

FINAL MINUTES

Board of Agriculture and Consumer Services
Suffolk Center for Cultural Arts
110 W. Finney Avenue
Suffolk, Virginia 23434
Tuesday, July 19, 2022

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 1:00 p.m. on Tuesday, July 19, 2022, at the Suffolk Center for Cultural Arts in Suffolk. President Barlow called the meeting to order.

WELCOME FROM CITY OF SUFFOLK

President Barlow welcomed the members of the Board to the City of Suffolk. She discussed the city’s history and long standing connections to the agricultural industry. She also provided an overview of the tour schedule for the next day.

ROLL CALL

The Board Secretary called the roll:

PRESENT

- Donald Horsley
- Clifton A. Slade
- Shelley Barlow
- Cecil Shell
- James S. Huffard, III
- Tyler Wegmeyer
- Richard Sellers
- Neil Houff
- Charles Church
- Dr. Robert Corely
- Dr. Alan Grant

CONGRESSIONAL DISTRICT

- 2nd
- 3rd
- 4th
- 5th
- 9th
- 10th
- 11th
- Pesticides – Commercial Agricultural
- Pesticides – Commercial Structural
- Representing Dr. Makola Abdullah, President,
Virginia State University
- Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

- O. Bryan Taliaferro, Jr. 1st
- Margaret Ann Smith 6th
- Jacquelin Easter 7th
- Vacant 8th

STAFF PRESENT

- Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services
- Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
- Katherine Coates, Administrative Assistant, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on May 19, 2022, be approved as distributed. Mr. Shell seconded the motion. The Board voted unanimously to approve the motion.

REPORT FROM BOARD MEMBERS

Charles Church

Mr. Church reported on recent trainings conducted by the Virginia Pest Management Association (VPMA). In June, VPMA held the Jeff Johnson Memorial Prep Course in Richmond, during which they trained 12 participants. He stated that VPMA also continues to conduct several virtual training opportunities for technicians. He concluded by announcing that the VPMA is in the process of developing its agenda for the 2022 State Technical Meeting, which will be held on December 7-8 in Richmond.

Neil Houff

Mr. Houff reported that they have survived the recent supply chain challenges that continue to impact the pesticide and fertilizer industries. He stated that, in his 37 year career, he's never seen the kind of volatility in fertilizer prices that they have experienced in the past four months. There is still uncertainty regarding pesticide and fertilizer supply and prices for next year. He concluded by stating that the good news is that crops appear to be strong throughout the state, which will help farmers deal with the higher pesticide and fertilizer prices.

Donald Horsley

Mr. Horsley reported that the crops in his district have been variable. They were blessed with timely rains, but high temperatures have created some concerns. Rain levels have been inconsistent throughout his district, which has impacted some crops. Overall, they have been fortunate and have been able to weather supply chain challenges. He stated that he contacted his delegate to make sure that the Governor was aware of the supply chain issues that farmers are experiencing. He appreciated that the response he received was that the Governor was aware and is monitoring the issue.

Clifton Slade

Mr. Slade reported that vegetable growers had a wonderful start to their growing season in his district. Produce was ready for sale earlier than usual, which meant they had more to sell for the July 4 weekend, which is the biggest produce weekend of the year. He noted that green tomatoes have been selling as well as red tomatoes at farmers' markets this year. He stated that corn crops have been variable in his district, but the majority of the crops looks very good. He related his experiences with recent steep increases in supply costs. It's impacting all farmers. His cost of production is three times what it was last year, and they will have to adjust prices.

Cecil Shell

Mr. Shell reported that the weather and crops in his district have been variable. The tobacco crop is looking beautiful. The increased cost of production have been challenging. Fertilizer prices have almost doubled and fuel prices have basically tripled. Timber prices continue to be very high, but the land owners aren't necessarily seeing those profits. He stated that some soybean producers have struggled in his district due to the weather but that crops are good overall.

James Huffard

Mr. Huffard reported that weather has been variable in his district. They've added cows to their farm, so they need a lot of crops to keep them fed. He stated that dairy prices are the highest

they have been in his lifetime but that costs of production are also the highest they have ever been. His processing operation continues to do well. They have contracted with several new schools to provide chocolate milk and they are making butter and cheese curds. He shared that he is on the National Dairy Shrine Board, which is actively trying to recruit younger or student board members. The organization gives out over \$40,000 in scholarships to college students each year. He asked board members to spread the word if they know of anyone who would be interested.

Tyler Wegmeyer

Mr. Wegmeyer began by thanking the Commissioner for visiting his farm during strawberry season. He reported that he had a record strawberry season with great yields and great turn out for his u-pick operation. Strawberry growers throughout the state also had a great year if they had a crop. One strawberry farmer in the Valley reported losing his entire crop to hail. This year was not quite as good as the two prior years when COVID restrictions made u-pick activities especially popular, but it was still strong. He shared information about his rewarding experience growing sunflowers and donating the profits to support relief efforts in Ukraine. He reported that there has been a lot of rain in his district, but it impacts different producers differently. He also shared his concerns about deer damage, which is the worst he has seen in his area. He asked if the state collects information on the financial impact of deer damage. He stated that he knew some states offer cost share for the expenses of putting in deer fencing and explained that many small farmers are really struggling with the impact of the deer damage.

Richard Sellers

Mr. Sellers reported that the church gardens and public gardens are doing very well in his district. It can be hard to locate seeds in local shops. He shared information on produce pricing in Northern Virginia farmers' markets. Yields in their church garden have been strong. He has been working with the local extension agents in Fairfax and Arlington counties about trying to get more people involved in agricultural activities to the area. He stated that Fairfax County is interested in using empty warehouses to develop urban gardening on a larger scale.

