

FINAL MINUTES

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

Thursday, March 23, 2023

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, March 23, 2023, in the East Reading Room of the Patrick Henry Building in Richmond. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Shelley Barlow
Margaret Ann Smith
Kailee Tkacz Buller
James S. Huffard, III
Tyler Wegmeyer
Richard Sellers
Neil Houff
Dr. Robert Corley, III

Lonnie Johnson

CONGRESSIONAL DISTRICT

1st
2nd
4th
6th
8th
9th
10th
11th
Pesticides – Commercial Agricultural
Representing Dr. Makola Abdullah, President,
Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech.

ABSENT

Clifton A. Slade
Cecil Shell
Jacquelin Easter
Charles Church

3rd
5th
7th
Pesticides – Commercial Structural

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Erin Williams, Senior Policy Analyst, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on December 9, 2022, be approved as distributed. Mr. Taliaferro seconded the motion. The Board voted unanimously to approve the motion.

COMMENTS FROM SECRETARY OF AGRICULTURE AND FORESTRY LOHR

Secretary of Agriculture and Forestry Lohr provided an update to the Board regarding the recently-announced closing of the Tyson plant in Glen Allen.

REPORT FROM BOARD MEMBERS

Neil Houff

Mr. Houff first provided an update on behalf of Charles Church, highlighting the Virginia Pest Management Association's training certification schedule for 2023, work with VDACS on the online pesticide registration system, and legislative advocacy during the 2023 Session of the General Assembly and in preparation of the next federal Farm Bill. Mr. Houff then reported on the January meeting of the Virginia Crop Production Association and provided an update on fertilizer and chemical supply chains.

Bryan Taliaferro

Mr. Taliaferro reported about conditions in the field. The wheat crop looks great, and there is a significant acreage of malting barley. Hard wheat is being produced but cannot get the necessary premiums. The weather has been tolerable. Mr. Taliaferro also expressed support for Delegate Hodges's bill related to incentivizing the processing of blue catfish and asked that VDACS work through any red tape so that these funds can be allocated.

Donald Horsley

Mr. Horsley provided an update on farming activities in his district over the past few weeks. Potato planting is moving along on the Eastern Shore. The wheat crop looks pretty good, though, while prices have been decent, there has not been much demand. Timber has also not had much demand.

Cecil Shell

Mr. Shell was not in attendance, but he did ask Secretary Schmidt to include in the minutes that his district is currently spraying for wheat and has had a fair amount of rain. He also mentioned that the timber industry was booming.

Margaret Ann Smith

Ms. Smith provided an update on the weather and on cattle numbers in her district. Virginia's cattle numbers are steady at a time when the overall industry is seeing a 61-year low on cattle numbers.

Lonnie Johnson

Mr. Johnson provided an update on Virginia Tech events, including the Virginia Cooperative Extension (VCE) Winter Conference in February and the upcoming College of Agriculture and Life Sciences "Experience CALS" event in March and VCE VA 4-H Alumni and Friends Social at the Smithfield Center in Smithfield in April. He also mentioned the U.S. Department of Agriculture (USDA)/National Institute of Food and Agriculture (NIFA) Civil Rights Review that VCE has been working on since December 2021 and hopes to finalize in June 2023 and that Dr. Mike Gutter, Associate Dean CALS and Extension Director, is currently participating in listening session across the Commonwealth.

Dr. Robert Corley, III

Dr. Corley mentioned that Virginia State University sent a delegation to USDA earlier in the week to participate in the 50th anniversary of National Agriculture Day and followed this up with a visit the NIFA Director at VSU. He also mentioned VSU and Virginia Tech's efforts on Capitol Hill to secure funding for infrastructure and facilities across the country as part of the next

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federal Farm Bill and an upcoming roundtable with farmers for U.S. Representatives Spanberger and McClellan. Dr. Corley mentioned VSU's partnership with the Virginia Farmer's Market Association and an upcoming meeting in June for the National Center for Student Workforce Development.

Richard Sellers

Mr. Sellers mentioned the peak of the cherry blossoms in D.C. and provided an update on urban agriculture and the spring weather.

