

FINAL MINUTES

Board of Agriculture and Consumer Services
Virginia State Capitol, Senate Room 3
Richmond, Virginia
Thursday, May 26, 2016

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, May 26, 2016, in the Virginia State Capitol in Richmond, 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
L. Kirk Wiles, III
Elizabeth L. White
Kevin J. Kordek
Dr. Makola Abdullah
Dr. Alan Grant

CONGRESSIONAL DISTRICT

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

STAFF PRESENT

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

APPROVAL OF MINUTES

Mr. Mills moved that the draft minutes of the meeting on December 10, 2015, be approved as distributed. Ms. Potter seconded the motion, and it was passed by a unanimous vote.

ELECTION OF OFFICERS

President Sturgis turned the gavel over to Commissioner Adams, who opened the floor for nominations for Board President.

Mr. Kordek nominated Mr. Sturgis for President, and Mr. Mills seconded the nomination. There being no other nominations, Commissioner Adams called for a vote on the nominee. The Board elected Mr. Sturgis as President by a unanimous vote.

Commissioner Adams then returned the gavel to President Sturgis, who opened the floor for nominations for Vice President. Mr. Kirby nominated Mr. Mills for Vice President, and Ms. Potter seconded the motion. There being no other nominations, President Sturgis then called for a vote on the nominee. The Board elected Mr. Mills as Vice President by a unanimous vote.

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President Sturgis then called for nominations for Secretary. Mr. Mills nominated Mr. Schmidt for Secretary, and Mr. Kordek seconded the motion. There being no other nominations, President Sturgis then called for a vote on the nominee. The Board elected Mr. Schmidt as Secretary by a unanimous vote.

All three office positions become effective July 1, 2016, and run through June 30, 2017.

BOARD MEMBER REPPORTS

Dr. Makola Abdullah

Dr. Abdullah reported that approximately 600 students graduated from Virginia State University (VSU) this spring. VSU is currently recruiting candidates for the position of Provost and Vice President for Academic Affairs. When hired, the Provost will partially lead the charge to ensure that VSU spreads the tenets of the land grant mission across all of its academic programs. He shared that VSU recently hired a Vice President for Research and Economic Development who will be tasked with developing more private and public partnerships so that VSU sustains a footprint outside of its campus.

Dr. Alan Grant

Dr. Grant reported that approximately 700 students graduated from the College of Agriculture and Life Sciences (CALs) during Virginia Tech's (VT) spring graduation. CALs enrollment continues to increase. The VT summer session started May 23, with approximately 8,000 students scheduled to attend classes at the Blacksburg campus. Other activities at the Blacksburg campus this summer include the 4-H Congress, Future Farmers of America convention, and the Governor's school for Agriculture. The VT Agriculture Research and Extension Center (AREC) field day season is now underway. Those interested in attending can view the schedule of field days on the AREC website. The Eastern Virginia AREC Field Day was well attended, and the Eastern Shore AREC Field Day is scheduled for early June. There are a number of VT AREC faculty searches underway. Field crop entomologist Dr. Sally Taylor was recently hired to replace Dr. Ames Herbert at the Tidewater AREC. Dr. Taylor is a North Carolina State graduate who completed her post-doctorate work at Purdue University. She will continue Dr. Herbert's research on insect resistance management. VT CALs is currently recruiting for a livestock specialist position at the Southern Piedmont AREC and a tree fruit specialist at the Winchester AREC. CALs is also recruiting for faculty Entomology positions; one is for an apiculturist, and the other is in the area of pollination biology and ecology.

Robert Mills, Jr.

Mr. Mills reported that it was extremely dry in his region in April but that lots of rain in May resulted in the growth of plenty of grass. The volume of rain has resulted in declining grass quality. Farmers in the forage business are two weeks behind on hay production due to weather delays. He shared his concern that, as of May 23, only 43 percent of the tobacco crop in Virginia has been planted. In a normal year, 85 percent of the crop would be planted at this time. The late planting is a cause for concern because it takes so long for tobacco plants to mature, which may result in the plants still being in the ground past the frost date. Farmers will attempt to manage this issue with fertilization of the plants. He reported that farmers are way behind on the planting of soybeans and that very little corn has been planted. The corn that was planted received 13 inches of rain, which may require farmers to add nutrients to that corn. He said farmers are in survival mode and making their decisions day by day. Recent dry weather has offered some hope, and he will be interested to see what he has to report in July.

