

President Barlow opened the floor for nominations for Vice President. Ms. Johnson Smith nominated Mr. Houff for Vice President, and Mr. Sellers seconded the motion. There being no other nominations, Ms. Barlow closed the nomination and called for a vote on the nominee. The Board elected Mr. Houff as Vice President by a unanimous roll call vote.

**APPROVE:** Taliaferro, Barlow, Shell, K. Johnson Smith, Marker, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

President Barlow then called for nominations for Secretary. Mr. Sellers nominated Mr. Schmidt for Secretary, and Mr. Shell seconded the motion. There being no other nominations, President Barlow closed the nomination and called for a vote on the nominee. The Board elected Mr. Schmidt as Board Secretary by a unanimous roll call vote.

**APPROVE:** Taliaferro, Barlow, Shell, K. Johnson Smith, Marker, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

All three officer positions become effective July 1, 2021, and run through June 30, 2022.

### **REPORT FROM BOARD MEMBERS**

A full recording of Board Member reports can be found at the following link:

<http://www.vdacs.virginia.gov/mp3/bacs5-20.mp4>

#### **O. Bryan Taliaferro**

Mr. Taliaferro began his report with an update on escalating grain prices. He reported that the weather conditions in his district are dry. He provided an update on the wheat, corn, and soybean crops. He stated that producers are having a good start but they will need rain later on in the spring.

#### **Cecil Shell**

Mr. Shell reported that the weather is dry in his district as well. The wheat crop is looking good so far, and grain prices are high. He noted that in his district, many of the farmers who planted hemp last year are not planting it this year and that many vegetable producers are planting

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cabbage. He provided an update on the hay, corn, and soybean crops in his district. He concluded by discussing the timber harvest and increasing lumber prices.

### **Kay Johnson Smith**

Ms. Smith reported on the Animal Agriculture Alliance's 20th Annual Stakeholder Summit, which was held in May. The event attracted 594 registrants, including farmers, ranchers, social media influencers, restaurateurs, retailers, academics, and government officials - including Deputy Commissioner Green. The theme of the conference was "Obstacles to Opportunities." She provided an update on farmers' markets in her district. She noted that her area of Northern Virginia is inundated with cicadas but she was glad to learn through her research that they don't harm crops.

### **John Marker**

Mr. Marker stated that cicadas are present in his district as well, and while they don't eat crops, they are causing some damage when they lay eggs on young tree branches. He reported on the status of corn and soybean planting in his district. The weather has been cold and dry. Vegetables are going in. Pastures and cattle are doing well. He reported that they are just finishing thinning apples chemically. He reminded the Board that this will be his last meeting as a Board member and concluded his report by thanking everyone for the opportunity to serve on the Board.

### **Richard Sellers**

Mr. Sellers stated that he is not currently in Virginia, but he has heard the cicadas are out in his district. Urban gardens are in full force. He reported that he provided Kevin Schmidt with a copy of the proposed ordinance rule for agritourism in Fairfax County to distribute to the Board. The Fairfax County Farm Bureau has written a letter in support of the proposed ordinance. He urged Board members to read the proposed ordinance and consider a motion to support it.

### **Neil Houff**

Mr. Houff reported on the corn and bean planting in his district. The weather has been cool and dry. Fertilizer prices have increased along with the favorable commodity prices, but they have seen some intermittent supply challenges with fertilizer and crop protection products. He stated that the wheat and barley crops in his district are excellent but need rain.

### **Charlie Church**

Mr. Church reported that the Virginia Pest Management Association (VPMA) scheduled three virtual recertification webinars this spring. VPMA trained 190 technicians during the first two events and anticipate training another 100 during the last event, which is scheduled for June 16. He stated that in this calendar year, VPMA scheduled six in-person testing events in partnership with VDACS's Office of Pesticide Services to try and meet the testing needs of the industry while the DMV has limited capacity. VPMA is planning in-person trainings to start in September, which will culminate in an in-person state technical meeting in Virginia Beach.

He stated that the pest control industry has been able to maintain, and in some cases grow, its revenue during the pandemic. They have been very busy and are struggling to find people to do the work. VPMA and the National Pest Management Association have developed a workforce development program hoping to address the job candidate shortage.

