

FINAL MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219
Thursday, December 6, 2018

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m. on Thursday, December 6, 2018, at the Patrick Henry Building in Richmond, Virginia. President Mills called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Shelley Barlow
Clifton A. Slade
Robert J. Mills, Jr.
Rosalea R. Potter
L. Wayne Kirby
Kay Johnson Smith
James S. Huffard, III
John R. Marker
Richard Sellers
Neil Houff
Kevin J. Kordek
Dr. Alan Grant

Dr. Milton O. Faison

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th

Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Timothy D. Sands, President,
Virginia Tech
Representing Dr. Makola Abdullah, President,
Virginia State University

STAFF PRESENT

Dr. Jewel Bronaugh, 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 July 24, 2018, be approved as distributed. Mr. Kordek seconded the motion, and it was passed by a unanimous vote.

REPORT FROM BOARD MEMBERS

Kevin Kordek

Mr. Kordek began his report by introducing guests from the Virginia Pest Management Association (VPMA) in the audience. He reported that the VPMA just completed a busy training season that included the state technical meeting in September, master technician training in Norfolk, and WDI inspector certification training. The WDI course started as a VPMA initiative 18 years ago and is a voluntary program that has certified more than 1,000 inspectors. He stated

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that VPMA recently rolled out its Leadership Enrichment Action Program (LEAP). This is a voluntary leadership program to develop the next generation of leaders of the pest management industry.

He reported that the year is ending on a positive note after a dismal spring. He warned that consumers that didn't experience pest problems in spring will begin experiencing them now. He attended the National Pest Management Association meeting in Orlando. There is a lot happening in pest monitoring that will be relevant to the agricultural industry. He shared that there are now pest traps and sensors with remote tracking devices that can alert a pest control company if there is a pest inside. He noted that the industry is currently facing a consumer issue with companies that offer spray-on foam insulation for attics and the undersides of houses. This foam can hide termite damage and infestations until it is too late. He said that the company that makes the spray foam also sells the most popular product for treating termite infestation. This a national issue that originated in Southeast Virginia. He concluded by sharing that the VPMA has a lobby working with the federal Farm Bill, which includes provisions that affect the pest control industry. He offered that VPMA is happy to help if there is anything it can do to usher the Farm Bill to a successful conclusion.

Neil Houff

Mr. Houff reported that 2018 was a challenging year in his district and throughout the state because of moisture challenges, with combines and tractors getting stuck in wet and muddy fields. He stated that milk prices have been low. Grain quality has been low, particularly for soybeans. Damage on early beans created market challenges. He announced that the Virginia Crop Production Association annual meeting is scheduled for January in Richmond. He thanked staff in the Office of Pesticide Services for creating a detailed and transparent report about the Pesticide Control Fund. He stated that the transparency is especially helpful as they discuss raising pesticide fees, which he believes everyone who pays the fees is comfortable with as long as they know the money will be spent wisely.

O. Bryan Taliaferro

Mr. Taliaferro reported that, like the rest of the state, the 1st district has had issues with water and rain. He has completed only 85-90 percent of his soybean harvest, and he is usually finished by this time of year. He hopes to conclude his harvest by Saturday or Sunday before snow hits. He reported that the corn crop was modest. It also suffered from too much water. The soybean yield was good, but there were quality issues. He noted part of the delay in the soybean harvest this year was waiting for the beans that they export for food to dry, which can't be done artificially.

Donald L. Horsley

Mr. Horsley reported the 2nd district has a lot to be thankful for even though it has been a trying year. He expressed concern about young farmers in family operations becoming discouraged by the adversity of this difficult harvest year. He stated that the soybean harvest is nearly complete. The wheat crop was modest. It started with a very low test weight, and that cut the yields down. The corn crop was good, but it wasn't up to the potential that it had earlier in the season or the success of the two prior years. Early season and full season bean planting was later than usual this year. The soybean yield was respectable, but the beans had some quality issues that resulted from heavy rains. He concluded by stating that it has been a very different year that they won't forget, but they are getting ready for next year.

