

FINAL MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
1111 E. Broad Street
East Reading Room
Richmond, Virginia
Thursday, March 23, 2017

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, March 23, 2017, in the Patrick Henry Building in Richmond. 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
Richard Sellers
Neil Houff
Kevin J. Kordek
Lonnie Johnson

Dr. Jewel Hairston Bronaugh

CONGRESSIONAL DISTRICT

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

ABSENT

John R. Marker

10th

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 8, 2016, be approved as distributed. Mr. Taliaferro seconded the motion, and it was passed by a unanimous vote.

REPORT FROM BOARD MEMBERS

O. Bryan Taliaferro, Jr.

Mr. Taliaferro reported that Virginia has one of the best small grain breeding programs in the country, which was started by Dr. Carl Griffey at Virginia Tech (VT) and is the only barley breeding program east of the Mississippi. The program has produced a variety of hullless barley varieties. Barley has been important in small grain and soybean production because it allows

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farmers to harvest their small grain crops early and then get their soybeans in a little earlier. Mr. Taliaferro mentioned that there was a seminar in Winchester on March 3 to discuss the benefits of barley, which included a presentation by C.R. Freeman, a premium beef producer from Oklahoma who feeds his cattle solely on barley, both as forage and as cracked grain. Mr. Freeman recently received a contract to sell his premium beef at Whole Foods. The beef is unique and appealing to consumers and has great marbling. Mr. Taliferro is hoping that the barley market can be built back up for producers in his area and elsewhere as a valued-added crop for feeding specialty beef. He mentioned that poultry producers also attended the seminar who claimed that their production levels had been maintained even while feeding their poultry barley instead of corn.

Clifton A. Slade

Mr. Slade reported that uncertainty is typical in his area right now. Most farmers don't know yet what they are going to plant because there isn't any obvious crop they can go to for a good profit margin. In his area, more peanuts were planted this year because some producers were able to get contracts. Mr. Slade reported that the vegetable crop outlook is good and that weather patterns, including recent cold weather, have been problematic.

Shelley Barlow

Ms. Barlow reported that there is a lot of discouraging and unsettling news in agriculture at the moment. Many things are changing and transitioning. She read to elementary school students during Ag Literacy Week and was asked what the difficult thing about her job was; she replied that it was the weather because it's one thing they can't do anything about. Ms. Barlow reported that most commodity prices are not great right now, but cotton had a big increase last few weeks that is giving growers some hope. She also indicated that the agriculture community is receiving great support through the Virginia Farm Bureau Federation (VFBF) and VT.

Robert J. Mills, Jr.

Mr. Mills reported that the season is progressing well despite major temperature fluctuations in February and March. Fertilizer sales up and those companies are doing very well. Most of the grass has been top dressed. There are some concerns about impact of a hard freeze a couple of weeks ago; they won't be able to evaluate the outcome for several weeks. Mr. Mills reported that he and other growers, including tobacco growers, poultry producers, cattle producers, and orchard owners met with the 5th U.S. Congressional District Representative, Tom Garrett, to discuss the issues facing farmers, including immigration and guest worker labor reform, the Farm Bill, and federal regulations. Representative Garrett seemed receptive to their concerns. Mr. Mills encouraged other members of the Board to meet with their congressional representatives to educate them about issues facing agricultural producers. He also participated in Ag Literacy Week. He read at a middle school and was surprised at how little the students knew about career opportunities in agriculture away from the farm. Mr. Mills stated that careers in agriculture support operations are needed to support farmers in their daily operations. He mentioned that tobacco contracts are finishing up in his area. Chinese Tobacco International (CTI) began contracting in the U.S. three years ago and have upped its volume by 60 percent this year. He attributes this to support from VDACS and tobacco associations that promote Southside Virginia tobacco overseas. He also mentioned that Brazilian tobacco volumes are up this year, which tobacco companies use as an excuse to pay Virginia tobacco companies less.

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Rosalea R. Potter

Ms. Potter reported that she also participated in Ag Literacy Week by reading at a local library and bringing a baby lamb to show the children. She agreed with the other Board members about how little consumers know about where their food comes from. They also hosted 20 middle school students from Botetourt County for a tour of their farm and processing plant. The students were asked about their interest in agricultural careers. The students expressed little interest, and one student made the comment that there is no benefits in farming. Ms. Potter stated that there is a disconnect with the younger generation and they need people to be out pioneering for farmers in the agricultural industry. She mentioned that the weather has been variable and that farmers are gearing up for spring planting.

