

FINAL MINUTES
BOARD OF AGRICULTURE AND CONSUMER SERVICES
1100 Bank Street, Washington Building
Richmond, Virginia
March 18, 2004

The meeting convened at 9:00 a.m. on Thursday, March 18, 2004 in the Second Floor Board Room, Washington Building, 1100 Bank Street, Richmond, Virginia. President Holland requested a moment of silence and then called the meeting to order. The Board Secretary called the roll:

PRESENT

L. Bruce Holland
Gatewood Stoneman
T. M. Hardison
Clarence Bryant, III
Andrea Lohr
Gary B. Brown
Mary Campbell
Eddie N. Moore, Jr.

Dr. Judith Jones

DISTRICT

2nd
3rd
4th
5th
6th
9th
10th
President, Virginia State
University
Representing Virginia Tech

ABSENT

Steve Wolfe
Jennifer P. Nolen
Vacancy
Warren H. McConnell

1st
7th
8th
11th

STAFF PRESENT

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

APPROVAL OF MINUTES

The minutes of the December 4, 2003 meeting were approved as distributed.

REPORT FROM BOARD MEMBERS

Dr. Jones, who represented Virginia Tech President Dr. Charles Steger, reported on the University's efforts to fill the positions of Director of Agricultural Experiment Stations and Director of Virginia Cooperative Extension. She also reported on the installation of a high speed digital internet link that will greatly improve communications with the state's Extension offices.

Mr. Moore reported that the General Assembly, for the first time, has agreed to fully match federal funds received by Virginia State University with state dollars. He also reported on the mobile computer lab project that is bringing computer technology to farmers and other local residents.

Ms. Stoneman reported that the small grain crops in her area are looking good after warm weather and that the ground is ready to plant corn in a couple of weeks.

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Ms. Lohr reported that poultry farmers in her district have tightened bio-security on their farms because of the outbreaks of avian influenza in Delaware and Maryland. She noted that FDA has banned feeding the poultry litter and that this is raising concerns about how this litter will now be utilized.

Mr. Hardison reported on the important work of local Extension Leadership Councils (ELC) are doing to promote economic development and thanked Commissioner Courter for attending a February ELC meeting held in his district.

In his report on agricultural issues in his district, Mr. Bryant recounted the many recent developments that have hurt the tobacco industry and which have severely impacted tobacco growers in his district. He explained that these changes have placed tobacco, the economic mainstay for his district, in great turmoil. He noted that the flue-cured tobacco quota is expected to be cut 30% this year (quota is already down 52 percent) and that growers may be paying as much as 30 cents per pound of tobacco for their share of the no-net-cost federal tobacco program. He added that the growing call for a quota buyout reflects the very uncertain future that growers—particularly those with no contracts—now face. He also mentioned the impact of the small tobacco product manufacturers springing up in the U.S. and overseas whose sales are undercutting the major manufacturers like Philip Morris and R. J. Reynolds.

Mr. Brown reported that he and other burley tobacco growers in his district are in a similar predicament as Mr. Bryant and other flue-cured tobacco producers. He noted that thirty percent of burley growers have gone out of business and that the burley quota is smaller than for flue-cured tobacco. He indicated that there is only one tobacco auction warehouse still operating in Lee County where he lives and that farmers in his district support a buyout for their burley quota.

Mr. Holland reported that outbreaks of avian influenza in Delaware and Maryland this year have presented a threat to the poultry industry on Virginia's Eastern Shore. He explained that Virginia's Accomack County which borders Maryland on the Shore is just outside the six-mile circle around a poultry farm that Maryland has quarantined because of AI infection. He noted that the Board's meeting is being held during Ag Week, that March 20 is Ag Day, and that it is an appropriate time to recognize those who produce the food fiber for our nation. He also mentioned that, in response to strong opposition, Virginia Tech has shelved a proposal to merge the Ag Economics Department with the Economics Department.

COMMISSIONER'S REPORT

The Commissioner reported on the following matters:

- *New Deputy State Veterinarian Position
- *New Commissioner's Office Staff Person
- *Avian Influenza Update
- *NASDA Mid-Year Meeting
- *Virginia Ag Summit
- *Secretary's Agricultural Export Working Group

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- *AGR-LITE Task Force
- *Virginia Food and Beverage Expo
- *Virginia Green Industry Council (VGIC)
- *Trade with Cuba
- *Trade with Mexico following Governor Warner's Mission
- *Governor's Trade Mission to Asia
- *Update on JCAR & Dairy Regulations
- *Request to Expand Invasive Species Council Membership

2004 LEGISLATION UPDATE

Donald G. Blankenship, Deputy Commissioner, reviewed with the Board legislation concerning agriculture and consumer protection which VDACS analyzed and monitored during the 2004 session of the Virginia General Assembly.