Clifton Slade

Mr. Slade began his report by discussing trucking issues for small farmers. The counties of Surry, Sussex, and Isle of Wright are having record soybean yields, but because of delays in harvest, farmers cannot get the soybeans out of the field. Farmers are using old peanut drying trailers to hold the soybeans if they have them. The grain bins are full to capacity. He stated that there are not enough trucks to get the beans out of the fields for them. There are farmers who cannot pick because they have nowhere to deliver the beans. He noted that small farmers don't always take advantage of all the marketing opportunities that are out there. He thinks farmers can make some money on soybeans this year if they can get them out of the field.

He predicted record high prices for sweet potatoes in the spring because North Carolina (NC), the number one producer of sweet potatoes, faced a 35 percent loss because of the hurricanes this year. Some NC potatoes were never harvested because the fields were flooded. In his area, rain that follows dry weather caused produce to develop growth cracks, which means that his crop went automatically from a number one crop to a number two crop. He was pleased to report that the deer have been more attracted to the soybeans he planted than his sweet potatoes, and he will continue to plant soybeans in future years to keep the deer away from his sweet potatoes. He concluded his report by stating that he thinks the Board will be hearing more reports about hemp acreage next year. He estimated that more than 100 acres of hemp will be growing in Virginia next year.

Shelley Butler Barlow

Ms. Barlow reported that it has been a challenging and very wet year. They had an excellent corn harvest in her area with record-breaking yields. She just came back from the Cotton Board meeting. She stated that water and moisture have been a challenge all year long for everyone across the country. Cotton in her area is about 80 percent harvested, and the yields are outstanding. Prices on cotton are still positive. Tomorrow is the deadline to sign up for the seed cotton allocation program. She noted that cotton is back in the federal Farm Bill as a Title 1 crop for one year, and she is hopeful that it will continue to be in the Farm Bill. The soybean harvest is approximately 40 to 50 percent complete. Yields are variable from farm to farm. They are working on getting cover crops sown and winter wheat planted, but it has been a challenge because of all the moisture. She stated that they hope the Farm Bill will pass soon so that they know what programs will be in place for the 2019 growing season. Finally, she stated that she hopes the continuing tariff situation gets resolved because it is wreaking havoc on the grain markets.

Rosalea Potter

Ms. Potter reported it has been wet in her district as well. In some places, they are chopping corn one side of the road and combining on the other. Yields on corn and soybeans have been average. Soybean rot is causing challenges for some producers. She stated that they are finding lots of wildlife damage in her area, especially from bears. She noted that meat processing is going strong, and she personally is booked into the end of January. She reported that the poultry industry is continuing to grow in her district, with younger producers getting into the business to get into farming or to keep their farms in the family. She frequently drives by new poultry houses. She said that hemp is the new buzzword in the Valley. There has been some pressure on producers in the Valley to start growing hemp for out-of-state operators, but the logistics behind that that have come into question. She concluded by saying that as young farmers, she and her husband often feel like they're working harder, but their margins keep getting smaller.

Lonnie Johnson

Mr. Johnson informed the Board that Dr. David Fiske, superintendent of the Shenandoah Valley Agricultural Research and Extension Center (AREC), passed away unexpectedly in November, which was a big loss for their organization. He noted that there will be a winter AREC tour for Board members and statewide stakeholders to educate them on the what the ARECs do and what the ARECs need to function. Virginia Cooperative Extension (VCE) is currently requesting one-time funds to support infrastructure and technology upgrades and some recurring funds to address some of the critical vacancies they have in the field through the Governor's Office and the Virginia General Assembly. VCE has about 230 extension agents across the state and about a dozen critical vacant agriculture positions, primarily in the southeast. He shared that Dr. Danny Goerlich has moved into the Associate Director position formerly held by Dr. Bobby Grisso. He concluded by stating that they are kicking off a multi-year project utilizing a \$1.1 million grant to address the opioid addiction crisis.

