

FINAL MINUTES

Board of Agriculture and Consumer Services
Oliver Hill Building, 102 Governor St., Richmond, Virginia
December 6, 2007
9:00 A.M.

The meeting convened at 9:00 a.m. on Thursday, December 6, 2007, in Room 220 of the Oliver Hill Building, 102 Governor Street, Richmond, Virginia. President Holland shared with the Board a letter from one of our board member, Andrea Lohr, who was not able to attend the meeting; Ms. Lohr is recuperating from a recent operation and cancer treatment. He requested a moment of silence and then called the meeting to order. The Board Secretary called the roll:

PRESENT

L. Bruce Holland
Paul W. Rogers, Jr.
William B. Bain
Edward S. Fleming
Gregory J. Galligan
Charles C. Clark, Jr.
John D. Hardesty, Jr.
Melvin Murphy
Dr. Wondi Mersie

DISTRICT

2nd
3rd
4th
7th
8th
9th
10th
11th
Representing, President of Virginia
State University
Representing, President of Virginia Tech

Dr. Mark A. McCann

ABSENT

Stephen Ellis
Traci Richman Talley
Andrea Lohr

1st
5th
6th

STAFF PRESENT

Todd P. Haymore, Commissioner
Donald G. Blankenship, Deputy Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

The minutes of the August 16th meeting were approved as distributed.

REPORT FROM BOARD MEMBERS

Mr. Fleming thanked everyone for their prayers and support over the past several months. He had missed the August meeting following an operation. The calves were small this year due to low hay crop. He reported that hay is scarce in his district and that fall planting went well. The public is very concerned about the high and rising cost of gasoline.

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Mr. Rogers reported that crops turned out better than expected, but there are areas he called “pockets of disaster”. However, for the most part, the harvest turned out better than farmers imagined. He mentioned that the fall seeding was ahead of schedule. He stated that higher commodity prices are not offsetting the rising input costs, noting that everything revolves around crude oil.

Mr. Bain described the total devastation farmers in his area have seen this year because of drought. He indicated that he was one of the few peanuts producers that harvested any peanuts. Most of the farmers’ yields were so low, down to 10 to 20 pounds per acres. He felt his yields will average about 1000 pounds or less. Corn yields are in the low 40s; soybeans average 10 or 12 bushes. He pointed out that the impact of this year’s drought appears to have exceeded that of the 1980 drought—considered the worst drought in recent memory until now.

Mr. Murphy reported on his participation in the Commissioner’s Consumer Affairs Advisory Committee held in Richmond VDACS office on December 4. He shared the information Andy Alvarez, Director, Division of Consumer Protection, presented concerning the top consumer issues --- landlord tenants, charitable organizations, automobile repairs, and eCommerce, and credit and electronics. There was also some discussion about Executive Directive #5, consumer privacy – working with groups stakeholders to address the “do not call registry”, credit report freezes, and breach notification. Regarding consumer fraud activities, he commented that people of color, in particular, are being targeted by unscrupulous persons involved in such activities.

Dr. Mersie advised the Board that Dr. Alma Hobbs sends her best wishes and regrets that she is unable to attend today’s Board meeting. In his review of activities at Virginia State University, he reported on a special agricultural project in Ethiopia being funded by the federal government and being conducted by Virginia State University.

Dr. McCann reported that fall enrollment at Virginia Tech’s College of Agriculture and Life Sciences exceeded 2000. He briefed the Board on Cooperative Extension’s work with local government and farmers in responding to this year’s drought.

Mr. Hardesty, in his assessment of drought damage, stated that his area got 60 percent of a normal corn crop, 60 percent of a normal hay crop, and 50 percent of a normal soybean crop. He noted that the number of apples produced in 2007 was good but that the size of the apples has been smaller.

Mr. Galligan reported on his campaign for political office this year. He also emphasized the need for the Board to be informed on animal cruelty issues and pointed to the Michael Vick case and other highly visible cases relating to animal mistreatment as examples why we need to do a better job of communicating with the public on animal welfare/care.

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Mr. Clark told the Board that his area is still dry. He mentioned that folks in his area are looking for flatbed trucks to haul hay to their animals, but it is difficult for them to find hay even at very high prices. He added that everyone is looking for a better spring.

Mr. Holland reported that one of the companies growing tomatoes on the Eastern Shore has gone out of business. He noted that the Shore had a good potato crop and farmers were fortunate to receive timely rainfall on their corn crop. He showed Board members photographs he took during an event to educate community youth on the role and economic importance of agriculture.