L. Wayne Kirby

Mr. Kirby reported that small grain crops have been impacted by the warm weather. Some of the early varieties are way ahead, which could lead to crop damage because of recent cold temperatures. He mentioned that his district is waiting to see if recent cold weather has damaged the small grain crop and that farmers are now gearing up to plant corn. Mr. Kirby mentioned that he recently attended a commodity class in San Antonio that emphasized the importance of farmers knowing their costs. There are often opportunities to capitalize on better pricing earlier in the season. During the 2017 Session of the General Assembly Session, Mr. Kirby followed **SB 1195 Produce safety; farm inspections, civil penalty**, which would determine whether produce safety inspections would be conducted by VDACS or by the federal government. He thanked VFBF, the Virginia Agribusiness Council (VAC), and others that lobbied for the passage of the bill. He mentioned that growers in his area are very thankful to have VDACS handle produce inspections instead of federal inspectors.

Kay Johnson Smith

Ms. Smith reported that the weather has impacted activity in the community gardens in her area. There were many events in the D.C. area to celebrate National Ag Day. She encouraged farmers and members of the agricultural community to use social media for outreach to consumers because that's where people are getting their news today. Ms. Smith indicated that social media helps to make consumers feel connected to agriculture. She encourages everyone to get out of their comfort zone to use social media to promote agriculture.

James S. Huffard, III

Mr. Huffard reported that small grains have not started to grow in his region due to cold weather in his region. Some of farmers in the Carolinas have reportedly lost their entire strawberry crop due to weather. He indicated that prices in the dairy business continue to be depressed and that many dairy farmers with well-established herds have sold out this year because of the difficult conditions. Mr. Huffard hopes that things will get better, but the national outlook is not good. On the processing side, his company is still bottling the same amount of milk and sales are good. They've begun producing strawberry milk for the season, and it's been doing well. Mr. Huffard mentioned that there have been inquiries about a2 milk, which is a kind of milk that is naturally more digestible for many people that are lactose intolerant. His dairy had their milk tested by a reputable lab and found that 80 percent of their milk is a2 milk. He mentioned that the National Jersey Association will be conducting research this fall to develop and publish solid research on a2 milk. His farm bred the number one Jersey bull in the U.S. this year. This was the second year the bull was number one in the U.S. As a member of the National Jersey Board, he and other producers met in D.C. with several congressmen and members of the House Ways and Means Committee. Mr. Huffard reported that it was refreshing to see the

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interest, knowledge, and enthusiasm shown by the congressional staff regarding agricultural issues.

John R. Marker

Kevin Schmidt reported on Mr. Marker's behalf that it had been a very mild winter until last week in his district. Most of early fruit (primarily apricot, plums, and earlier strains of peaches) were damaged severely by recent low temperatures. If the weather continues to be warmer than normal, Mr. Marker is concerned about the later strains of peaches and apples. There could be blooms two to three weeks early. The Eastern part of his district this winter has been very dry. The Valley had rain in January and snow, which helped the crop. Livestock producers have a lot of hay left because of the mild winter and are enjoying a mild calving season. Small grains are a little variable because of moisture, but the cold weather has not affected them because most were planted late this year. The mild open winter allowed a lot of ground to be worked to get ready for corn in the spring. Mr. Marker reported that one of the fertilizer companies he spoke with indicated that it had the best February ever spreading fertilizer because of dry ground and mild weather.

Richard Sellers

Mr. Sellers reported that the cherry blossoms in the D.C. area were negatively impacted by the variable weather. One of his principle concerns has been watching the federal budget process and how it will affect agriculture because of the potential for massive U.S. Environmental Protection Agency (EPA) rollbacks. Mr. Sellers noted that although what President Trump presents doesn't necessarily reflect how the final version of the budget will look, it is clear that there will be some large EPA rollbacks. He is also following the recent outbreak of the high pathogenic avian influenza in Tennessee and talking to national pork producers about foreign animal diseases and what mitigation measures can be implemented to prevent another Porcine Epidemic Diarrhea Virus outbreak in the U.S.

Neil Houff

Mr. Houff reported that in the fertilizer and crop protection industry, due to weather conditions, February was a good month; but he expects March to be a modest month because the corn and bean crops haven't been planted yet in his area. On the crop protection side, they're dealing with educating the industry and growers on the new Worker Protection Standards. This year will be an education year, with the focus shifting to implementation next year. The crop protection industry is also focused on Dicamba 2,4-D technology for round-up resistant soybeans. It looks like that technology is here and is going to be adapted, but the labeling will be extremely restrictive. Although the labeling will require many cautions, he thinks it will still be an excellent tool for the industry. In prior years, some other southern states got in trouble with issues of drift and off-target application of Dicamba. He doesn't think it will be an issue in western Virginia because they are used to Dicamba 2,4-D and understand the technology and the impact it has to off-target crops such as tomatoes and grapes.