2004-2006 BIENNIUM BUDGET UPDATE

Mr. Blankenship provided an update on the status of the state budget development and its impact on VDACS programs and services.

ADOPTION OF OFFICIAL DOCUMENTS FOR FINAL REGULATIONS

Ms. Stoneman moved that the Board adopt the records of regulation development for the following regulations as presented by the Board Secretary:

- 2 VAC 5-320, Regulations for the Enforcement of the Endangered Plant and Insect Species Act
- 2 VAC 5-325, Regulations Governing Pine Shoot Beetle
- 2 VAC 5-360, Regulations for the Enforcement of the Virginia Commercial Feed Act
- 2 VAC 5-440, Rules and Regulations for Enforcement of the Virginia Pest Law-- Cotton Boll Weevil Quarantine.

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

DRAFT PROPOSED REGULATION FOR SCRAPIE ERADICATION

Dr. Donald W. Butts, State Veterinarian and Director, Division of Animal and Food Industry Services, presented the Board with a draft proposed regulation on scrapie eradication for the Board's consideration and action. During his presentation Dr. Butts explained that Virginia, like other states, must put in place minimum requirements for scrapie eradication as determined by the United States Department of Agriculture. Dr. Terry Taylor of USDA, speaking in support of the draft proposed regulation, advised the Board that the draft proposal should provide the minimum requirements that Virginia would need to satisfy USDA.

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Following the staff presentation, Mr. Hardison moved that the Board propose 2 VAC 5-206, Regulation for Scrapie Eradication as presented by Dr. Butts and that the Board direct the staff to take any and all actions necessary to make this a proposed regulation of the Board. Mr. Moore seconded the motion and it was carried by a unanimous vote.

REPORT OF DIVISION OF ANIMAL AND FOOD INDUSTRY SERVICES

Dr. Butts presented briefings on (1) plans for the development of a national animal identification system and (2) avian influenza outbreaks in Delaware, Maryland, Texas and Pennsylvania during 2004 as well as a summary of efforts to respond to the disease threat.

STATE VETERINARIAN'S AUTHORITY RE: AVIAN INFLUENZA

Following Dr. Butts' avian influenza report and Commissioner Courter's comments on the subject, Ms. Stoneman moved that the Board continue the authority (relating to the eradication and prevention of the spread of avian influenza) granted to the State Veterinarian at the Board's meeting of March 29, 2002, and continued at its meeting of October 10, 2002. Dr. Jones seconded the motion and it was carried by a unanimous vote.

REPORT OF DIVISION OF CONSUMER PROTECTION

Dr. Lawson, Director of Consumer Protection, introduced Plant Pest Services Program Manager Frank Fulgham who presented a report on the agency's successful plum pox survey. It should be noted that Mr. Fulgham and members of his survey team received special agency recognition for this effort.

DECEMBER 2004 REPORT ON WEIGHTS AND MEASURES PROGRAM

Mr. Hardison moved that the Commissioner provide the Board at its December 2004 meeting the number of weights and measures inspections conducted since July 1, 2004, the specific impact of the reduction in funding for weights and measures for FY 2004-05 and specific potential program impacts of the reduction in funding for FY 2005-06. Mr. Moore seconded the motion and it was carried by a unanimous vote.

REPORT OF DIVISION OF MARKETING

Tom Sleight, Director of the Division of Marketing, presented a report on the operations of the facilities included in the state farmers' market system. Under state law the Board has oversight of the development of this system and the Commissioner has responsibility for the management of the farmers' market operations.

PLANS FOR FUTURE MEETINGS

Mr. Seward reported that the Board is scheduled to meet June 10 for its next meeting. He asked the Board to consider September 30 and December 7 as tentative dates for meetings during the remainder of 2004.

PUBLIC COMMENT PERIOD

Sue Garvin spoke to the Board and staff concerning the implementation of a national animal identification system and the proposed regulation for scrapie eradication.

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Christine Solem spoke to the Board about Fourth Amendment rights issues relating the proposed national animal ID system and her concerns about the use of weights and measures program resources to inspect local farmers' markets.

ADJOURNMENT

The meeting adjourned at approximately 12:45 p.m.

Respectfully submitted,

L. Bruce Holland, President

Roy E. Seward, Board Secretary