

FINAL MINUTES

Board of Agriculture and Consumer Services
Oliver Hill Building, 102 Governor St., Richmond, Virginia
March 24, 2011

The meeting convened at 9:00 a.m. on Thursday, March 24, 2011, in Room 220 of the Oliver W. Hill Building, 102 Governor Street in Richmond, Virginia. President Rogers called on Mr. Fleming for the invocation. Mr. Rogers then called on the Board Secretary to read the roll:

PRESENT

Stephen Ellis
Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert J. Mills, Jr.
Rosalea Riley
Edward S. Fleming
Patrick A. Toulme
Charles C. Clark, Jr.
John D. Hardesty, Jr.
Melvin E. Murphy

DISTRICT

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

Dr. Wondi Mersie

Representing President of Virginia
State University

Dr. Brian Calhoun

Representing President of Virginia Tech

STAFF PRESENT

Matthew J. Lohr, Commissioner
Sandra J. Adams, Deputy Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

In response to Mr. Mills' motion and a second by Mr. Clark, the Board approved the minutes of the December 9, 2010, meeting as distributed.

REPORT FROM BOARD MEMBERS

President Rogers reported on Virginia Tech's announcement that it would reinstate its efforts to seek input from stakeholders on the restructuring of Virginia Cooperative Extension. He also reported on his participation in the Virginia Ag Literacy Week efforts to educate our youth concerning the important role/contributions of Virginia agriculture. He noted that other Board members also supported Ag Literacy Week in their local schools.

Mr. Clark reported that his district came out of winter in pretty good shape. He added that farmers made it through the winter better than they did last year. He stated that fuel prices are a big concern. He noted that everyone is hoping for adequate rainfall this spring.

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Mr. Toulme noted that Northern Virginians were pleased to learn that VDACS had finished its investigation of the Navy Veterans Association charity scheme, that VDACS had found it to be fraudulent and that VDACS referred this case to the Office of the Attorney General for prosecution. He also commented on the need for a balanced review of the elk introduction issue.

Mr. Hardesty reported that recent rain has helped improve the underground water system in his area. Regarding local concerns, he noted that the stinkbug is still a problem for residents and spoke about research conducted in his area. He also reported on farming activities underway in his area.

Mr. Ellis stated that farmers in his area share a positive outlook this spring. He talked about his district getting ready for the planting season and baseball and softball season. He reported that corn planting is expected to start next week.

Mr. Mills reported that he participated in Congressman Robert Hurt's agriculture roundtable held in Pittsylvania County and noted that concerns were expressed about federal labor laws and regulations that restrict a farmer's ability to hire needed workers and about federal environmental laws and regulations that impact agriculture in the Chesapeake Bay area and in the rest of the state. He talked about farming activities underway in his area. He also reported that his participation in Virginia Ag Literacy reading activities in local schools was well received.

Dr. Calhoun, who represented Dr. Charles W. Steger, President of Virginia Tech, reported that Virginia Tech is going back to the table to involve more groups and visit additional parts of the state in the University's dialogue with stakeholders to develop a plan for restructuring of Virginia Cooperative Extension. He encouraged the Board members to participate in the planning process. He advised that Dr. Ed Jones, who was at North Carolina State University for 25 years, begins his new job as Virginia Tech's Director of Cooperative Extension on April 1, 2011.

Dr. Mersie, who represented Dr. Keith T. Miller, President of Virginia State University (VSU), reported that the 4th Annual USDA Outreach Conference was held at VSU on March 14, 2011. He noted that the goal of this conference was to bring Virginia farmers and professional staff of different USDA agencies to one location, and provide an opportunity for communication and interaction. He stated that VSU President Miller addressed the Virginia Farm Bureau Federation (VFBF) Board of Directors on February 24, 2011, and outlined his vision for VSU's agricultural program.

Mr. Fleming reported that after much snow and rain in winter, his area went through a dry spell. He added that everyone hopes to get timely rainfall this spring. He noted that small grain crops are doing well. He also reported on feedback from a local farmer concerned about cost inputs for his crops. He also reported that sales for beef cattle are up and, hopefully, this should offset some of the increased costs. Concerning Virginia Ag Literacy Week, he noted that VFBF President Wayne Pryor, Goochland County Farm Bureau President Steven Bostic, and he took part in the reading activities for Goochland County. Concerning consumer issues, he reported that people in his district want to know what can be done about the rising fuel and food prices.