Kevin J. Kordek

Mr. Kordek reported that the weather is an issue for the Pest Management industry as well. The cold weather in March will have a negative impact on the pest control industry statewide because it killed off many of the pests. He thanked Katie Frazier and the VAC for hosting its Annual Legislative Reception, and noted that the Virginia Pest Management Association hosted Speaker Howell at its table this year. He mentioned that termite season will still be active this year, although the late cold weather killed many of the big swarms this year. Stink bugs and

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box elder bugs will still be out at levels similar to prior years. Ant activity will be variable based on location. Mr. Kordek stated that the National Pest Management Association (NPMA) held its annual legislative day last week, and he is happy to report that there are currently no major national legislative issues that will affect the pest control industry; however, small businesses are under attack. Pollinator protection continues to be a major topic of discussion. The pest control industry sees itself as a good steward of the environment and is not doing things to compromise pollinator protections. The VPMA and NPMA are both taking appropriate and serious steps to ensure that they are not part of the problem. Mr. Kordek said that for the first time, two Lieutenant Governor candidates reached out to the VPMA to ask what the pest management industry does for Virginia. Most of their conversation focused on agriculture. He also said that the VPMA is about to certify 30 new voluntary wood destroying insect inspectors. Virginia's program has become a national model for how to create a voluntary wood destroying insect program. The voluntary nature of the program makes it unique. 1,200 inspectors have been certified through this program since it began.

Dr. Jewel Hairston Bronaugh

Dr. Bronaugh reported that President Abdullah sends his regards. His formal inauguration is taking place this week, which includes several events throughout the week such as the 134th Founders Day program. She has returned to Virginia State University (VSU) as the Executive Director of the new Center for Agriculture Research Engagement and Outreach. Enrollment has increased by 30 percent over the last couple of years, which is significant for VSU. She indicated that Dr. Abdullah want to increase the land grant status of VSU by leveraging some of its resources to bring in more grants and to increase outreach efforts. Dr. Abdullah has formed two new centers, the Center for STEM Education and the Center for Agriculture Research Engagement and Outreach. She will be working with Dr. Ray McKinnie and Dr. Wondie Mersie to extend the research and extension mission in her new position. She stated that VSU will continue to do the statewide work that has been done at the university, but Dr. Abdullah wants the new center to focus on U.S. Department of Agriculture initiatives such as urban food systems; human health, nutrition, and obesity; expanding STEM education to STEAM to include agriculture; and small business development through ag based products.

Lonnie Johnson

Mr. Johnson thanked the industry and external stakeholders on behalf of VT for their support in eliminating the proposed budget reductions to the Virginia Cooperative Extension (VCE) and the Virginia Agricultural Experiment Station during the recent General Assembly session. The proposal to establish the new School of Plant and Environmental Sciences (SPES) within the College of Agricultural and Life Sciences (CALS) was approved by the University Council in December and is being presented to the Virginia Tech Board of Visitors and the State Council for Higher Education in Virginia this spring for final approval. All indications are that the new school will be approved, and a search for the Director of the SPES is currently underway. SPES will bring together three existing CALS departments (Horticulture, Crop Soils and Environmental Sciences, and Plant Pathology and Weed Science) into one new school. Mr. Johnson stated that they are expecting around 800 students to graduate from CALS in May. All indications are that graduate job placement continues to be strong. Construction of the new equipment storage barn is now underway at the Eastern Shore AREC location. VCE is completing its early retirement program for both faculty and staff. All faculty and staff who opted to retire early will have retired by May. VCE will develop a plan to address the current vacancies after the start of the next fiscal year when it knows what the budget will be.

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Steve Sturgis

President Sturgis reported that the weather in his area has been variable and they've experienced a lot of wind. He is concerned about the late frosts and how they will affect small grains; however, the crops that are currently growing are still looking good. Acreage on wheat is way down because of depressed wheat prices. Corn acreage appears to be down a little bit for the same reason. This has resulted in more acres of soybeans being planted. President Sturgis stated that potato planting is 95 percent complete and that farmers are trying to figure out what to plant.

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 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.

2017 SESSION OF THE GENERAL ASSEMBLY – LEGISLATIVE REPORT

President Sturgis called on Deputy Commissioner Green, who provided a brief overview of legislation tracked by VDACS during the 2017 Session of the General Assembly and answered Board member questions.