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Bryan Taliaferro

Mr. Taliaferro reported that during the first three weeks of May, the Warsaw AREC received 8.05 inches of rain (238 percent above normal), the Saluda Extension Office received 9 inches of rain (300 percent above normal), and his location received 6.57 inches of rain (232 percent above normal). The rain has resulted in increased disease pressure on the wheat crop. Leaf diseases are of specific concern, including fusarium head blight or scab. Farmers are also concerned about the possibility of increased microtoxins in the wheat that could render it unsalable. He stated that there is not as much blight or head blight in the wheat crop at this time as they expected given the weather conditions. The excessive rain has resulted in corn acreage that has been abandoned, replanted very late, or planted with sorghum instead. Some low-lying land in Gloucester and Matthews may not be planted at all if the water continues to stay on the ground. Soybeans have been delayed, but they may still be ok considering the turnaround in weather. He stated that there were 220 attendees at the Small Grain Field Day held at the Research Station in Warsaw. He added that Virginia can take pride in Dr. Carl Griffey's small grain breeding program, which is the envy of most universities east of the Mississippi and probably the finest of its kind in the U.S.

John Marker

Mr. Marker reported his region has been cold and damp but has received only about half the amount of rain that other Board members reported. His region has experienced light rain and cold temperatures for 21 out of the past 25 days. The corn planting is 50 percent complete, and no soybeans have been planted yet. The small grains crop looks better than expected, and the hay harvest is two weeks behind schedule. His region experienced two freezes after March 24, which resulted in the survival of only 25 percent of the peach crop. Apples fared better, depending on the variety. He stated that his region is now experiencing warm and sunny weather, which should have a positive impact. Apple growers in his area are submitting permits for H2A workers and have reported major difficulties in getting their job orders through the Virginia Employment Commission (VEC). VDACS is helping growers deal with the administrative issues with VEC, but it continues to be a major issue.

James Huffard

Mr. Huffard reported that his region has experienced cold and damp weather. Spring silage crops have been reduced by approximately 40 percent, and orchard farmers are hurting because of the freeze. He stated that milk prices are terrible and dairy farmers nationwide, including him, are operating in survival mode. In 1984, he was paid 30 percent more for his milk than he is paid today, and his costs have increased during that same period. He also operates a bottling plant that produces value-added dairy products, including flavored milk and drinkable yogurts. The low price of milk has helped his bottling operation, but he would prefer for there to be more of a balance between the profits from the bottling operation and his dairy operation. He added that he is on the Commission for a new Ag Expo that is being built in Wythe County. The Expo will be similar to expo facilities in the other areas of the state and will host horse shows, dog shows, tractor pulls, and other activities. The Commission is working hard to get the Expo off the ground at this point. The aim is to have a facility in the southwest region of the state that will attract different groups. They have already received some interest in use of the facility and are accepting donations.

Kay Johnson-Smith

Ms. Johnson-Smith reported that she has an upcoming meeting scheduled with the Executive Director of the Friends of Arlington Urban Agriculture to learn more about agriculture in her region. She learned that Friends of the Arlington Urban Agriculture conduct a class at George Mason University and some of their students will be participating in the upcoming Smithsonian

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Folklife Festival, where they will deliver a presentation on community gardens at the Library of Congress and the Arlington Central Library. She stated that farmers' markets are opening throughout Arlington and Alexandria, including a new farmers' market that will be opening on the campus of Marymount University. The Friends of Arlington Urban Agriculture are also planning a symposium to celebrate Urban Agriculture Month in October 2016 and a Mid-Atlantic Region Urban Ag Summit in October 2017. She was invited to be a part of the planning process for these events. She added that the Animal Agriculture Alliance held its annual Stakeholders Summit in May. Approximately 250 people from the U.S. and Canada attended the event, which was its largest conference on record. Attendees discussed food chains communication, public sector outreach, and outreach to the social media generation. The group also discussed forecasts for future agriculture policy under a new presidential administration. She stated that the presentations from the conference are available online at <http://animalagalliance.org/main/>.