**Lonnie Johnson**

Mr. Johnson reported that Virginia Tech held a virtual commencement ceremony in May but it was also able to hold a series of in-person college level graduations on campus. Virginia Tech and Virginia Cooperative Extension (VCE) are using the summer to transition back into an in-person environment. They will be re-opening vacant positions for VCE specialists. VCE is in the process of filling 13 open agent positions and is looking to prioritize another eight positions using new funding. Virginia Tech will be conducting 4-H summer camps and are now reacting to the latest revised guidance from the Governor and Centers for Disease Control for COVID-19 precautions during the camps' operations.

**Dr. M. Ray McKinnie**

Dr. McKinnie stated that Virginia State University (VSU) is doing many of the same things that Mr. Johnson reported are happening at Virginia Tech. He reported that VSU will have its first in-person graduation since fall 2019 this week. The college is working on a return-to-campus plan. He stated that VSU will return most of its academic and VCE programs back to campus this summer and into the fall. He noted that three VCE specialist positions are currently being advertised, with more possibly coming. He encouraged Board members to reach out to anyone who would be interested in applying. He stated that the VSU College of Agriculture continues to work on growing its enrollment. It is offering numerous scholarships, and he encouraged Board members to reach out to young people seeking opportunities this fall to let them know to contact him.

**Margaret Ann Smith**

Ms. Smith reported that the weather has been dry in her district and a good rain shower is needed. She reported on the corn, bean, and hay crops. She stated that the cattle markets are starting to slow down. As commodity prices have climbed, cattle prices have taken a pushback, which will create challenges going forward. She noted that cost to gains are much higher than they were last year. This will cause a tremendous change in how cattle producers do business, and there is a lot of resistance and hesitation in the market. In the agriculture industry, often when one side is doing well, the other faces challenges.

**Shelly Barlow**

President Barlow reported that the weather extremes have been a challenge. She reported on the corn, bean, and cotton crops in her district and stated that strawberries are in full season. She congratulated Dr. Bronaugh on her confirmation as Deputy Secretary of the U.S. Department of Agriculture. She concluded her report by discussing the push for solar energy in the Commonwealth. She stated that Deputy Commissioner Green recently organized a meeting on solar energy and agriculture with key stakeholders in the industry. It was a productive conversation, and the Board needs to be tuned into this issue.

**L. Wayne Kirby**

Mr. Kirby echoed the reports of the other Board members. He shared his optimism about commodity prices and reported on the wheat and vegetable crops in his district.

**COMMISSIONER'S REPORT**

Deputy Commissioner Green delivered the Commissioner's Report to the Board. During the presentation of the report, he briefed the Board on personnel changes, recent events, and other

matters relating to VDACS and the COVID-19 state of emergency. A copy of the written report was included in the Board meeting agenda and materials.

**NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-317 (REGULATIONS FOR THE ENFORCEMENT OF THE NOXIOUS WEEDS LAW)**

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino gave the Board a brief overview on the Notice of Intended Regulatory Action for 2 VAC 5-317, Regulations for the Enforcement of the Noxious Weeds Law, and responded to Board member questions.

Following Mr. Gianino's presentation and discussion by the Board, Mr. Houff moved that the Board authorize staff to take any and all steps necessary to file a Notice of Intended Regulatory Action for 2 VAC 5-317, Regulations for the Enforcement of the Noxious Weeds Law, for public comment.

Mr. Sellers seconded the motion. The Board voted unanimously to approve the motion.

**APPROVE:** Taliaferro, Barlow, Shell, M. Smith, K. Johnson Smith, Marker, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

