

FINAL MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
East Reading Room
1111 E. Broad Street
Richmond, Virginia

Thursday, May 18, 2023

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:02 a.m. on Thursday, May 18, 2023, at the Patrick Henry Building in Richmond. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Clifton A. Slade
Shelley Barlow
Cecil Shell
Margaret Ann Smith
Jacquelin Easter
Kailee Tkacz Buller
James S. Huffard, III
Richard Sellers
Neil Houff
Charles Church
Dr. Janine Woods

Lonnie Johnson

CONGRESSIONAL DISTRICT

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

ABSENT

Tyler Wegmeyer 10th

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Erin Williams, Senior Policy Analyst, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Shell moved that the draft minutes of the meeting on March 23, 2023, be approved as distributed. Ms. Smith seconded the motion. The Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Barlow opened the floor for nominations for Board President. Mr. Church nominated Donald Horsley for President. There being no other nominations, President Barlow closed the

Board of Agriculture and Consumer Service

May 18, 2023

Page 2

nomination and called for a vote on the nominee. The Board elected Mr. Horsley as President by a unanimous vote.

President Barlow opened the floor for nominations for Vice President. Mr. Shell nominated Jacquelin Easter. Mr. Houff nominated Margaret Ann Smith. Ms. Easter requested to withdraw. President Barlow closed the nominations and called for a vote on the nominee, Ms. Smith. The Board elected Ms. Smith as Vice President by a unanimous vote.

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

All three officer positions become effective July 1, 2023, and run through June 30, 2024.

REPORT FROM BOARD MEMBERS

Charles Church

Mr. Church reported on recent and upcoming Virginia Pest Management Association (VPMA) trainings. Since the start of this year, the VPMA has provided recertification trainings for registered technicians and certified applicators through five training events. He mentioned that VPMA staff at the Virginia Tech campus is working under Dr. Dini Miller and the Dodson Pest Management Lab to provide specialized master technician training on cockroaches and pest management techniques. He added that there are two final training events in June, with a combined registration of 125 applicators. He stated that the VPMA is providing two free webinars in partnership with the Office of Pesticide Services (OPS) on how to access the online portal for pesticide business licenses, applicator licensees, and for general training on the new system. He concluded his report by sharing how pleased VPMA is to see the progress of the online portal for the compliance needs of small businesses in the pest management industry.

Neil Houff

Mr. Houff concurred with Mr. Church's comments on the efficacy and progress of services available through the online portal. He also reported that there has been a decrease this year in the Northern Valley in demand for the services offered by the custom applicators, fertilizer dealers, and retailers, and he attributed this to the weather so far. He reported that an unusual drop in fertilizer and glyphosate prices occurred early this spring, which surprised some retailers. He concluded by sharing an observation that the national pesticide retailers' group that he is a member of made that insecticide sales are down substantially, particularly in the southeastern U.S. Whether the cause of that is genetically modified crops or lesser insect pressure is undetermined.

O. Bryan Taliaferro

Mr. Taliaferro began his report by mentioning that this may be his last meeting, as his term has ended, but he will continue to serve until the Governor replaces or reappoints him. He reported that in his district, they have a wide array of crop production, nurseries, vineyards, wineries, and aquaculture. However, one area of concern is the threat to blue crab population from blue catfish. He concluded with a report on how excellent weather conditions have led to an early planting schedule.

Don Horsley

Board of Agriculture and Consumer Service

May 18, 2023

Page 3

Mr. Horsley reported that the relatively dry and cold spring weather this year has slowed the germination of plants. He stated that planting is ahead of schedule for almost everyone in his district and that the crops are growing well. However, he was discouraged by the prices of grains lately, as the demand for exports has slowed so the price has dropped drastically for corn, wheat, and soybean. He reported that the potato crop on the Eastern Shore got off to a good start, the drought conditions in the southeast have passed, and the wheat harvest will be early this year, with harvest in the next two weeks. He also appreciated the decline in fertilizer, fuel, and glyphosate prices given that inflation and interest rates are high right now and affecting farmers. Mr. Horsley concluded by sharing with the Board and VDACS an appreciation letter from his colleagues on the Youth Development Board at the State Fair of Virginia for the \$25,000 that VDACS provides each year.

Clifton Slade

Mr. Slade reported that things look good but the vegetable industry is about 10-14 days behind. He shared that one of the area strawberry growers is approaching a \$70,000 per acre sale of strawberries. He reported that he is selling sweet potato plants now in addition to selling sweet potatoes. He mentioned that he missed the last Board meeting because he was attending the National AgrAbility Conference and that there are a lot of new products for farmers with disabilities. He also mentioned the importance of farm safety. Mr. Slade concluded by mentioning that he was approached by Virginia State University with a grant to grow foraged hemp for a company in North Carolina. He mentioned that the grant has been tabled for a year because of some grower concerns and that the company is looking for 1,500 acres of foraged hemp to be grown in Virginia.