Dr. Milton O. Faison

Dr. Faison reported that Virginia State University is excited about graduation next week. He reported on a collaboration between the College of Agriculture and the College of Engineering that was coordinated by the Center for Agriculture Research, Engagement and Outreach to develop technology to support the automation of indoor agriculture. There are also partnerships in progress that are examining the effective deployment of drones for field management and sheep management.

Richard Sellers

Mr. Sellers began his report by discussing the Farm Bill. He stated that they must pass a Farm Bill before the budget so Congress will have the authorizations to figure out what the appropriations will be. He reported that there has been a lot of talk of taking the Supplement Nutrition Assistance Program out of the bill because that is what is causing the delay. He is anxious to see what Congress will do with those programs because that money comes back to all of us. He reported that he and Ms. Johnson Smith have a meeting coming up with Scott Sizer, the agriculture coordinator for Fairfax County. Fairfax County's economic development fund allocated \$500,000 for agritourism last year, and that money is still available. He added that he was excited to hear Dr. Bronaugh speak to the Virginia Farm Bureau Federation board about urban agriculture. He stated that after his meeting, he will put Mr. Sizer in contact with Dr. Bronaugh. He stated that his congressional district include a piece of Fairfax County in addition to Fairfax County. He noted that Prince William County has twice as many recorded farms (330) as Fairfax County (148), and he plans to meet with the Prince William County agriculture coordinator as well. He concluded his report by announcing that, in eight days, he will be retiring after 27 years with his organization.

John Marker

Mr. Marker reported that his district had received the same large amounts of rain that the rest of the state received. He stated that the fruits and vegetables growing in his district did not like the excess rain. There has been trouble with fungal disease, premature drop, sugar content, and storability. He noted that they are still harvesting beans and corn. Yields have been decent on corn. Beans are across the board. There is lots of stockpiled pasture and low quality hay in his area. He stated that he is sure 2018 will be a milestone year that farmers will be glad to have behind them. He has never seen a summer this wet.

James Huffard

Mr. Huffard reported his end of the state is also wet and the rain has been a challenge. They had a great corn crop. He stated that milk prices have not improved. Class One milk prices are down another \$2 per hundredweight for the next two months over the current price. He said it's pretty tough for dairy farmers to pay their bills. He noted that Mexico and Canada are two of the largest dairy customers, and the changes to NAFTA have impacted dairy prices. The U.S. dairy industry needs to be exporting one-day's production per week, and it is not there yet, so there is a lot of milk out there. His area has lost over half of their dairies. Two farmers he knows from other states committed suicide when they got their milk check about two months ago, and mental health is a major issue among dairy farmers.

He reported that his bottling operation, Duchess Dairy, is doing very well. It is eggnog season, and demand always outpaces the supply because it is such a popular product. He noted that they are selling a lot of chocolate milk to local school athletic programs. The 2 percent Jersey chocolate milk has high protein levels and has the recommended balance between fat, protein, and carbs. Some local schools are buying 160 half gallons of chocolate milk a week for their weight programs.

Ms. Johnson Smith

Ms. Johnson Smith reported that, in addition to her meeting with Mr. Sizer and Mr. Sellers, she would meet with Ms. Kristen Conrad, the VCE agent for Arlington and Alexandria. She will also attend the VCE policy breakfast and will report on it at the next meeting.

She stated that one of the responsibilities of her organization, the Animal Agriculture Alliance (AAA), is to monitor threats to animal agriculture. She noted that a recently emerging threat is a California organization named Direct Action Everywhere that encourages groups to take action against animal agriculture across the country. The organization has organized events where mass numbers of protestors have converged on farms to break into barns and steal animals while livestreaming. Most activity has been in California and Utah. Two weeks ago, the group organized a protest at a turkey farm and a Smithfield hog farm. Her organization is working with the federal government to enhance farm security materials and to teach farmers how to prepare for and mitigate mass protests on their farms. Direct Action Everywhere claims it has the right to break into these barns. It's something to be aware of, and AAA is happy to help Virginia farmers with addressing these threats.

She reported that AAA gave away \$25,000 in scholarships to college students through its nationwide College Aggies Online competition this year. She concluded her report by noting that her Director of Industry Relations, Allyson Jones-Brimmer, will be participating in the VALOR program.

