

FINAL MINUTES

Board of Agriculture and Consumer Services
Olde Dominion Agricultural Complex
Chatham, Virginia
August 9, 2011

The meeting convened at 2:00 p.m. on Tuesday, August 9, 2011, in the Olde Dominion Agricultural Complex at Chatham, Virginia. President Rogers called on Mr. Fleming for the invocation. Mr. Rogers then called on the Board Secretary to read the roll:

PRESENT

Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert J. Mills, Jr.
Rosalea Riley
Edward S. Fleming
John D. Hardesty, Jr.
Dr. Jewell Hairston
Dr. Brian Calhoun

DISTRICT

2nd
3rd
4th
5th
6th
7th
10th

Representing President of Virginia State University
Representing President of Virginia Tech

ABSENT

Stephen Ellis
Patrick A. Toulme
Charles C. Clark, Jr.
Melvin E. Murphy

1st
8th
9th
11th

STAFF PRESENT

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

APPROVAL OF MINUTES

In response to Mr. Sturgis's motion and a second by Mr. Mills, the Board approved the minutes of the May 26, 2011, meeting as distributed.

REPORT FROM BOARD MEMBERS

Ms. Riley reported that barley yields this year are a little lower than average on a per bushel basis. She noted that rain in her district has been hit or miss and that some areas are extremely dry. She added that corn is drying up really quickly but that some fields five miles down the road were beautiful, green, and lush. She reported that the second cutting of hay has been lower than average.

Mr. Sturgis reported that the Eastern Shore farmers had an excellent potato crop this year and that there was good quality, a good yield, and a good market. He noted that the yield for tomatoes has been excellent because of the weather; but that the markets been mediocre. He indicated that the wheat crop did well this spring. He mentioned that the Commissioner has asked him to serve on a stakeholders committee formed by the Department of Game and Inland Fisheries regarding the kill permit issues and how to make these permits more readily available to growers. He noted that the permits concern bear, deer and elk. He added that the

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committee has met three of the five times scheduled and is expected to have a report in September.

Mr. Bain reported that crops in his district are excellent for the first time in a long time. He noted that farmers have had a good wheat harvest and good yields. He added that the state had the best wheat crop ever. He indicated that corn is good but will not be a bumper crop. He reported that he has begun irrigating his cotton and peanut crops. He indicated that farmers in his area have been fortunate to save a lot of diesel fuel up to this point. He commented on the fluctuations of the commodity markets and how they affect everything.

Mr. Fleming reported that conditions are dry but that wheat yields were better than average. He indicated that corn crops started off looking very good but that dry weather caused conditions to turn downward. He noted that the shortage of rain has forced some feeding of cattle. He reported that the farmers markets in Manakin is having a very good year.

Dr. Calhoun reported that Dr. Ed Jones, Associate Dean and Director of Extension, is now on board at Virginia Tech. He noted that Dr. Jones comes from North Carolina State University where he served as an Associate Director of Extension for 23 years. Dr. Calhoun reported that Tech will be hiring 25 new extension agents across the Commonwealth and the University thus far has advertised for 15 of those positions. He noted the process is underway to interview and hire new agents to eventually fill all 25 new positions in Extension.

Mr. Mills welcomed everyone to Southside Virginia. He noted that it is very exciting to have the Board meet at the Olde Dominion Agricultural Complex. He indicated that the grand opening for the farmers markets at the Complex was held on last Saturday. He told them that the Agribusiness Council held a Town Meeting with Todd Haymore, Secretary of Ag & Forestry as the facilitator at the Complex. He noted that one of the topics at the Town Meeting was the potential for uranium mining and how it might impact agriculture. He indicated that the Complex is about seven miles from where the area where uranium has been found. Concerning the crop situation, he reported that wheat and barley crops were excellent this spring. He noted that the dry weather has ruined the corn crop and that farmers are chopping corn right now to get it off the land and salvage what they can. He added that pastures are very dry and that farmers are already feeding hay to their livestock. He indicated that tobacco in his area looks pretty good if it is being irrigated. He noted that the dry weather has also hurt the soybean crop. He concluded that farmers are optimistic and look forward to a better crop year in 2012.