Mr. Sturgis reported that conditions on the Eastern Shore are looking much better this year than last year. He noted that 16 inches of snow during the winter helped provide some relief from drought conditions. He noted that two other Shore farmers and he participated in Virginia Ag

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Literacy Week activities in local schools, including presenting agriculture books to school libraries. He reported that potato planting is in full swing, and that tomato growers are putting down plastic. He stated that wheat looks good this year, but voiced concerns about the rise of fertilizer and diesel fuel prices. Regarding aquaculture, he indicated that he is seeing a lot of good crab this year. He closed with a note that strawberries are getting ready to come up.

Mr. Bain reported that everyone is trying to put the 2010 drought behind them and move ahead. He added that it is hard to deal with empty grain bins when they should be half full right now and that this situation is having a significant impact on cash flow this year. He also noted that irrigation ponds are not full and that everyone is hoping to receive significant rainfall in the next few weeks. He reported that the wheat crop looks good. He pointed out that higher commodity prices are not much help when farmers do not have anything to sell. He stated that everyone is hoping for a decent season this year but there are concerns about rising fertilizer and fuel prices.

Mr. Murphy reported that everyone is still having to deal with the traffic problems associated with the Metro coming into and going out to Dulles Airport. He noted that bed bugs and stink bugs are back and creating problems. He added that coyotes are running loose in his district and that this is making news.

Ms. Riley reported that her area has received a lot of spring rain which has been beneficial but has also created problems for farmers trying to plant their crops. She stated that earlier plans to put a major slaughter facility in the Shenandoah Valley are being scaled back. She noted that the planners now are looking at constructing a cut and cook type of facility and shipping cattle from Pennsylvania to this facility. She also reported on her participation and that of others in Virginia Ag Literacy Week activities in Augusta County's schools and the donation of 40 books to the Waynesboro Public Library.

COMMISSIONER'S REPORT

Commissioner Lohr briefed the Board on personnel changes, recent and future events and other matters relating to VDACS and its efforts to promote agriculture and consumer protection. A copy of a written report on which his presentation was based was included in the Board's meeting folders.

LEGISLATIVE UPDATE

Commissioner Lohr reviewed with the Board a summary of significant legislation considered by the General Assembly during the 2011 session that just ended.

STATE BUDGET UPDATE

Deputy Commissioner Sandy Adams briefed the Board on actions of the General Assembly affecting VDACS and agriculture and consumer interests.

MEETING RECESSED

President Rogers recessed the Board meeting at approximately 10:25 a.m. when the court reporter finally appeared at the meeting room to allow for staff and the court reporter to prepare for a public hearing on proposed regulations 2 VAC 5-141.

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PUBLIC HEARING – PROPOSED HEALTH REQUIREMENTS GOVERNING THE ADMISSION OF AGRICULTURAL ANIMALS, COMPANION ANIMALS, AND OTHER ANIMALS OR BIRDS INTO VIRGINIA (2 VAC 5-141)

At approximately 10:30 a.m., President Rogers opened the public hearing on proposed regulations, Health Requirements Governing the Admission of Agricultural Animals, Companion Animals, and Other Animals or Birds Into Virginia (2 VAC 5-141). A court reporter was present to record and later transcribe the hearing. This transcription will be shared with the Board and staff and attached to the final minutes of the March 24th meeting. Dr. Dan Kovich of the Division of Animal and Food Industry Services was the main staff presenter for VDACS. (Copies of the proposed 2 VAC 5-141 were sent to Board members prior to the meeting and copies of the proposed regulations were included in the Board member folders for the March 24th meeting.) Members of the public who spoke on the record included Wayne Bolton, Christine Solem, Suzi Croes, Lois Smith, Wilmer Stoneman, Elizabeth Van Deventer, and Linda Polak.

MEETING RECONVENED

At approximately 11:20 a.m., President Rogers closed the public hearing and reconvened the regular meeting of the Board.

INTRODUCTION OF ELK TO VIRGINIA

James Hazel, Chair of the Board of Game and Inland Fisheries (BGIF), briefed the Board on BGIF's decision to introduce/reintroduce elk in a southwest Virginia county. In response to his comments, a number of members voiced concerns that important issues expressed by the farming communities and others were not given sufficient consideration. With Mr. Hazel during his presentation was Robert W. Duncan, Executive Director of the Department of Game and Inland Fisheries.