Rosalea Potter

Ms. Potter reported that April was warm and beautiful but that May was very rainy in her region. The May rain resulted in delays in small grain production, specifically the harvest of barley and rye. The delay in the harvest of barley and rye meant that the fields were not available for corn planting. Even farmers with fields that were ready for corn planting haven't been able to plant yet due to wet fields. The poultry industry continues to thrive in the Valley. Young farmers and poultry companies are interested in working together to put in chicken and turkey houses. She stated that George's Chicken, which is a brand of poultry she carries in her store, recently contracted with Bojangles, which has led to limited supply of chicken for her store. Her meat processing operation has slowed down, which is typical at this point in the year because customers who have meat processed for personal use typically get that done during the winter months. Producers who sell at farmers' markets and need their meat processed under U.S. Department of Agriculture (USDA) inspection provide most of her meat processing business during the summer months. Because there are good farmers' markets in the area, they are able to maintain their meat processing activities throughout the summer.

Kevin Kordek

Mr. Kordek reported that mosquitos are a major concern this year, especially because of the excess rain and the Zika virus. He urged listeners to eliminate any areas with standing water to avoid breeding mosquitos. He said that additional information about the Zika virus is forthcoming. The National Pest Management Association (NPMA) is working very closely with the federal government to come up with suggestions. NPMA launched a new website, <http://www.pestworld.org>, which is updated daily with information on Zika. He stated that pollinators and pollinator awareness are also a concern of the NPMA and the Virginia Pest Management Association (VPMA). Ticks are also an issue this year because of the mild winter. He suggested that citizens check their pets for ticks and fleas regularly. He reported that the VPMA has been busy with training. The VPMA's Wood Destroying Insect (WDI) Certification Program has voluntarily trained and certified over 1,000 inspectors. VPMA-certified WDI inspectors have proven to be especially valuable during real estate transactions, and the VPMA has received a lot of positive feedback from the real estate community about these certified inspectors. He stated that it is going to be a very buggy year, with lots of ants and spiders. He stated that the Jeff Johnson Memorial Certified Entomology program is underway and there will be a program next month. The VPMA's fourth State Technical Meeting is scheduled for September, and he invited the Board to attend this flagship national-quality training program that will include speakers who are among the top trainers and academics in the U.S. He added that VPMA Executive Director, Andrea Coron, was selected for a coveted spot on the NPMA P3 Advisory Council. The council will address strategic planning issues related to concerns such as Zika, pollinators, ticks, and disease vectors.

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Elizabeth White

Ms. White shared an article from the May 21 Roanoke Times about Virginia Tech's five-year study on honeybees that was funded by VDACS. She also informed Board members about Katie Frazier's guest column in the Richmond Times Dispatch on May 23 on the subject of GMO labeling. She reported that in Virginia as of May 19, 2016, there were 24,220 certified applicators, 2,748 licensed pesticide businesses, and 15,431 pesticide products registered. The Pesticide Disposal Program dates for this fall have been set. Collections will take place at eight events the weeks of September 12-15 and October 10-13. Additional information regarding the event locations and times can be found at <http://www.vdacs.virginia.gov/pesticide-container-recycling.shtml>. The Plastic Pesticide Container Recycling Program is currently underway. Ms. White added that she has reviewed the number of certified applicators that she reported at meetings during her tenure on the Board, and they have remained consistently around 24,000 during the past five years. This leads her to believe that Virginia has reached the maximum number of pesticide applicators that it will certify beyond minor yearly fluctuations.