Mr. Hardesty thanked Mr. Mills for hosting the Board meeting and tour and expressed his condolences to Commissioner Lohr on the loss his wife Andrea who had served so well as a Board member. He mentioned that farmers in his district who are getting adequate rainfall have a good peach crop this year while others in dry areas have been less fortunate. He noted that the apple crop looks average this year. He reported that Dr. Wall of the Alson Smith Research Lab told him that the second generation of stink bugs are about to emerge. He noted that the first generation of stink bugs damaged crops in his district. He noted that farmers have started chopping corn for silage.

Dr. Hairston reported that on August 23, 2011, Virginia State University (VSU) will hold its annual Agriculture Field Day and that the focus will be on new technology for 21st century landowners. She noted 400 persons are expected to attend the VSU workshop that will address this theme. She invited the other Board members to attend VSU's field day. During her report, Dr. Hairston talked about the academic review her University is conducting this summer to take

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a critical look at what VSU is doing and how this review is seeking input from African-American farmers and Hispanic workers. She also reported on plans for the School of Agriculture Retreat that will bring faculty and staff together for information sharing during August 18-19, 2011.

Mr. Rogers reported that crops in his district are looking good but that there is still a ways to go before the harvest. He noted that conditions are starting to get dry. He complimented Mr. Mills on the fine facilities of the Olde Dominion Agricultural Complex. Concerning Virginia Tech, he mentioned that Tech has added a new two-year crops curriculum. He also expressed his condolences to the Commissioner and his family on the loss of Andrea.

COMMISSIONER'S REPORT

Commissioner Lohr thanked everyone for the thoughtful cards, letters, flowers, and emails following Andrea's passing. He then 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 his report was included in the Board's meeting folders.

Following his report, Mr. Sturgis asked about the filling of VDACS' two new Agricultural Stewardship Act (ASA) positions. Linda Cole, Director of Human Resources, reported that Greg Barts was hired for the Roanoke area position and that Tim Higgs was selected for the position that is based in Harrisonburg.

REGULATIONS FOR THE APPLICATION OF FERTILIZER TO NONAGRICULTURAL LANDS (2 VAC 5-405)

Commissioner Lohr briefed the Board on the need to readopt 2VAC 5-405. He explained that during the executive review of the regulations that were adopted by the Board at the May 26th meeting, it was determined that the definition of "agricultural activity" needed to be clarified. It was suggested the definition read as follows: "agricultural activity means any activity used in the production of agricultural products for commercial purposes, including but not limited to farming, feedlots, grazing livestock, poultry raising, dairy farming, and aquaculture activities." In the regulations adopted by the Board at the May meeting, the definition of "agricultural activity" refers to "food and fiber". It is believed that the amended definition is more appropriate.

Following the presentation and comments, Dr. Calhoun moved that the Board re-adopt Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5-405, with the amendment to the definition of "agricultural activity" presented by staff and that the Board direct staff to take any and all actions necessary for these regulations to become final. Mr. Mills seconded the motion and it was carried by a unanimous vote of the Board.

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

Dr. Richard Wilkes, State Veterinarian and Director of the Division of Animal and Food Industry Services, opened the staff briefing and then introduced Dr. Dan Kovich of his staff who called the Board's attention to documents that were provided before and during the May 26th meeting concerning the proposed Health Requirements Governing the Admission of Agricultural Animals, Companion Animals, and Other Animals or Birds into Virginia (2 VAC 5-141). These documents, which were also sent to the Board before the August meeting and which were included in the August meeting folders, included a summary of the key differences between the proposed 2 VAC 5-141 and the current 2 VAC 5-140 which it would replace upon adoption, and a summary of the changes to the proposed 2 VAC 5-141 which staff recommend in response to public comment. Following the briefings concerning public comments and suggested

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responses, Dr. Kovich recommended that the Board adopt the proposed regulations with the amendments presented today by staff. Mr. Seward noted that as part of the adoption of the proposed regulations 2 VAC 5-141 the Board would be repealing the current regulations 2 VAC 5-140.

In response to questions from the Board, Dr. Kovich noted that the proposed 2 VAC 5-141 will not change the manner in which slaughter animals are handled and that, generally, the proposed regulations will not change the handling of animals being moved to the Virginia State Fair. Concerning the impact of the proposed regulations on small farmers, Dr. Kovich indicated that the amendments to the proposed regulations that have been presented provide exemptions in response to public concerns and that the proposed regulations being considered for adoption should benefit all farmers including those with smaller operations. Dr. Kovich also emphasized that the proposed regulations do not affect animals already in Virginia and do not establish any identification requirements for animals in the Commonwealth.

