

FINAL MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
1111 E. Broad Street
West Reading Room
Richmond, Virginia
Thursday, May 25, 2017

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, May 25, 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

Steve Sturgis
Clifton A. Slade
Shelley Barlow
Robert J. Mills, Jr.
L. Wayne Kirby
James S. Huffard, III
John R. Marker
Richard Sellers
Neil Houff
Kevin J. Kordek
Dr. Alan Grant

Dr. Jewel Hairston Bronaugh

CONGRESSIONAL DISTRICT

2nd
3rd
4th
5th
7th
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

ABSENT

O. Bryan Taliaferro, Jr.
Rosalea R. Potter
Kay Johnson Smith

1st
6th
8th

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 March 23, 2017, be approved as distributed. Mr. Marker seconded the motion, and it was passed by a unanimous vote.

ELECTION OF OFFICERS

President Sturgis opened the floor for nominations for President. Mr. Kordek nominated Mr. Mills for President. There being no other nominations, President Sturgis called for a vote on the nominee. The Board elected Mr. Mills as President by a unanimous vote.

Board of Agriculture and Consumer Services – Final Minutes

May 25, 2017

Page 2

President Sturgis opened the floor for nominations for Vice President. Mr. Mills nominated Ms. Barlow for Vice President. There being no other nominations, President Sturgis then called for a vote on the nominee. The Board elected Ms. Barlow as Vice President by a unanimous vote.

President Sturgis then called for nominations for Secretary. Mr. Mills nominated Mr. Schmidt for Secretary. There being no other nominations, President Sturgis then called for a vote on the nominee. The Board elected Mr. Schmidt as Secretary by a unanimous vote.

All three office positions become effective July 1, 2017, and run through June 30, 2018.

REPORT FROM BOARD MEMBERS

John R. Marker

Mr. Marker reported that his area has received a lot of rain and that most of the area's corn and beans have been planted, but the crops in his area need sun. He reported that the peaches survived the cold weather, and cattle producers report having a good calving season this spring.

James S. Huffard, III

Mr. Huffard reported that the Southwest has received 25 inches of rain this year and all planting is behind schedule. He reported that milk prices have stabilized at a level that is barely okay. Mr. Huffard's dairy began producing its strawberry milk again this spring and will produce drinkable yogurt this summer, most of which will go to New Jersey. Mr. Huffard also reported that the Appalachian Expo Authority is working to get its facility developed.

Robert J. Mills, Jr.

Mr. Mills reported that tobacco planting in Eastern Virginia is 96-98 percent complete and is approximately 80 percent complete in the Piedmont region. He reported that, due to the rain, growers have seen some wheat diseases and dairies are significantly delayed in planting corn. Mr. Mills advised that he received numerous calls from individuals concerned with the animal shelter regulation.

Neil Houff

Mr. Houff reported that, in the Valley, 90 to 95 percent of corn has been planted and that the cold weather damaged most early planted beans. Mr. Houff also reported that the U.S. Environmental Protection Agency (EPA) plans to delay the effective date of its new Worker Protection Standards from January 2017 to January 2018, with enforcement beginning after May 2018. Mr. Houff encouraged the Board members to review the standards.

L. Wayne Kirby

Mr. Kirby reported that some corn in the northern part of his area suffered damage from the freeze. He also reported that vegetable crops are off to a good start in his area.

Dr. Alan Grant

Dr. Grant reported that the College of Agricultural and Life Sciences (CALs) had a record number of graduates. Approximately 800 undergraduate students received degrees, and, of these graduates, 55 received an associate's degree from Virginia Tech's agricultural technology program. Dr. Grant also reported that 125 graduate students received degrees from CALs. HE reported that 45 percent of CALs undergraduate students are going to graduate or professional schools and most of the other graduates are finding employment. CALs expects to advise

Board of Agriculture and Consumer Services – Final Minutes

May 25, 2017

Page 3

approximately 3,400 undergraduate students and 600 graduate students in the 2017-2018 school year. Dr. Grant also reported that work is underway on an equipment storage facility that will serve the Eastern Shore Agricultural Research and Extension Center. Additionally, Virginia Tech is currently in the design and planning phases of a major renovation to Montgomery County livestock and poultry facilities. Dr. Grant advised that this is the season for field days, many of which include CALS and Extension specialists.

