

FINAL MINUTES

Board of Agriculture and Consumer Services
Alphin-Stuart Livestock Arena
Blacksburg, Virginia
July 28, 2014

The meeting of the Board of Agriculture and Consumer Services (Board) convened at 1 p.m. on Monday, July 28, 2014, at the Alphin-Stuart Livestock Area on the campus of Virginia Tech in Blacksburg, Virginia. President Sturgis called the meeting to order. At the President's request, Mr. Mills gave the invocation.

The Board Secretary called the roll:

PRESENT

Steve Sturgis
Shelley Barlow
William B. Bain
Robert J. Mills, Jr.
L. Wayne Kirby
Dr. Mark A. McCann
John R. Marker
L. Kirk Wiles, III
Kevin J. Kordek
Dr. Jewel Hairston

Dr. Alan Grant

ABSENT

Stephen Ellis
Rosalea R. Potter
Vacant
Elizabeth L. White

DISTRICT

2nd
3rd
4th
5th
7th
9th
10th
11th
Pesticides – Commercial Structural
Representing Dr. Keith T. Miller, President, Virginia
State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

STAFF PRESENT

Sandra J. Adams, Commissioner
Kevin E. Schmidt, Board Secretary

REPORT FROM BOARD MEMBERS

Dr. Mark McCann reported that the weather conditions in his area were mixed. The corn crop is suffering in some places, and pasture is short, particularly from the New River Valley going west. Some producers are starting to feed hay. He stated that one thing he can tell producers in the cattle business is that, given the record prices for selling calves, the producer can afford to invest in some feed and see what happens with the weather.

Wayne Kirby thanked everyone for their support, calls, cards, emails and prayers for his son over the last six weeks. He said there are approximately 8,000 followers on his son's Facebook page and that his son is on the mend. Mr. Kirby echoed the need for rain and that his region is in a drought. He said that the corn is probably 60 to 70 percent cropped.

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William Bain reported sporadic showers as well. Unfortunately, the corn in his area has been hit hard at a critical time. Tobacco farmers had been irrigating for about seven to 10 days until they received some rain. Peanuts are doing well, and cotton looks as good as he has seen for this time of the year. He indicated that in his area soybeans and early beans are beginning to bloom and pod but that double crop beans have a long way to go. Cattle and tobacco are probably the two bright spots in agriculture right now, as everyone is concerned about the low commodity prices. He stated that cotton prices fell 30 cents a pound. His major concern is what farmers are going to do with their wheat harvest. The wheat harvest is very good, especially for those farmers who managed their crop well, but prices are low. President Sturgis congratulated Mr. Bain on recently receiving the Farm Press Upper Southeast Region Peanut Profitability Award.

Shelley Barlow mentioned that the situation in her region is very good. Her area received rain when it was most needed and is in good shape both in terms of moisture and chores. She indicated that field crops look good and vegetable businesses are doing well. She mentioned receiving a phone call about a new farmers' market that will open up nearby and stated this continues to be a big market opportunity for metropolitan areas. The big concern from her area is the low prices for commodities, which cause farmers to need to harvest twice as much as before. The other concern is the number of violent storms that have caused damage in her area. Overall, it has been a great summer and she is optimistic about the harvest.

Kirk Wiles reported that his area is starting to see the effects of the cold winter. His region is getting crop estimates from vines and they are hearing about bud damage from certain varieties. This information could actually be good for the industry in the future, as the cold winter showed what varieties of grapes will survive a tough winter. Grapes are in demand, and this is a good time for anyone that wants to plant grapes. Northern Virginia has seen some hail, which is not good, but his area has received adequate rain for the grapes.

Kevin Kordek reported that there have been issues with stink bugs over the past seven weeks. He also mentioned that there are reports in the media of brown recluse spider outbreaks all over Virginia, but that he has been looking for them since he heard about it two weeks ago and is not finding them. He states that according to the Centers for Disease Control and Prevention there has not been a single reported brown recluse spider bite ever documented in Virginia. He also mentioned the issue of the absence of pollinators and the impact that the pest management industry has had on this. This is being directed through national associations and is targeting mosquito control products, particularly in suburban areas, that are thought to be used inappropriately. Mr. Kordek mentioned that the Virginia Pest Management Association (VPMA) will be starting a taskforce to investigate the issue of crawl space encapsulation. Mr. Kordek also invited Board members and others to attend the VPMA State Technical meeting September 17-18 in Richmond.

John Marker reported that the weather is mixed in his area but has not been severe. He indicated that the apple crop looks good and that the hay crop was late but looked good as well. His area has received some scattered hail. He also thought that the row crops should be decent.

Robert Mills reported that his area is right on the line of having an abnormally low amount of rain. He also stated that his area had a great wheat harvest, that the barley and full season beans look good, and that the double crop beans had not yet made it past the stubble stage. He indicated that the hay was some of the best quality they have had in years due to the dry

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weather. He stated that the tobacco crop is the largest crop in the last 10-15 years and that contract numbers are up. He also stated that the tobacco markets will open August 11.