PROPOSED AGRICULTURAL RESEARCH RESOLUTION

President Holland handed over the gavel to Vice President Rogers who called on Mr. Holland to present a proposed resolution on agricultural research funding for the Agricultural Research and Extension Centers. The proposed resolution, which was included in the Board meeting folders read as follows:

Whereas, the Commonwealth of Virginia and its citizens depend on the success of the state's industry of agriculture to produce much needed food and fiber;

Whereas, Virginia agriculture is the state's largest industry, providing billions of dollars in gross cash receipts each year, generating many more billions of dollars in economic activity and accounting for a major portion of employment in the Commonwealth;

Whereas, our state's future depends on a strong and viable industry of agriculture that will serve generations to come;

Whereas, Governor Kaine has identified as a major objective of his administration the protection of thousands of acres of agricultural, forestal and open-space lands;

Whereas, success in maintaining a sufficient land base for agricultural production in Virginia depends greatly on the ability of our farmers to maintain profitable enterprises;

Whereas, our current success in agricultural production is based on the initiatives in research and development taken over the past several decades by both the public and private sectors;

Whereas, the Commonwealth's investment in agricultural research at our land grant universities and, particularly at our agricultural research and extension centers, is extremely important to the future growth and development of our state's industry of agriculture;

Whereas, future accomplishments of Virginia agriculture in production and marketing will depend greatly on the commitments the Commonwealth makes to agricultural research when a high priority is given to state appropriations for such activities; and

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Whereas, the need for additional resources for agricultural research are particularly acute among our state's Agricultural Research and Extension Centers which continue to provide critical support to our thousands of farming communities across the state.

Be it Therefore Resolved, that the Board of Agriculture and Consumer Services on this day, Thursday, December 6, 2007, hereby expresses its support for Virginia Tech's request for competitive operations seed funding during the 2008-2010 biennium from the state budget to enhance the programs of its Agricultural Research and Extension Centers.

In his presentation, Mr. Holland informed the Board of his contacts and discussions with Secretary of Agriculture and Forestry Bob Bloxom, Virginia Tech President Charlie Steger and others regarding the need to raise funding for Virginia's Agricultural Research and Extension Centers. He noted that, if the Board adopts the resolution, it will be prepared and presented with Virginia Tech's budget proposal.

Mr. Holland made the motion that the Board adopt the resolution. The motion was seconded by Mr. Clark and was passed by a unanimous vote.

COMMISSIONER'S REPORT

Before making his presentation, Commissioner Haymore reported on his conversation with Delegate Matt Lohr and the positive report he received concerning Ms. Lohr's health status. After spotlighting many items included in the written report included in the Board meeting folders, the Commissioner told the Board about Governor Kaine's cabinet forum and the farmland preservation summit the Governor and the Secretary of Natural Resources Preston Bryant will be holding.

The Commissioner called on Deputy Commissioner Blankenship who briefed the Board on the impact of the Governor's FY 2008 budget reduction plan on VDACS. Mr. Blankenship noted that the agency budget has been reduced by \$1.3 million and that two agency positions have been eliminated.

Concerning the state's response to the 2007 drought, Mr. Blankenship reported that the current size/weight/width waiver for trucks in Virginia is being extended 120 days beyond the December 17 expiration date. He explained that this extension will be beneficial in our response to the drought conditions.

The subject of budget reductions, Commissioner advised the Board that Governor Kaine is aware that VDACS has not recuperated from the major budget cuts the agency experienced in 2002 and will keep that in mind when considering any future budget adjustments.

In response to a question from Mr. Holland regarding the availability of a successful treatment of cattle with Epizootic Hemorrhagic Disease (EHD), Dr. Wilkes advised him that there are currently no definitive research on the spread of the disease from deer to

cattle. He added that the presence of stagnant, brackish water increases the risk of disease exposure. He advised that it is very rare for cattle to die from EHD. He noted that lesions on the mouth and feet produced by EHD can be confused with conditions produced by more serious foreign animal diseases.

AGRICULTURAL STATISTICS REPORT

Herman Ellison, Director of the Virginia State Office of the National Agricultural Statistics Service, presented a report on agricultural crop production data for the Commonwealth. He also discussed plans for the Ag Census and the green industry study.