FINAL ACTION – ADOPTION OF REGULATIONS PERTAINING TO FOOD FOR HUMAN CONSUMPTION (2 VAC 5-600)

Ryan Davis, Manager of the Office of Dairy Foods, briefed the Board on the Commissioner's adoption of 2 VAC 5-600 on February 22, 2011. He then recommended that the Board take action to adopt the Regulations Pertaining to Food for Human Consumption. (Copies of 2 VAC 5-600 was sent to Board members prior to the meeting and copies were included in Board folders for the March 24th meeting.)

Following an opportunity for comments and questions, Mr. Clark moved that the Board adopt as final regulations 2 VAC 5-600, Regulations Pertaining to Food for Human Consumption presented by staff. His motion was seconded by Mr. Toulme and passed by the Board by a unanimous vote.

NOTICE OF INTENDED REGULATORY ACTION – REGULATION OF THE HARVEST OF GINSENG (2 VAC 5-321)

Keith Tignor of the Office of Plant Industry Services briefed the Board on the need for this policy making body to initiate regulatory action to consider establishing requirements relating to the harvest of ginseng. Following comments and questions, Mr. Ellis moved that the Board authorize staff to take any and all actions necessary to file, on behalf of the Board, a Notice of Intended Regulatory Action concerning the promulgation of a Regulation of the Harvest of Ginseng, 2 VAC 5-321. Mr. Mills seconded the motion and the Board voted unanimously to pass it.

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NOTICE OF INTENDED REGULATORY ACTION - REGULATIONS FOR ENFORCEMENT OF THE NOXIOUS WEED LAW (2 VAC 5-217)

Larry Nichols, Manager of the Office of Plant Industry Services, presented information supporting the filing of a Notice of Intended Regulatory Action to consider the need for Regulations for Enforcement of the Noxious Weed Law, 2 VAC 5-217. Following comments and questions, Mr. Clark moved that the Board authorize staff to take any and all actions necessary to file, on behalf of the Board, a Notice of Intended Regulatory Action concerning the promulgation of Regulations for Enforcement of the Noxious Weed Law, 2 VAC 5-217. Mr. Toulme seconded the motion and Board voted unanimously to pass it.

FINAL ACTION – REPEAL OF REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA GASOLINE AND MOTOR FUEL LAW (2 VAC 5-420)

Erin Williams of the Division of Consumer Protection (DCP) briefed the Board on public input DCP received on the proposed repeal of Regulations for Enforcement of the Virginia Gasoline and Motor Fuel Law (2 VAC 5-420) and recommended that the Board take final action to repeal these regulations. After an opportunity for comments and questions, Mr. Hardesty moved that the Board adopt as its final action the repeal of Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, 2 VAC 5-420, and authorize staff to take any and all actions necessary to make the repeal of these regulations final. Mr. Ellis seconded the motion and the Board voted unanimously to pass it.

FARMLAND PRESERVATION, FARMLINK AND CENTURY FARM PROGRAMS

Kevin Schmidt of the Division of Marketing and Development briefed the Board on the Office of Farmland Preservation, Farmlink, and the Century Farm program.

COOPERATIVE AGRICULTURAL PEST SURVEY (CAPS)

Debra Martin, CAPS Coordinator in the Office of Plant Industry Services, presented a briefing on the work of the Cooperative Agricultural Pest Survey.

NEW BUSINESS

No new business was introduced.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers reported that future Board meetings in 2011 will be on May 26, August 9 and December 8. Mr. Mills reported that he and his family are pleased to host a catered dinner for Board members, guests and staff on August 9 on his farm following the Board's August meeting. He also reported on plans for the three places that will be visited during the August 10 Board tour in Pittsylvania County.

PUBLIC COMMENT PERIOD

Wilmer Stoneman of the Virginia Farm Bureau Federation thanked everyone who participated in Virginia Ag Literacy Week on behalf of Farm Bureau President Pryor. He also noted that the Farm Bureau opposes the state project to re-introduce elk. He added that there needs to be a resolution of concerns expressed about this project.

In response to a question from Mr. Bain, Mr. Clark stated that his county still opposes the elk introduction project approved by the Board of Game and Inland Fisheries.

ADJOURNMENT

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There being no further business, the Board meeting adjourned at 12:55 p.m. (The next scheduled meeting is May 26, 2011 in Richmond.)

Respectfully submitted,

Paul W. Rogers, Jr., Board President

Roy Seward, Board Secretary