Cecil Shell

Mr. Shell reported that conditions were dry a month ago but that they have started getting rain. The wheat crop looks good, and they have planted corn, soybeans, and tobacco. He shared that the timber industry in his district is rolling and there is tremendous demand. Much of the timber is being cut when the trees are still small because of the demand, especially by electrical companies. The same holds true for wood chips. He concluded by saying he was glad to see the drop in fertilizer prices, especially because they were high the previous year.

Margaret Ann Smith

Ms. Smith began by offering a report on the weather, which varies depending on where you are in her district. She reported that producers have been delayed in planting crops because of the fluctuations in the weather. Producers are wrapping up harvesting small grain for silage, which went well because of the good winter. She also reported that cattle prices are holding and that they have seen their seasonal highs but there may be a bounce over the next two weeks. She mentioned concerns in some parts of western states about the lack of hay because they have not received rain over the past year. She reported that there is much misinformation and miscommunication about the changes to accessing vaccinations and antibiotics for cattle and that Dr. Broaddus is working hard to communicate accurate information about these changes. She concluded by sharing that beef exports are down three percent, which is likely attributed to cattle prices.

Jacquelin Easter

Ms. Easter reported that the closure of the Tyson plant in her district will have significant ripple effects, not unlike the tobacco buyout. She shared that many producers in her district were not prepared and will be thinking through decisions they made and that producers have cut out corn

Board of Agriculture and Consumer Service

May 18, 2023

Page 4

acreage since most do not have enough area to harvest and store. She reported that producers in her district are just beginning to plant corn and soybean because of the weather fluctuations earlier in the month but the outlook in the agriculture community is positive. She also echoed Mr. Slade's comments on the importance of farm safety. She concluded on a personal note regarding the loss of her husband.

Kailee Tkacz Buller

Ms. Buller began her report with mention of the excitement around spring agritourism activities in her district. She reported that lobbying is happening in D.C. right now in preparation for the 2023 federal Farm Bill and that there is much postering currently over the debt ceiling. She concluded with a warning about the sophistication of scams targeting the agricultural community due to artificial intelligence.

James Huffard

Mr. Huffard reported that the weather has been favorable for planting corn but the cold wave stunted the pastures and grass. He also reported that dairy prices are falling rapidly, so milk revenues are lower, but the decrease in corn and fuel prices have also offset some of the costs. He stated that his milk business is stable and the production of milk is holding steady. He concluded by sharing that additional high school and university football teams in his district want chocolate milk as a recovery drink, so he has expanded sales.

Richard Sellers

Mr. Sellers reported that farmers markets in Northern Virginia are in full swing and that spring vegetables are doing well. He mentioned the Virginia Agriculture magazine's focus on urban and small agriculture and shared that Governor Youngkin visited a large controlled environment agriculture operation in Herndon that allows produce to be sold to consumers without a lag period due to transportation. He also mentioned that Fairfax County possesses many private warehouse buildings and the county is interested in creating similar urban agriculture projects for people who are food insecure. He concluded by sharing that the church gardens have been planted and are doing well.

Dr. Janine Woods

Dr. Woods began her report by sharing that U.S. Representative McClellan visited the VSU campus the previous week to meet with producers and tour Randolph Farm. Dr. Woods shared that producers expressed concern during the meeting about the availability of "televet" services in the future, the timing of pesticide applicator certification, and the impact inflation is having on inputs and profit margins. She concluded with an update on recent and future VSU events, including the Virginia Farm Festival, Small Farm Outreach Program field days, general farmer field day at Randolph Farm on June 14, and 1890 Center of Excellence for Student Success and Workforce Development National Symposium June 5-7.

Lonnie Johnson

Mr. Johnson began his report by sharing that Dr. Saied Mostaghimi is retiring and the search for his replacement is ongoing. He reported that the hiring committee had a good applicant pool and narrowed the field down to three candidates: Dr. Mary Burrows from Montana State University, Dr. Troy Ott from Penn State University, and Dr. Margie Lee from Virginia Tech. He also shared that Dr. Mike Gutter is the new Director of the Virginia Cooperative Extension (VCE) program. He concluded by highlighting the partnership between Virginia Tech and Virginia State University with respect to VCE, stating that even though the two are separate universities, VCE

is one system that works together. For the first time in history, the two universities jointly funded, along with the city of Petersburg, a VCE agent position.