Dr. Jewel Hairston Bronaugh

Dr. Bronaugh reported that 50 individuals graduated from Virginia State University's (VSU) College of Agriculture this year. Dr. Bronaugh also reported that VSU launched a new Urban Agriculture Certificate program in March. The inaugural class for this 10-week course had 14 participants. VSU also established a new garden with three raised-beds. VSU launched a new one-mile nature trail on Randolph Farm that offers education information on natural and forestry resources. Dr. Bronaugh advised that VSU's annual agriculture field day will be June 15 at Randolph Farm and will focus on agriculture innovation for small farmers. VSU will also host its first industrial hemp field day on August 17.

Clifton A. Slade

Mr. Slade reported that rain has presented challenges in his area. Strawberries had a great early start; however, fungus has started to appear as a result of the rain. Mr. Slade explained that rain increases the weed and disease pressure on organic crops.

Richard Sellers

Mr. Sellers reported that he is interested in collaborating with VSU on its urban garden initiatives. He also reported that he and others in the animal feed industry are excited that the new U.S. Secretary of Agriculture is a farmer and veterinarian. Mr. Sellers advised that, with the transition to a new administration, many federal rules and proposals have been stayed and comment periods have been extended.

Shelley Barlow

Ms. Barlow reported that, in her area, corn has been planted and looks great, 90 percent of cotton has been planted, soybean planting has just begun, and peanuts are approximately 100 percent planted. Ms. Barlow explained that she is working with school and community gardens and has installed three new gardens in the past two weeks. Ms. Barlow attended the State of the City presented by the Chamber of Commerce in Suffolk and noted that agriculture was not mentioned during this meeting. She encouraged all Board members to talk about agriculture at every opportunity. Ms. Barlow advised that she received numerous emails regarding the animal shelter regulation.

Kevin J. Kordek

Mr. Kordek reported that rain also presents challenges for the pesticide industry, as pesticide treatments cannot be made in the rain. He explained that freezes prevent termite swarm, which is a key indicator of termite infestation, and, due to this year's freeze, individuals may not be aware of infested structures. Mr. Kordek also warned that this will be very buggy year. Mr. Kordek reported that there are many upcoming educational opportunities for the pesticide industry, including multiple training sessions conducted by Dr. Miller with Virginia Tech. Andrea Coron, Executive Director of the Virginia Pest Management Association (VPMA), asked that VPMA be represented on the panel considering the pesticide fee adjustments. Mr. Kordek warned that Zika remains a concern and encouraged use of insect repellants.

Board of Agriculture and Consumer Services – Final Minutes

May 25, 2017

Page 4

Kay Johnson Smith

Kevin Schmidt reported on Ms. Smith's behalf that she is looking forward to welcoming the board to Northern Virginia in July. Ms. Smith appreciates Mr. Sturgis's work as President of the Board and Joyce's work with the Board.

Steve Sturgis

President Sturgis reported that the potatoes and strawberries in his area look great and that very few farmers are growing wheat because of its price. He also reported that this is the second year his area has seen striped rust disease, and he expects that indicates this disease's presence will be the norm. He advised that warmer weather helped warm the Chesapeake Bay water, which encouraged clam growth. President Sturgis encouraged Board members to contact the Virginia Tech and VSU Board members to educate them on agriculture.

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.

FINAL STAGE – 2 VAC 5-425 (Vapor Pressure Requirements for Gasoline Ethanol Blends)

President Sturgis called on Joel Maddux, Program Manager, Office of Weights and Measures. Mr. Maddux briefed the Board on the final action to adopt 2 VAC 5-425. Following Mr. Maddux's presentation and an opportunity for Board questions, Mr. Mills moved that the Board adopt 2 VAC 5-425, Vapor Pressure Requirements for Gasoline Ethanol Blends, 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. Huffard seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED FAST-TRACK ACTION TO AMEND – 2 VAC 5-317 (Regulations for Enforcement of the Noxious Weeds Law)