Tyler Wegmeyer

Mr. Wegmeyer provided an update on the weather in his district and the weather's impact on the 2023 strawberry crop. Strawberries in some parts of the state are two to three weeks ahead of schedule, which can put growers at risk for cold weather. The strawberry industry has also had challenges in the past year getting plugs on time, so, some growers, depending on when they received their plugs, may have lower yields. He also mentioned that the Virginia Strawberry Growers Association changed its name to the Mid-Atlantic Strawberry Growers Association and data that he recently heard regarding the changes since 1954 in acres for corn and strawberries and the number of farms.

James S. Huffard, III

Mr. Huffard provided an update on his dairy operation and mentioned that Virginia dairy farmers continue to leave the business. Milk prices are lower, and labor and feed costs are higher. His milk processing is doing well, and his facility is now providing milk to Radford University's athletic program.

Kailee Tkacz Buller

Ms. Buller introduced herself to the Board and provided an overview of her background and her experience at both USDA and in various agricultural industry organizations. She provided an update on numerous agricultural meetings that she has been involved with recently in Washington, D.C., including those related to the next federal Farm Bill.

Shelly Butler Barlow

President Barlow provided an update on Ag Week activities, including the Ag in the Classroom strawberry book, and mentioned the need to educate children about where their food comes from. She also mentioned that March is meeting season and that she hopes members are going to meetings that are important to them. She mentioned her recent tour at the Port of Virginia and the soybean operations at the Port and highlighted the Virginia Agriculture magazine that VDACS provided. She provided an update on corn planting in her district, and she mentioned that it may be appropriate to include a seafood representative on the Board in the future. President Barlow also mentioned the strong competition for land in Virginia and the importance of elevating the value of farmland and aquaculture resources so that we hold on to them.

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.

PROPOSED STAGE – 2 VAC 5-390 (RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW)

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino briefed the Board on the proposed stage for 2 VAC 5-390. Following Mr. Gianino's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, 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.

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

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-318 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PEST LAW – THOUSAND CANKERS DISEASE)

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino briefed the Board on the proposed fast-track action to repeal 2 VAC 5-318. Following Mr. Gianino's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-318, Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action.

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

VIRGINIA WINERY DISTRIBUTION COMPANY BOARD APPOINTEE

President Barlow called on Commissioner Guthrie, who brought to the Board's attention the resignation from the board of directors of the Virginia Winery Distribution Company (VWDC) Courtney Mailey, owner of Blue Bee Cider, effective December 13, 2022. Commissioner Guthrie indicated that he received a letter dated January 24, 2023, from George Hodson, President, Virginia Wineries Association, recommending that David Drillock of Fifty-Third Winery & Vineyard be appointed to the VWDC board of directors.

This request to the Board is made pursuant to subdivision (B)(2) of Va. Code § 3.2-102, which (i) requires the Commissioner to establish and operate a nonprofit, nonstock corporation to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries and (ii) authorizes the Board to appoint the four members to this board of directors who serve with the Commissioner.

Following Commissioner Guthrie's comments to the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services appoint David Drillock, owner of Fifty-Third Winery & Vineyard, to fill Courtney Mailey's unexpired term through June 30, 2025, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year.

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

UPDATE ON ELECTRONIC MEETING POLICY

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, to present a draft revised electronic meeting policy for the Board's consideration.

Following Mr. Schmidt's presentation and questions from the Board and VDACS's legal counsel, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the revised electronic meeting policy as presented by staff, effective March 24, 2023.

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Barlow announced that the Board will meet on May 18 and December 7 in Richmond. Mr. Horsley announced that he will be hosting the summer meeting and tour August 3 and August 4 in Virginia Beach in conjunction with the 2023 Virginia Ag Expo, which will be held at his farm on August 3.

PUBLIC COMMENT PERIOD

The Board did not receive any public comments.

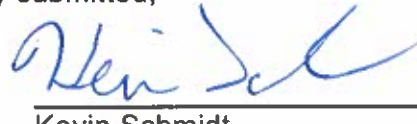
ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:08 p.m.

Respectfully submitted,



Shelley Barlow
Board President



Kevin Schmidt
Board Secretary