Following questions and comments, Mr. Bain moved that the Board adopt Health Requirements Governing the Admission of Agricultural Animals, Companion Animals, and Other Animals or Birds into Virginia, 2 VAC 5-141, as presented by staff and that the Board direct staff to take any and all actions necessary for these regulations to become final. Dr. Hairston seconded the motion and it was carried by a unanimous vote of the Board.

THOUSAND CANKERS DISEASE UPDATE

President Rogers called on Norm Dart, Plant Pathologist, of the Division of Consumer Protection, who briefed the Board on what has taken place regarding the Thousand Cankers Disease since the May Board meeting. In his presentation, Mr. Dart reviewed the Commissioner's action to issue a temporary Thousand Cankers Disease Quarantine. It is expected that the Board will take up this issue at the December 8th meeting.

BRIEFING ON COBBLESTONE/VDACS COOPERATION

Dr. Joe Garvin, Program Manager for Office of Laboratory Services, of the Division of Animal and Food Industry Services (DAFIS), introduced Lisa Ramsey, Microbiologist Supervisor, Lynchburg Regional Animal Health Laboratory, who presented a briefing on the successful cooperative work involving the Cobblestone Cooperative and DAFIS and how this successful partnership has benefitted both parties.

VDACS APIARY INSPECTION & RELATED ACTIVITIES

State Apiarist Keith Tignor of the Division of Consumer Protection briefed the Board on the VDACS' Apiary Inspection program and other activities that support beekeeping. In response to questions from the Board, Mr. Tignor advised that, on average, it costs approximately \$150 to establish a beehive and another \$150 for equipment a beekeeper would need to wear/use.

VDACS MARKET NEWS PROGRAM

Brett Richardson, who manages the Market News program for the Division of Marketing, briefed the Board on the work and services provided by this program and shared copies of publications prepared and released through this program.

BRIEFING ON BOARD'S ROLE & AUTHORITIES

In response to a request made by President Rogers at the December 2010 meeting, Steven Jack, Assistant Attorney General, reviewed with the Board members the role, authorities, duties and responsibilities of the Board under state law. Copies of a memo from Mr. Jack to President

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Rogers which included a detailed listing of the duties, authorities and responsibilities were included in the Board meeting folders.

NEW BUSINESS

Mr. Bain brought up the subject of hunting on Sundays indicating that most people oppose it. Mr. Mills noted that landowners in general oppose it. Concerning whether the Board should take a position on this issue, Commissioner Lohr suggested that this is a matter that the Governor will take the leadership on should Sunday hunting legislation come before the General Assembly in the next session. Mr. Bain suggested that Board members talk with their representatives in the state legislature to let them know your position on this issue.

BOARD'S VISIT TO PITTSYLVANIA COUNTY

Mr. Mills briefed the Board on plans for the Board dinner at his farm and for the Board tour the next day. He noted that the tour will include a visit to a tobacco farm, Piedmont BioProducts, and an innovative dairy farm.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers reported that the last meeting of 2011 is scheduled for December 8 and that the Board meeting dates for 2012 include March 22, May 24, and December 6. Mr. Seward reported that Mr. Hardesty has volunteered to host the Board for its 2012 summer meeting and tour.

PUBLIC COMMENT PERIOD

President Rogers called on Wayne, Bolton, Lois Smith, Susie Croes, and Dawn Dolpp who had signed up to speak to the Board. Mr. Bolton expressed his opposition to national animal identification regulations. Ms. Smith indicated that she opposed animal ID requirements, trans fats and processed foods, and did not think disease/animal traceability was necessary. Ms. Croes thanked the Board for raising questions about the regulations brought before them. Ms. Dolpp, who indicated that she has alpacas, expressed concern about the impact of the transportation regulations on small farmers. She commented that if animal owners did not have to pay fees to bring animals into the state, more owners would participate in Virginia exhibitions.

Mr. Bain stated that he hoped that the health safety that we are trying to provide through regulations will be worth it to small farmers.

ADJOURNMENT

There being no further business, the Board meeting was adjourned at 4:45 p.m. (The next scheduled meeting is December 8, 2011 in Richmond.)

Respectfully submitted,

Paul W. Rogers, Jr., Board President

Roy Seward, Board Secretary