Dr. Robert Corely

Dr. Corely introduced himself to the Board. He stated that they have recently been meeting with U.S. Department of Agriculture leadership, including Deputy Secretary Bronaugh and Secretary Vilsack, about how to leverage new funding centered on smart agriculture. He reported that Virginia State University (VSU) is expecting its largest class of incoming freshman in the fall. They are proud of the COVID protocols they have in place on campus. He shared information on VSU's strong mental health plan for students, faculty, and staff to address the emotional impacts of the pandemic.

Dr. Alan Grant

Dr. Grant reported that Virginia Tech (VT) has hosted several agricultural events on campus this summer, including the Virginia 4-H Congress, Virginia 4-H All Stars Centennial Conference, Governor's School for Agriculture, and the Virginia Master Gardeners College. Summer orientation is underway. He stated that College of Agriculture and Life Sciences (CALS) enrollment will be steady. He provided information on various staff changes at Agricultural Research and Extension Centers (AREC) and Virginia Cooperative Extension. The search for a new Director of Virginia Cooperative Extension is ongoing, and they hope to announce something in the very near future. He concluded by providing an update on the opening of the new Hampton AREC.

Shelly Butler Barlow

President Barlow began by providing information on the meeting venue. She reported that the cotton crop is looking good even though it is blooming late and was planted late. She stated that her district is not getting as much rain as they would like, which, combined with the heat, can be hard on the crops. The corn has suffered, but cotton and soybeans are holding their own right now. She noted that while they are getting historically high prices for what they're selling, they are also paying historically high input costs. The numbers are bigger, but the margins are the same. She stated that she has experienced a few supply delays but has gotten what she needed at the last minute every time. She discussed her garden's tomato crop and provided information on the crops grown at her farm. She responded to Mr. Wegmeyer's comments about deer damage and echoed many of his concerns. Finally, she provided background information on the different kinds of peanuts that are grown in Virginia.

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.

BRIEFING ON THE FINAL 2022 APPROPRIATION ACT

President Barlow call on Kendra Shifflett, Director, Administrative and Financial Services. Ms. Shifflett briefed the Board on the fiscal implications of the final 2022 Appropriation Act. Following Ms. Shifflett's presentation, Kevin Schmidt, Director, Office of Policy, Planning, and Research, briefed the Board on the enforcement implications of additional language in the 2022 Appropriation Act related to industrial hemp extracts.

FINAL EXEMPT STAGE - 2 VAC 5-595 (REGULATIONS GOVERNING THE MANUFACTURING AND SALE OF PRODUCTS THAT CONTAIN INDUSTRIAL HEMP EXTRACTS INTENDED FOR HUMAN CONSUMPTION)

President Barlow called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services. Mr. McGreevy briefed the Board on the final exempt stage for 2 VAC 5-595. Following Mr. McGreevy's presentation and questions from the Board, Mr. Slade moved that the Board adopt 2 VAC 5-595, Regulations Governing the Manufacturing and Sale of Products that Contain Industrial Hemp Extracts Intended for Human Consumption, 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 through an exempt regulatory action as authorized by Section 3.2-5145.5 of the Virginia Food and Drink Law.

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

EXPANSION OF THE REGULATED AREA FOR 2 VAC 5-336 (REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA TREE AND CROP PESTS LAW - SPOTTED LANTERNFLY QUARANTINE)

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino briefed the Board on the expansion of the regulated area for 2 VAC 5-336.

NEW BUSINESS

Board of Agriculture and Consumer Services

July 19, 2022

Page 5

Mr. Church asked for an update regarding the new online pesticide registration system and recent delays in the processing of pesticide applications. Larry Nichols, Director, Division of Consumer Protection, responded with an update that included information about technological issues and staffing. Mr. Nichols also stated that he would provide an additional update at the Board's next meeting.

FUTURE BOARD MEETINGS

President Barlow announced that the final meeting of the year will be held on December 9 in Richmond.

PUBLIC COMMENT PERIOD

Lewis Everett spoke on behalf of the Virginia Cotton Growers Association on issues related to potential amendments to 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, which would address cotton seed germination rates. Following his comments, he answered Board member questions related to the information he provided.

Dylan Bishop spoke on behalf of the Cannabis Business Association of Virginia to express concerns with the agency's recent enforcement efforts related to hemp extracts intended for human consumption. Following his comments, he answered Board member questions related to the information he provided.

Matt Mansell spoke on behalf of the Virginia Healthy Alternatives Association to express concerns with the agency's recent enforcement efforts related to hemp extracts intended for human consumption.

Joseph Sutfin, an industrial hemp manufacturer and processor from Carroll County, expressed concerns with the agency's recent enforcement efforts related to hemp extracts intended for human consumption.

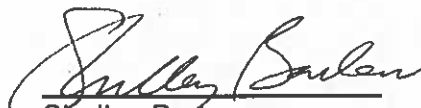
Stefanie Taillon, Senior Assistant Director of Governmental Relation, Virginia Farm Bureau Federation, addressed the Board to thank VDACS staff members for their assistance during the recent series of meat processing listening sessions that were held throughout the state.

Kyle Shreve spoke on behalf of the Virginia Agribusiness Council on issues related to potential amendments to 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law; High Pathogenic Avian Influenza; and the online pesticide registration system.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 3:44 p.m.

Respectfully submitted,


Shelley Barlow
Board President


Kevin Schmidt
Board Secretary