Dr. Alan Grant reported that Virginia Tech completed its orientation for incoming freshmen and transfer students. Virginia Tech has 520 new freshmen joining the College of Agriculture and Life Sciences, which is an increase of 40 students from past years. The college also has 140 transfer students, which is close to normal, and 74 students joining the two-year Agriculture Technology program, which is up a few students. Dr. Grant was uncertain as to where the graduate student numbers are for this fall. The college is seeing more applications with their online masters program. Dr. Grant mentioned that there were several hundred students on campus for the 4-H Congress, a few thousand for the state Future Farmers of America convention and 100 students on campus for the Governor's School for Agriculture program. He also mentioned that roughly 15,000 students are impacted by six 4-H programs held around the state. Virginia Cooperative Extension agents and specialists do a great job with the field days that are held over the summer and these field days are well-attended. The Southern Piedmont Agricultural Research and Extension Center (AREC) is hosting its Tobacco and Livestock 4-H Field Day the week of July 28. David Langston has replaced Alan Harper, who is retiring, as the new Tidewater AREC Director effective August 15, 2014. Dr. Langston is a plant pathologist with the University of Georgia at the Tipton Campus AREC and a Virginia Tech graduate.

Dr. Jewell Hairston mentioned that Virginia State University (VSU) overall is struggling with enrollment given the changes in federal financial aid. The university is roughly 300 students behind projections. However, the College of Agriculture is doing well with 63 incoming freshmen, which is a good number. Dr. Hairston reported that the budget was reduced 4.5 percent, with VSU losing a newly obtained agricultural education position and small farm outreach program funding that was originally approved in the state budget but later cut. VSU will be conducting new research on hops at Randolph Farms. VSU had numerous summer camps including the 4-H intermediate Congress; and Agriculture Discovery, which is held in partnership with the U.S. Department of Agriculture and the Virginia Department of Agriculture and Consumer Services (VDACS) Animal and Food Industry Services and focused on animal science. VSU also will soon be interviewing for a position in predatory wildlife management and for the assistant administrator of Virginia Cooperative Extension.

Steve Sturgis reported that his area recently had a severe tornado touchdown. The tornado destroyed a campground and damaged crops. There were two deaths and 20 injuries. The crop area damaged was roughly three or four miles long and a half-mile wide. The county Extension agent conducted a survey and estimated that 1,125 acres of soybeans, 756 acres of corn, 350 acres of cotton and 53 acres of sorghum were destroyed. The result is approximately 2,284 acres destroyed and a value of approximately \$1.2 million in damages. Mr. Sturgis indicated that potatoes are about 90 percent harvested, with some quality issues given the wet weather and high temperature. He stated that snap beans are 100 percent harvested and were excellent quality. But, there was some rain and bacteria that came in with a storm that caused some damage once they were harvested. He mentioned that the soybeans are looking good, and that corn in the northern part of the county looks good, but not so in the southern part of the county. He also mentioned that there are about 1,500 acres of sorghum on the Eastern Shore for feed for the hog industry. In addition, Mr. Sturgis mentioned that the Eastern Shore will soon lose a wheat industry scientist that he hopes will be replaced soon. Finally, he indicated that the wheat harvest is later than usual but the yields are good.

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APPROVAL OF MINUTES

Mr. Mills moved that the draft minutes of the meeting on May 19, 2014, be approved as distributed. Mr. Bain seconded the motion, and it was passed by a unanimous vote.

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.

PROPOSED EXEMPT ACTION – 2 VAC 5-585 (RETAIL FOOD ESTABLISHMENT REGULATIONS)

President Sturgis called on Dr. Wilkes, Director, Division of Animal and Food Industry Services, who then introduced Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis briefed the Board on the need to enact a retail food establishment regulation that incorporates recent changes to the federal Food and Drug Administration's Model Food Code. Mr. Davis provided an overview of the proposed changes to 2 VAC 5-585 and recommended that the Board adopt the proposed regulation as presented by staff, and authorize staff to take steps to have this draft regulation filed as a proposed regulation for public review and comment. Mr. Davis also indicated that this regulation is exempt from the Administrative Process Act and has a special review process established for it by the Code of Virginia.

Following Mr. Davis' presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board adopt 2 VAC 5-585, Retail Food Establishment Regulations, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to file this proposed exempt regulation for public comment. Mr. Kordek seconded the motion and it was carried by a unanimous vote of the Board.

Mr. Marker signed and filed a disclosure statement of financial impact form after the vote. The signed form stated that Mr. Marker is a member of a business, profession, occupation or group affected by the transaction and stated the nature of his personal interest. The form also declared that he was nevertheless able to vote fairly, objectively, and in the public interest. The form was signed, dated and filed with the Commissioner of Agriculture and Consumer Services, who will retain and make this declaration available for a period of five years from the date of recording or receipt as required per § 2.2-3114 of the Code of Virginia.