Shelley S. Butler Barlow

Ms. Barlow began her report by expressing how wonderful an experience serving as President of the Board was for her. She was also appreciative of everyone's condolences when her father-in-law, who also served as President of the Board, recently passed away. She reported that she is still in the beginning of her planting for the season and that the conditions, which had fluctuated and caused her to wait, are now perfect. She reported that the corn is planted and looking good. Peanuts and cotton are almost in the ground and coming up. She shared that many producers in her district planted soybeans early, pick-your-own farms are in full-swing, and strawberry season has been great. She shared that they have a grower trying pick-your-own lettuce and zucchini days as well. She also shared that community gardens are beginning to be planted and up and running. She reported that the local Soil and Water Conservation District held a farm day and that all second graders in Isle of Wight County participated, and she expressed how important it is to get kids thinking about agriculture at a young age. Finally, she mentioned that Virginia agriculture is incredibly diverse in terms of types of products and production and that it is done by only a few people to create the largest industry in the Commonwealth. She also expressed her gratitude for being able to serve on the Virginia Tech Board of Visitors as President of the Board.

COMMISSIONER'S REPORT

Commissioner Joseph Guthrie delivered his report to the Board. During the presentation of this report, he 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 agenda and materials.

FINAL STAGE – 2 VAC 5-105 (REGULATIONS FOR THE INSPECTION OF PET SHOPS SELLING DOGS AND CATS)

President Barlow called on Dr. Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services. Dr. Broaddus briefed the Board on the proposed stage for 2 VAC 5-105. Following Dr. Broaddus's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-105, Regulations for the Inspection of Pet Shops Selling Dogs or Cats, 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.

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

APPOINTMENT OF REGULATORY ADVISORY PANEL FOR 2 VAC 5-675 (REGULATIONS GOVERNING PESTICIDE FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES)

President Barlow called on Lisa Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Trossbach briefed the Board on the proposed appointment of the regulatory advisory panel for 2 VAC 5-675. Following Ms. Trossbach's presentation and questions from the Board, Ms. Smith moved that the Board of Agriculture and Consumer Services approve the creation of a regulatory advisory panel for the purpose of assisting the Board in reviewing the fee amounts established in 2 VAC 5-675, Regulations Governing the Pesticide Fees Charged By the Department of Agriculture and Consumer Services. The regulatory advisory panel consists of the following members:

Board of Agriculture and Consumer Service

May 18, 2023

Page 6

- Neil Houff
- Charles Church
- Shelley S. Butler Barlow
- Representative from Virginia Agribusiness Council
- Representative from Virginia Farm Bureau Federation
- Representative from Virginia Pest Management Association
- Representative from Virginia Crop Production Association
- Representative from CropLife America/Responsible Industry for Sound Environment

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

Following the motion, Ms. Trossbach provided a brief presentation about the status of the OPS online certification system for pesticide applicators, pesticide businesses, and pesticide product registration.

UPDATE ON VDACS AUDITS OF APPLICATORS, APPLYING FERTILIZER TO NON-AGRICULTURAL LAND

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino provided an update on VDACS's audits of applicators applying fertilizer to non-agricultural land.

VIRGINIA WINERY DISTRIBUTION COMPANY BOARD APPOINTEE

President Barlow called on Commissioner Guthrie, who brought to the Board's attention the expiration on June 30, 2023, of Stan Joynes's term on the board of directors of the Virginia Winery Distribution Company (VWDC) 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 of directors of the VWDC. Commissioner Guthrie indicated that he received a letter dated April 27, 2023, from George Hodson, President, Virginia Wineries Association, recommending that Mr. Joynes be reappointed to the VWDC board of directors.

This request to the Board is 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.

Following Commissioner Guthrie's comments to the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services reappoint Stan Joynes, Chief Executive Officer and owner of Valley Roads Vineyards, LLC, to fill a term from July 1, 2023, through June 30, 2027, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board of directors of the VWDC.

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

LEGISLATIVE UPDATE

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research to provide a legislative update to the Board. Mr. Schmidt provided an overview of legislation

tracked by VDACS during the 2023 Session of the General Assembly. Stephanie Taillon, Virginia Farm Bureau Federation, also answered legislative questions from the Board.

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Barlow announced that the remaining Board meeting date for 2023 in Richmond will be December 7. Mr. Horsley announced that he will be hosting the summer meeting and tour August 3 and August 4 in Virginia Beach in conjunction with the 2023 Virginia Ag Expo, which will be held at his farm on August 3.

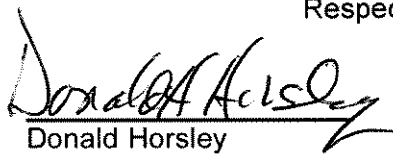
PUBLIC COMMENT PERIOD

Herman Ellison, State Statistician, U.S. Department of Agriculture National Agricultural Statistics Service, reported that the response rate for the U.S. Census of Agriculture for Virginia is currently three percent behind, an improvement from the six percent such rate was behind in the past Census of Agriculture five years ago. Mr. Ellison said that USDA NASS is still working on collecting responses, and he thanked everyone for their cooperation with the collection effort.


ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:00 p.m.

Respectfully submitted,



Donald Horsley
Board President



Kevin Schmidt
Board Secretary