2017 SESSION OF THE GENERAL ASSEMBLY – BUDGET REPORT

President Sturgis called on Kendra Shifflett, VDACS Budget Director, who provided a brief overview of relevant budget issues related to the 2017 Session of the General Assembly and VDACS and answered Board member questions.

MEETING RECESS

President Sturgis called for a recess at approximately 10:28 a.m. President Sturgis reconvened the meeting at approximately 10:39 a.m.

PROPOSED STAGE – 2 VAC 5-115 (REGULATIONS FOR DETERMINING WHETHER A PRIVATE ANIMAL SHELTER MEETS THE PURPOSE OF FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS)

President Sturgis called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services. Mr. McGreevy provided a brief introduction of 2 VAC 5-115 and then called on Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services and Acting Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett briefed the Board on the proposed stage of 2 VAC 5-115.

Following Dr. Bissett's presentation and an opportunity for Board questions, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals, as presented by staff and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

FINAL STAGE – 2 VAC 5-670 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PESTICIDE LAW)

President Sturgis called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Fleeson Trossbach briefed the Board on the final action to adopt 2 VAC 5-670.

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Following Mr. Fleeson Trossbach's presentation and an opportunity for Board questions, Ms. Potter moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-670, Rules and Regulations for Enforcement of the Virginia Pesticide Law, 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. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

FINAL STAGE – 2 VAC 5-680 (REGULATIONS GOVERNING LICENSING OF PESTICIDE BUSINESSES OPERATING UNDER AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT)

President Sturgis called again on Ms. Fleeson Trossbach. Ms. Fleeson Trossbach briefed the Board on the final action to adopt 2 VAC 5-680.

Following Mr. Fleeson Trossbach's presentation and an opportunity for Board questions, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-680, Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act, 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. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

REPORT ON EXPANSION OF 2 VAC 5-330 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PEST LAW-VIRGINIA GYPSY MOTH QUARANTINE)

President Sturgis called on Debra Martin, Program Manager, Office of Plant Industry Services. Ms. Martin briefed the Board on the expansion of 2 VAC 5-330 (Rules and Regulations for Enforcement of the Virginia Pest Law-Virginia Gypsy Moth Quarantine).

PRESENTATION REGARDING GUIDELINES FOR APPROVAL OF PUBLIC WEIGHMASTER LICENSES

President Sturgis called on Joel Maddux, Program Manager, Office of Weights and Measures. Mr. Maddux provided a presentation on the guidelines for the approval of public weighmaster licenses and answered questions from Board members.

NEW BUSINESS

No new business was introduced.

FUTURE BOARD MEETINGS

President Sturgis announced that the remaining dates for meetings of the Board in 2017 are set for May 25 and December 7 in Richmond. Board members Kay Johnson Smith and Richard Sellers volunteered to host the summer board meeting and tour. Final dates have not been scheduled yet, but it anticipated that the summer meeting will take place the week of July 24.

PUBLIC COMMENT PERIOD

President Sturgis called on Ms. Robin Starr, who was representing the Richmond SPCA. Ms. Starr provided comments on behalf of the Richmond SPCA regarding 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals.

President Sturgis recognized Debra Griggs, who was representing the Virginia Federation of Humane Societies. Ms. Griggs provided comments on behalf of the Virginia Federation of

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Human Societies regarding 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals.

President Sturgis recognized Tabitha Treloar, who was also representing the Virginia Federation of Humane Societies. Ms. Treloar provided comments on behalf of the Virginia Federation of Human Societies regarding 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals.

President Sturgis recognized Molly Armus, who was representing the Alley Cat Allies. Ms. Armus provided comments on behalf of the Alley Cat Allies regarding 2 VAC 5-115, Regulations for Determining Whether a Private Animal Shelter Meets the Purpose of Finding Permanent Adoptive Homes for Animals.

President Sturgis recognized Wilmer Stoneman, Associate Director of Government Relations at VFBF. Mr. Stoneman discussed VFBF's position during the 2017 Session of the General Assembly on **HB 2030 Food products; sale at farmers market, farm, or home (Freitas)**. He stated that VFBF continues to oppose the sale of unpasteurized (raw) milk in the Commonwealth and expressed VFBF's concern about raw milk that is currently distributed through cow share programs in Virginia. However, he clarified that VFBF policy allows that if it appears that legislation that legalizes the sale or distribution of raw milk is going to be successful, VFBF may support a bill that includes certain food safety parameters to regulate the sale of raw milk so that it can be done as safely as possible.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:44 a.m.

Respectfully submitted,

Steve Sturgis
Board President

Kevin Schmidt
Board Secretary