PROPOSED NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT)

President Sturgis called on Andy Alvarez, Director, Division of Consumer Protection, who then introduced Laura Hare, Policy Analyst, Division of Consumer Protection. Ms. Hare briefed the Board on the agency's interest in updating certain provisions of 2 VAC 5-685 (Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act). Ms. Hare explained that § 3.2-3906 (4) of the Code of Virginia authorizes the Board to adopt regulations to establish training, testing, and standards for certification of commercial pesticide applicators, and discussed the rationale for initiating changes related to this regulation. Ms. Hare recommended that the Board authorize staff to take any and all actions necessary to file a Notice of Intended Regulatory Action for 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act.

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Following Ms. Hare's presentation and an opportunity for Board questions and comments, Mr. Bain moved that the Board authorize staff to take any and all actions necessary to file a Notice of Intended Regulatory Action for 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act, as presented by staff today. Mr. Kordek seconded the motion and it was carried by a unanimous vote of the Board.

PROPOSED APPOINTMENT OF VIRGINIA WINERY DISTRIBUTION COMPANY BOARD MEMBER

President Sturgis called on Commissioner Adams, who brought to the Board's attention a letter that she received from Jim Corcoran of Waterford, Virginia, resigning from the board of directors of the Virginia Winery Distribution Company (VWDC) effective May 14, 2014. Commissioner Adams indicated that staff received an email from Laurie Aldrich, Executive Director, Virginia Wineries Association, recommending that Jim Turpin of Lovingston, Virginia, be appointed to the VWDC board of directors to fill Mr. Corcoran's unexpired term through June 30, 2017, as a winery or farm winery licensee that produces no more than 10,000 cases per year. Commissioner Adams also referred to § 3.2-102 of the Code of Virginia, which authorizes the Board to make appointments to the VWDC.

Following Commissioner Adams' presentation and an opportunity for Board questions and comments, Mr. Kirby moved that the Board appoint Jim Turpin to fill Jim Corcoran's unexpired term through June 30, 2017, on the board of directors of the Virginia Winery Distribution Company as a winery or farm winery licensee that produces no more than 10,000 cases per year. Mr. Mills seconded the motion and it was carried by a unanimous vote of the Board.

2012 CENSUS OF AGRICULTURE AND CROP PRODUCTION UPDATE – HERMAN ELLISON, DIRECTOR, VIRGINIA FIELD OFFICE, U.S. DEPARTMENT OF AGRICULTURE – NATIONAL AGRICULTURAL STATISTICS SERVICE

President Sturgis called on Herman Ellison, Director, Virginia Field Office, U.S. Department of Agriculture – National Agricultural Statistics Service, who followed up on his previous presentation to the Board in March 2014 with final numbers from the 2012 Census of Agriculture. Mr. Ellison also presented new crop production data for Virginia.

WHAT THE VDACS REGIONAL ANIMAL HEALTH LABORATORY SYSTEM DOES FOR VIRGINIA AGRICULTURE – DR. JOE GARVIN, PROGRAM MANAGER, OFFICE OF LABORATORY SERVICES

President Sturgis called on Dr. Wilkes, Director, Division of Animal and Food Industry Services, who then called on Dr. Garvin, Program Manager, Office of Laboratory Services, to deliver this presentation.

PLANS FOR BLACKSBURG TOUR

President Sturgis called on Dr. Alan Grant, Dean, College of Agriculture and Life Sciences, Virginia Tech. Dr. Grant provided a report on the dinner plans for the evening following the Board meeting, and he reviewed the itinerary for the bus tour the following day.

NEW BUSINESS

Mr. Bain mentioned to Dr. Grant that there is a need for another weed control specialist in the Tidewater area in addition to the specialist that is retiring. Mr. Bain also mentioned that the Virginia Peanut Growers Association and the Virginia Agribusiness Council are

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concerned about the recent increase in the administrative fees charged by the Virginia Department of Taxation.

Mr. Kirby mentioned that the Virginia Ag Expo will be held on August 7, 2014, in Lottsburg, Virginia.

PLANS FOR FUTURE BOARD MEETINGS

President Sturgis reported that the last Board meeting for 2014 is scheduled for December 11 at the Virginia State Capitol in Richmond. President Sturgis also announced that the dates for meetings of the Board in 2015 are proposed for March 19, May 21 and December 10. President Sturgis asked Board members to look at these dates for 2015 and let staff know if they have any conflicts. The 2015 summer Board meeting and tour will be scheduled once a host is identified.

PUBLIC COMMENT PERIOD

No public comments were made.

There being no further business, the Board adjourned at approximately 2:52 p.m.

Respectfully submitted,

Steve Sturgis
Board President

Kevin Schmidt
Board Secretary