Kirk Wiles

Mr. Wiles reported that the wine industry was also impacted by recent weather conditions. The industry experienced some early bud break and an early April frost. He stated that his winery experienced the loss of 10 percent of its early white grapes due to frost, which was typical across the state. The bud break only impacted some vines and didn't affect red grapes. He said that the impact of the weather had the potential to be a lot worse than it was. Rain doesn't affect grapevines except in the flowering, and he stated that they'll wait to see if the flowering and grape clusters were impacted. He shared information with the Board about HB 879, the Farm Winery and Brewery Act, that was passed during the 2016 Session of the General Assembly of Virginia. The law impacts the zoning for farm wineries and breweries in that the land where those businesses are built will no longer be considered land zoned agricultural. Existing farm wineries and breweries will be grandfathered in, but the law will present challenges for his business and for other entities in his district on how to move forward with the construction of barns or other structure. He hopes that changes can be made to the law in the future. Mr. Wiles informed the Board that he was recently appointed to the Virginia Wine Board and would be resigning from the Board of Agriculture and Consumer Services. He thanked his fellow Board members and invited them to visit him at his winery.

Shelly Barlow

Ms. Barlow reported that weather has been cold and wet in her region. The wet and cold weather has resulted in a three-week delay in the planting of crops as well as a three week delay of potential yields for crops that were already planted. Farms in her region have fields with plants that are sitting in the ground doing nothing. They have fields that haven't been planted yet and fields that won't be planted with cotton or peanuts because the window of opportunity for those crops is short in her area. Farmers in her area were hoping for record-breaking cotton yields this year but won't achieve those yields because they are three weeks behind. The corn crop and small grains look pretty good. Peanuts and cotton were the crops most impacted by the weather conditions in her area. Strawberry production has been very challenging this year. There was a good crop, but growers haven't had many days to pick and ripen the berries. She added that she attended her last VALOR seminar in May and will graduate from the program in July. She has appreciated the opportunity to participate in the program. She stated that she is also involved in a nonprofit organization in Suffolk that is operating a community and school garden program. The program currently has approximately 13 gardens, but they would like to expand the program to create a community garden network similar to what exists in some urban areas like Richmond. Her community is primarily a rural

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area, but there are some urban areas. The organization is working through that process, and she stated that she would appreciate any advice from other Board members on similar organizations they could explore as a model for what they're trying to accomplish.

Clifton Slade

Mr. Slade reported that his area experienced conditions similar to what Ms. Barlow reported. He shared a story about a farmer in his area that planted corn during a blizzard, with excellent results. The cotton crop is of great concern, but he's hoping that they'll start to see some of it coming up soon. He stated that his vegetable production is at least two to three weeks behind. Farmers will not have early tomato or vegetable crops in southeast Virginia. This will result in lower prices for produce farmers because they will have to compete with mainstream production.

Wayne Kirby

Mr. Kirby reported that he shares Mr. Taliaferro's concerns about the impact of disease on the small grains. A number of producers in his area are reporting that the quality and yield potential of the wheat crop is poor. Some farmers are abandoning their wheat crop because the expected yield doesn't justify the cost of care and harvest. Other farmers did get fungicide on their wheat crops and are planning to harvest. He said it will be interesting to see those results for the farmers that were able to complete their fungicide treatments on their small grains. Many vegetable growers have been forced to abandon their first planting because of disease pressure caused by the damp weather. The first crop is typically the money crop because it allows the farmers to take advantage of higher market prices. Farmers that were able to plant an early first crop haven't been able to control the diseases that were brought on by the weather. He added that the recent sun and warm weather is cause for optimism.

Steve Sturgis

Mr. Sturgis reported that his region experienced the same weather and crop issues that other members reported. His area had a four-hour freeze in April that turned all the potatoes that were growing black. Luckily the potatoes came back, and although it's behind, the potato crop currently looks beautiful. Farmers in his area are also experiencing wheat disease, including striped rust, which they haven't seen before. It's spread quickly, and some farmers have had to spray twice to combat it. He stated that soybean planting is way behind. He usually plants 900 acres of soybeans a year and has only 85 acres in the ground so far this year. Planting is continuing now that they've had some warm and dry days.

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.

FINAL EXEMPT ACTION TO ADOPT – 2 VAC 5-585 (RETAIL FOOD ESTABLISHMENT REGULATIONS)

President Sturgis called on Dr. Charles Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services. Dr. Broaddus called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis briefed the Board on the proposed exempt action to adopt 2 VAC 5-585 (Retail Food Establishment Regulations).