L. Wayne Kirby

Mr. Kirby reported that it seems like the migrant workers at a neighboring vegetable farm have been working non-stop since they arrived in March. He noted that most around the room have seen adversity before. He is thankful to be a part of an industry that will succeed. He added that people still have to eat. He is grateful to have the opportunity to keep moving forward and do it again next year. He reminded the Board that further down south, they do not have any yield to report and therefore cannot get any extra money from the soybean program. He stated that as bad as it looks, it could be worse. He noted that some hay cutting got wet multiple times and, in his area, there is a large demand for good quality hay, which could present an opportunity to get

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into hay production. He encouraged the Board to continue looking forward and look for the available opportunities.

Robert J. Mills, Jr.

Mr. Mills reported this year has challenged him as well. Tobacco was hit hard in his district. The Virginia tobacco crop will probably be down somewhere between 15 and 20 million pounds this year, which represents many dollars that were meant to go into farmers' pockets.

He called on Erin Williams (Senior Policy Analyst from the Office of Policy, Planning, and Research) to update the Board on the Virginia Industrial Hemp Research Program. Ms. Williams reported that 90 grower registrations and 20 processor registrations have been issued since the program was established on July 1, 2018. An additional 40 grower registrations have been received and are awaiting review.

Mr. Mills noted that there has been a lot of recent movement on hemp. His farm grew hemp last year, and he is looking to grow more in the coming year to explore new opportunities. He stated that there have been many changes to the rules and regulations surrounding hemp and that Virginia needs to introduce legislation to allow producers to take advantage of these new opportunities. He shared that he knows of some bills being drafted in the Virginia General Assembly that will be completed once the Farm Bill is finalized that will try to reduce constraints in time for the new cropping season. He is hoping for legislation to that will allow the manufacture of hemp products in Virginia and the transport of hemp products across state lines.

He concluded by announcing that Virginia Tech had received its largest ever private donation in the amount of \$50 million to build the Fralin Biomedical Research Institute in Roanoke. The veterinary school will be moving to Roanoke and some of the donation will go to that school as well.

MEETING RECESS

At approximately 9:50 a.m., President Mills adjourned the Board meeting to begin the public hearing on the proposed regulations for 2 VAC 5-115.

**SUMMARY OF PUBLIC HEARING FOR PROPOSED REGULATIONS FOR
2 VAC 5-115 (REGULATIONS FOR DETERMINING WHETHER A FACILITY MEETS THE
PURPOSE OF FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS)**

At 10:00 a.m., President Mills opened the public hearing on the proposed regulations for 2 VAC 5-115, *Regulations for Determining Whether a Facility Meets the Purpose of Finding Permanent Adoptive Homes for Animals*. A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Mills called on Dr. Charles Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services to brief the Board concerning the proposed regulations for 2 VAC 5-115.

Staff advised the Board that the proposed regulation was filed with the Registrar of Regulations and published in The Virginia Register of Regulations. The Board was advised that the purpose of the hearing is to provide interested parties an opportunity to comment on the proposal.

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Following the staff presentation, President Mills asked Secretary Schmidt if anyone signed up to speak. Eight members of the public signed up to speak. Each person was given a chance to address the Board.

President Mills provided an opportunity for Board questions and advised the Board that, following the end of the public comment period for the proposal, staff will review oral and written comments received and, at a later meeting, present a recommendation on the proposal. President Mills then adjourned the public hearing at 10:44 a.m. and reconvened the Board meeting.

COMMISSIONER'S REPORT

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

PROPOSED STAGE- 2 VAC 5-317 (REGULATIONS FOR ENFORCEMENT OF THE NOXIOUS WEEDS LAW)

President Mills called on Ms. Debra Martin, Program Manager, Office of Plant and Industry Services. Ms. Martin presented the Board with a brief overview of the proposed actions to amend 2 VAC 5-317 and answered the Board's questions about the additions to the noxious weed list.