PERIODIC REVIEW OF REGULATIONS/RECOMMENDATIONS

Perida Giles, Assistant Director, Office of Policy, Planning and Research, coordinated a presentation of draft amendments to 10 agency regulations which staff recommends be addressed through the fast track regulatory process. Ms. Giles explained that these regulations were the subject of recommendations from the Attorney General's Government and Regulatory Reform Task Force concerning, for the most part, administrative revisions. She noted that the Department chose to conduct a periodic review of each regulation with the goal of addressing Task Force recommendations through the fast track process permitted for non-controversial actions to amend or repeal regulations. (A matrix that summarizes the Task Force recommendations and draft amendments will be attached to the final minutes kept for the official record of the Board.)

Doug Saunders, Assistant Director, Division of Animal and Food Industry Services (DAFIS), presented staff recommendations on nine regulations administered by DAFIS. Dr. Don Delorme, Office of Product and Industry Standards (OPIS), Division of Consumer Protection, presented staff comments on the fertilizer regulation.

After the staff reports, the Board took the following actions on these regulations:

2 VAC 5-30, Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia

Mr. Clark moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC 5-30, Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Hardesty seconded the motion and the Board passed it by a unanimous vote.

2 VAC5-50, Prevention, Control & Eradication of Brucellosis of Cattle in Virginia

Mr. Rogers moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-50, Prevention, Control & Eradication of Brucellosis of Cattle in Virginia, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Fleming seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-90, Control & Eradication of Pollorum Disease & Fowl Typhoid in Poultry Flocks & Hatcheries and Products Thereof in Virginia

Mr. Clark moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-90, Control & Eradication of Pollorum Disease & Fowl Typhoid in Poultry Flocks & Hatcheries and Products Thereof in Virginia, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Rogers seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-100 Qualifications for Humane Investigators

Mr. Clark moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-100, Qualifications for Humane Investigators, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Fleming seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-150 Transportation of Companion Animals

Mr. Bain moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-150, Transportation of Companion Animals, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Dr. McCann seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-180 Pseudorabies in Virginia

Mr. Fleming moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-180, Pseudorabies in Virginia, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted

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by state law. Mr. Rogers seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-400 Virginia Fertilizer Law

Mr. Clark moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-400, Virginia Fertilizer Law, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Rogers seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-501, Rules and Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk

Mr. Bain moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-501, Cooling, Storing, Sampling & Transporting of Milk, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Hardesty seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-510 Production, Processing, & Sale of Ice Cream, Frozen Desserts, & Similar Products

Mr. Bain moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-510, Production, Processing, & Sale of Ice Cream, Frozen Desserts, & Similar Products, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Rogers seconded the motion and the Board passed it by a unanimous vote.

2 VAC 5-531 Milk for Manufacturing Purposes

Mr. Hardesty moved that the Board of Agriculture and Consumer Services adopt the proposed amendments to 2 VAC5-531, Milk for Manufacturing Purposes, presented by staff and that the Board authorize staff to take any and all steps necessary to make these amendments final through the fast track regulatory process permitted by state law. Mr. Clark seconded the motion and the Board passed it by unanimous vote.

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MEETING RECESSED

President Holland recessed the Board meeting at 10:45 a.m. to allow staff to prepare for the public hearing on the proposed scrapie regulation. The public hearing was transcribed by a court reporter.

MEETING RECONVENED

Following the public hearing, President Holland reconvened the Board meeting at approximately 12:45 p.m.

NEW BUSINESS

Joyce Knight distributed information about the location of the state website where Board members with dial-up internet service as well as high-speed service can access the Conflict of Interest training which each member is required to complete by December 31, 2007. Ms. Knight provided the Board with a copy of the training certification form each member must complete, sign and return to VDACS before the end of the year.

Mr. Holland reported that Elaine Lidholm has agreed to lead a tour of the renovated State Capitol right after the Board meeting adjourns.

PLANS FOR FUTURE BOARD MEETINGS

Mr. Seward asked the Board members to reserve March 20, May 15 and December 4 for meetings in Richmond in 2008. He invited Board members to consider whether they are interested in hosting a summer meeting of the Board in July or August. He asked them to let him know before the March meeting if they would like to volunteer to be the summer meeting host.

PUBLIC COMMENT PERIOD

President Holland asked for public comments but none were presented.

ADJOURNMENT

The Board adjourned at 1:05 p.m.

Respectfully submitted,

L. Bruce Holland, Board President

Roy Seward, Board Secretary