Following Mr. Davis' presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-585, Retail

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Food Establishment Regulations, 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. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED 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 Charles Green, Deputy Commissioner, who introduced Keith Tignor, State Apiarist. Mr. Tignor briefed the Board on the proposed exempt action to adopt 2 VAC 5-319 (Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability).

Following Mr. Tignor'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 file this proposed exempt regulation for public comment. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

FINAL STAGE – REVISIONS TO 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT)

President Sturgis called again on Deputy Commissioner Green, who introduced Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Trossbach briefed the Board on the revisions to the final stage for 2 VAC 5-685 (Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act).

Following Ms. Trossbach's presentation and an opportunity for Board questions and comments, Ms. White moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act, in the amended version, as presented by staff and that the Board authorize staff to take any and all steps necessary to have this regulation become a final regulation of the Board. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED APPOINTMENT OF VIRGINIA WINERY DISTRIBUTION COMPANY BOARD MEMBERS

President Sturgis called on Commissioner Adams, who requested that the Board reappoint the three current members of the board of directors of the Virginia Winery Distribution Company (VWDC).

Commissioner Adams asked the Board to consider the following reappointments:

- Randy Phillips of Mt. Jackson, for a term from July 1, 2016, through June 30, 2020. (Mr. Phillips serves as an owner or manager of a winery or farm winery licensee that is not served by a wholesaler when appointed to the board of directors.)
- Jay Colston, President of Virginia Imports, for a term from July 1, 2016, through June 30, 2020. (Mr. Colston serves as an owner or manager of a wine wholesaler licensee.)

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- Gary Archuleta, Executive Vice President of Republic National Distributing Company-Virginia, for a term from July 1, 2016, through June 30, 2020. (Mr. Archuleta serves as an owner or manager of a wine wholesaler licensee.)

Following Commissioner Adams' presentation and an opportunity for Board questions and comments, Dr. Abdullah moved that the Board reappoint Randy Phillips to the board of directors of the Virginia Winery Distribution Company for a term from July 1, 2016, through June 30, 2020, as an owner or manager of a winery or farm winery licensee that is not served by a wholesaler when appointed to the board of directors. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

Mr. Marker moved that the Board of Agriculture and Consumer Services reappoint Jay Colston to the board of directors of the Virginia Winery Distribution Company for a term from July 1, 2016, through June 30, 2020, as an owner or manager of a wine wholesaler licensee. Mr. Wiles seconded the motion, and it was carried by a unanimous vote of the Board.

Ms. Potter moved that the Board of Agriculture and Consumer Services reappoint Gary Archuleta to the board of directors of the Virginia Winery Distribution Company for a term from July 1, 2016, through June 30, 2020, as an owner or manager of a wine wholesaler licensee. Mr. Wiles seconded the motion, and it was carried by a unanimous vote of the Board.

THE CARE AND FEEDING OF EVERYTHING: REMARKS FROM THE OUTGOING STATE VETERINARIAN – DR. RICHARD WILKES, FORMER STATE VETERINARIAN AND DIRECTOR, DIVISION OF ANIMAL AND FOOD INDUSTRY SERVICES

President Sturgis called on Dr. Wilkes to deliver this presentation. Dr. Wilkes delivered his presentation and thanked the Commissioner and the Board for their support during his tenure as State Veterinarian.

NEW BUSINESS

Mr. Kordek asked Commissioner Adams and Secretary Schmidt to look into the possibility of providing the Board materials to members electronically at the meeting.

Ms. Barlow and President Sturgis expressed their concerns about Virginia's draft Plan to Mitigate the Risk of Pesticides to Managed Pollinators. Commissioner Adams thanked them for their comments and encouraged their participation in the related advisory committee meeting that will take place on June 15 in Richmond.

FUTURE BOARD MEETINGS

Mr. Kirby announced that the summer Board meeting and tour would occur on July 20-21, 2016, in the 7th Congressional District. (The Board meeting will be held at 2 p.m. on July 20 at the Meadow Event Park in Doswell.) President Sturgis announced that the next Richmond meeting will take place on December 8, 2016, in the Virginia State Capital.

PUBLIC COMMENT PERIOD

No public comments were made.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:05 a.m.