Following Ms. Martin's presentation, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-317, Regulations for Enforcement of the Noxious Weeds Law, as presented by staff today and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Mr. Taliaferro seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED STAGE- 2 VAC 5-320 (REGULATIONS FOR THE ENFORCEMENT OF THE ENDANGERED PLANT AND INSECT SPECIES ACT)

President Mills called on Keith Tignor, Endangered Species Coordinator, Office of Plant Industry Services. Mr. Tignor presented the Board with a brief overview of the amendments to 2 VAC 5-320 and answered the Board's questions.

Following Mr. Tignor's presentation, Ms. Potter moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-320, Regulations for the Enforcement of the Endangered Plant and Insect Species Act, as presented by staff today and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Mr. Huffard seconded the motion, and it was carried by unanimous vote of the Board.

PRESENTATION ON THE PESTICIDE CONTROL FUND UPDATE

President Mills called on Mr. Larry Nichols, Director, Division of Consumer Protection, to deliver his presentation on the Pesticide Control Fund. Mr. Nichols presented the Board with an update on the Pesticide Control Fund.

FINAL STAGE- 2 VAC 5-675 (REGULATIONS GOVERNING THE PESTICIDE FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES)

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President Mills called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Fleeson Trossbach presented the Board with a brief overview on the final action to amend 2 VAC 5-675 and answered the Board's questions.

Following Ms. Trossbach's presentation and discussion by the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-675, Regulations Governing the Pesticide Fees Charged By the Department of Agriculture and Consumer Services, as presented by staff today and that the Board authorize staff to take any and all steps necessary to have this regulation become a final regulation of the Board. Mr. Houff seconded the motion, and it was carried by unanimous vote of the Board.

NEW BUSINESS

No new business was introduced.

FUTURE BOARD MEETINGS

President Mills announced that the next meetings of the Board would take place March 21, 2019, and May 23, 2019. in the West Reading Room of the Patrick Henry Building.

Mr. Mills also announced that Mr. Taliaferro volunteered to host the summer meeting in his district in July.

PUBLIC COMMENT PERIOD

President Mills recognized Mr. Herman Ellison, State Statistician, U.S. Department of Agriculture (USDA), National Agricultural Statistics Service. Mr. Ellison introduced the Board to Jeff Lemmons, USDA's national soybean statistician, who was in the audience. Mr. Ellison invited Board members to ask him questions after the meeting. He then gave the Board an update on USDA survey activities and the Census of Agriculture. The results of the Census of Agriculture will be released February 21, 2019.

Mr. Mills recognized Mr. Rod Walker, Blue Ridge Partnership for Regional Invasive Species Management (PRISM). Mr. Walker provided the Board with the background on his organization. Blue Ridge PRISM is a volunteer-based organization of citizen scientist with a mission to reduce the impact of invasive plant species. He thanked the Board for its vote on 2 VAC 5-317, *Regulations for Enforcement of the Noxious Weeds Law*.

Mr. Mills recognized Ms. Ruth Douglas, Blue Ridge PRISM and the Virginia Native Plant Society. She noted her appreciation on behalf of Blue Ridge PRISM and the Virginia Native Plant Society for the significant movement made by the Board to add appropriate plants to the noxious weed list. She also acknowledged the support and assistance of VDACS staff, the noxious weed committee, and the Natural Heritage Commission in moving this list forward.

Mr. Mills recognized Mr. Jim Hurley, Blue Ridge PRISM. Mr. Hurley shared information with the Board about the damage he has seen in his area from noxious weeds that were added to the list. He also commented that when domestic cats are allowed outside, they hunt and kill indiscriminately and can be a source of harm to the environment.

ADJOURNMENT

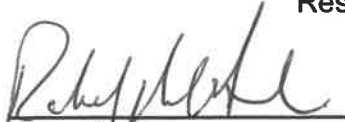
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There being no further business, Mr. Sellers made a motion for the Board to adjourn. Ms. Barlow seconded the motion, and it was carried by a unanimous vote of the Board. The Board adjourned at approximately 12:15 p.m.

Respectfully submitted,



Mr. Robert Mills
Board President



Kevin Schmidt
Board Secretary