President Sturgis called on Debra Martin, Program Manager, Office of Plant Industry Services. Ms. Martin briefed the Board on the proposed fast-track action to amend 2 VAC 5-317. Following Ms. Martin's presentation and an opportunity for Board questions, Mr. Mills moved that the Board adopt 2 VAC 5-317, Regulations for Enforcement of the Noxious Weeds Law, as presented by staff and that the Board authorize staff to take any and all steps necessary to amend this regulation through fast-track regulatory action. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

APPOINTMENT OF REGULATORY ADVISORY PANEL – 2 VAC 5-675 (Regulations Governing the Pesticide Fees Charged By the Department of Agriculture and Consumer Services)

President Sturgis called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the proposal to appoint a regulatory advisory panel for 2 VAC 5-675. Following Mr. Nichols's presentation and an opportunity for Board questions, Mr. Marker moved that the Board approve the creation of a regulatory advisory panel for the purpose of assisting the Board in amending 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 Services – Final Minutes

May 25, 2017

Page 5

- Kevin Kordek
- Neil Houff
- Shelley Barlow
- Katie Frazier or designee from Virginia Agribusiness Council
- Wilmer Stoneman or designee from Virginia Farm Bureau Federation
- Laurie Coulter or designee from Virginia Crop Production Association
- Michael Weaver or designee from Virginia Tech Cooperative Extension
- Ray McAllister or designee from CropLife America
- Stephanie Binns or designee from RISE (Responsible Industry for Sound Environment)”

Mr. Kirby seconded the motion, and it was carried by a unanimous vote of the Board.

MEETING RECESS

President Sturgis called for a recess at approximately 10:10 a.m. President Sturgis reconvened the meeting at approximately 10:30 a.m.

UPDATE ON VIRGINIA POLLINATOR PROTECTION PLAN

President Sturgis called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols delivered a presentation on the creation and status of the Virginia Pollinator Protection Plan and answered questions from the Board members.

PRESENTATION ON THE GIS DATABASE FOR THE AGRICULTURAL STEWARDSHIP ACT PROGRAM

President Sturgis called on Darrell Marshall, Program Manager, Agricultural Stewardship Act Program. Mr. Marshall delivered a presentation on the Agricultural Stewardship Act Program and the program’s new GIS database and answered questions from the Board members.

NEW BUSINESS

Mr. Mills alerted the Board members and agency staff to the U.S. Food and Drug Administration’s standards for nitrosamine levels in certain tobacco products that are currently undergoing public comment. Mr. Mills expressed concern that the proposed levels are unattainable.

Commissioner Adams thanked President Sturgis for his service to the Board and presented him with a Certificate of Appreciation for his leadership as Board President.

President Sturgis announced Joyce Knight’s upcoming retirement and presented her with a Certificate of Appreciation for her work in support of the Board.

President Sturgis expressed concerns with the U.S. Department of Agriculture – Farm Service Agency’s (FSA) reconstitution or consolidation of parcels for crop insurance purposes and its potential negative impact on farming operations. Ms. Barlow explained that local FSA offices are interpreting the related federal mandate differently, resulting in different implementations throughout the state. Dr. Bronaugh stated she would share this information with the Acting State Director of FSA. Deputy Commissioner Green provided information he obtained from a conversation with the Acting State Director of FSA. Mr. Slade encouraged farmers to appeal local FSA determinations regarding parcel consolidation. Mr. Marker moved that Board members Barlow, Bronaugh, Slade, and Kirby assist VDACS staff in drafting a letter to FSA

Board of Agriculture and Consumer Services – Final Minutes

May 25, 2017

Page 6

regarding farmers' concerns with FSA's consolidation of parcels. Mr. Mills seconded the motion, and it was carried by a unanimous vote of the Board.

FUTURE BOARD MEETINGS

Secretary Schmidt advised that Board members Kay Johnson Smith and Richard Sellers will host the summer board meeting and tour in Northern Virginia. The Board will hold its summer meeting on July 26 and its annual tour on July 27.

PUBLIC COMMENT PERIOD

President Sturgis called on Ms. Daphna Nachminovitch with the People for the Ethical Treatment of Animals (PETA), who provided information about PETA operations and services.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:32 a.m.

Respectfully submitted,

Robert Mills
Board President

Kevin Schmidt
Board Secretary