**PROPOSED APPOINTMENTS OF VIRGINIA WINERY DISTRIBUTION COMPANY BOARD MEMBERS**

President Barlow called on Deputy Commissioner Green. Deputy Commissioner Green brought to the Board's attention the expiration of the terms, effective June 30, 2021, of Virginia Winery Distribution Company (VWDC) board members Jay W. Colston, III of Virginia Imports, Doug Zerbst of Republic National Distribution Company, and Courtney Mailey of Blue Bee Cider. Deputy Commissioner Green then presented the Board with an endorsement from Dale Farino, President, Virginia Wine Wholesalers Association, Inc., that Mr. Colston and Mr. Zerbst be reappointed to the VWDC board of directors and from Laurie Aldrich, Executive Director, Virginia Wineries Association (VWA), recommending that Ms. Mailey be reappointed to the VWDC board of directors. Deputy Commissioner Green also notified the Board of the resignation of Randy Phillips, Cave Ridge Vineyard, and indicated that staff received a letter from Laurie Aldrich, Executive Director, VWA, recommending that Stan Joynes, Chief Executive Officer and owner of Valley Roads Vineyards, LLC, be appointed to the VWDC board of directors

These requests to the Board are made pursuant to subdivision (B)(2) of Va. Code § 3.2-102, which (i) requires the Commissioner to establish and operate a nonprofit, nonstock corporation to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries and (ii) authorizes the Board to appoint the four members to this board of directors who serve with the Commissioner.

Deputy Commissioner Green asked the Board to consider the following appointments:

- Jay W. Colston, III of Virginia Imports for a term from July 1, 2021, through June 30, 2025, as an owner or manager of a wine wholesaler licensee

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- Doug Zerbst of Republic National Distribution Company for a term from July 1, 2021, through June 30, 2025, as an owner or manager of a wine wholesaler licensee
- Courtney Mailey of Blue Bee Cider for a term from July 1, 2021, through June 30, 2025, as an owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year
- Stan Joynes, Chief Executive Officer and owner of Valley Roads Vineyards, LLC, for an unexpired term through June 30, 2021, as an owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board

President Barlow informed the Board members that, unless a Board member wished to remove any of these nominations from the block for separate consideration, all four appointments would be handled in a block.

Following Deputy Commissioner Green's presentation, Mr. Sellers moved:

That the that the Board of Agriculture and Consumer Services reappoint Jay W. Colston, III of Virginia Imports to the board of directors of the Virginia Winery Distribution Company in the position of an owner or manager of a wine wholesaler licensee for a term from July 1, 2021, through June 30, 2025;

That the Board of Agriculture and Consumer Services reappoint Doug Zerbst of Republic National Distribution Company to the board of directors of the Virginia Winery Distribution Company in the position of an owner or manager of a wine wholesaler licensee for a term from July 1, 2021, through June 30, 2025;

That the Board of Agriculture and Consumer Services reappoint Courtney Mailey of Blue Bee Cider to the board of directors of the Virginia Winery Distribution Company in the position of a winery or farm winery licensee that produces no more than 10,000 cases per year for a term from July 1, 2021, through June 30, 2025; and

That the Board of Agriculture and Consumer Services appoint Stan Joynes, Chief Executive Officer and owner of Valley Roads Vineyards, LLC, to fill the vacancy on the board of directors of the Virginia Winery Distribution Company in the position of an owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board for an unexpired term through June 30, 2021.

Ms. Johnson Smith seconded the motion. The Board voted unanimously to approve the motion.

**APPROVE:** Taliaferro, Barlow, Shell, M. Smith, K. Johnson Smith, Marker, Sellers, Houff, Church, McKinnie, L. Johnson

**OPPOSE:** None

**OVERVIEW OF OFFICE OF CHARITABLE AND REGULATORY PROGRAMS**

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President Barlow called on Michael Menefee Program Manager, Office of Charitable Gaming. Mr. Menefee presented the Board with an overview of the Office of Charitable and Regulatory programs.

**NEW BUSINESS**

No new business was introduced.

**FUTURE BOARD MEETINGS**

President Barlow announced that the remaining Board meeting dates for 2021 will be July 20 at Hardywood Park Craft Brewery-West Creek and December 10 in Richmond.

**PUBLIC COMMENT PERIOD**

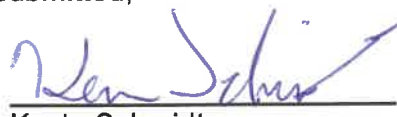
There was no public comment.

**ADJOURNMENT**

There being no further business, the Board adjourned at approximately 11:23 a.m.

Respectfully submitted,

  
Shelley Barlow  
Board President

  
Kevin Schmidt  
Board Secretary