

DRAFT MINUTES

Board of Agriculture and Consumer Services
Hotel Madison
Appalachian Ballroom
710 S. Main St
Harrisonburg, Virginia 22801

Wednesday, July 31, 2024

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 1:04 p.m. on Wednesday, July 31, 2024, at Hotel Madison in Harrisonburg. President Horsley called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Donald Horsley
Brittany Jones
Margaret Ann Smith
Jacquelin Easter
Kailee M. Tkacz Buller
James S. Huffard, III
Tyler Wegmeyer
Richard Sellers
Neil Houff
Charles Church
Dr. Robert Corley

Lonnie Johnson

CONGRESSIONAL DISTRICT

2nd
4th
6th
7th
8th
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

Keith Harris 1st
Raymond Keating 3rd
Cecil Shell 5th

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Nicolas Robichaud, Policy Assistant, VDACS

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the all-virtual meeting on July 2, 2024, be approved as distributed. Mr. Houff seconded the motion. The Board voted unanimously to approve the motion.

REPORTS FROM BOARD MEMBERS

Charles Church

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Mr. Church reported that the Virginia Pest Management Association (VPMA) has been exceptionally active as spring is the busiest season for the pest management industry. Over 300 pest management professionals were recertified through the spring recertification webinar series over sessions in April, May, and June. VPMA also offered several in person training sessions leading up to the June 30 recertification deadline.

Neil Houff

Mr. Houff welcomed the Board to the Shenandoah Valley, remarking that he wished his last Board meeting would not occur during such a dry period. He shared that the exceptionally dry weather has made this season's crops the worst in his 35 years of experience. The fertilizer market and chemistry supply chains are good, though crop production is in a difficult position, with decreases in prices likely. There is strong concern across the industry regarding corn and bean yields. Mr. Houff extended his appreciation for the time he has spent on the Board and thanked VDACS staff members for their efforts.

Brittany Jones

Ms. Jones shared that the 4th district experienced an extremely dry May and June, with some areas not seeing water for six weeks. Early crops are showing below average yields, with corn and grain yields reporting 50-55 percent losses. However, recent strong rains indicate later planted crops may see average to above-average yields. The sudden increase of rain, along with some torrential storms, have made surface erosion a concern, particularly in pumpkin crops. Beef producers remain happy with prices, though some tapped into hay stores due to the drought. Dairy and hog stocks are experiencing reproductive stress typical to the summer, and there are concerns regarding profitability. Corn silage in the area will cap soon, with below average yields expected. With recent precipitation, there have been elevated levels of corn pathogenic fungus blister smut. A high school in Dinwiddie County recently received funding for a milk dispenser, which Ms. Jones hopes will increase milk consumption.

Jacquelin Easter

Ms. Easter echoed Ms. Jones's sentiments, reporting feast-or-famine rain, with rain arriving too late for corn and rain now falling too heavy. There is concern for the recovery of hay and pastureland. Ms. Easter introduced her fiancé, Mr. Nelson Lake, to the Board.

Kailee M. Tkacz Buller

Ms. Buller alerted the Board that the federal Farm Bill expires at the end of September and that it unlikely that it will be extended. However, she said to watch for action by January. In her role in the soybean crushing industry, Ms. Buller has begun to see domestic demand for crushed soybean erode as the market has been flooded with imported used cooking oil and tallow. Since January 2023, 7.4 billion pounds of tallow have come into the country, which displaces about 600 million bushels of domestic soybeans. The resulting drop in soybean prices is a major concern nationally, with imports from China and Brazil having a major impact on domestic producers. Ms. Buller urged Virginia producers to weigh in on the issue on the national stage.

James S. Huffard, III

Mr. Huffard shared that weather in the Southwest has been exceptionally hot and dry, reporting that weather is drier than it has been in decades. Corn crops are improving, though tonnage will be reduced. Jersey production remains largely unaffected by the heat. Mr. Huffard thanked

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Governor Youngkin, Secretary of Agriculture and Forestry Lohr, and Commissioner Guthrie for their recent visit to the Southwest.

Tyler Wegmeyer

Mr. Wegmeyer reported that weather in the 7th district has been unprecedentedly dry, with crops across the region suffering tremendously. He noted corn, soybeans, and Christmas trees as particularly devastated crops. Extreme heat has impacted pollinators as well. During the spring, rain on weekends hurt turnout for strawberry farms. While overall yield of strawberries was strong, harvesting yields were not. Mr. Wegmeyer closed his report hoping for rain to come back to the district soon.

Richard Sellers

Mr. Sellers reiterated Mr. Wegmeyer's concern over drought conditions, though rain has picked up in the 11th district. Rain was strong in the spring, resulting in bountiful vegetable gardens and well attended farmers' markets. Mr. Sellers noted that the United States Department of Agriculture (USDA) moved the 11th district to a different climate zone and that crop life cycles in the district have changed over time.

Dr. Robert Corley

Dr. Corley shared Virginia State University's (VSU) excitement for the upcoming fall semester. Strong recruitment has led to a large incoming class. Over the summer, VSU assisted with the establishment of several school and community gardens, which will help engage children in agriculture at an early age. About 30 students in VSU's AgDiscovery program worked with USDA Animal and Plant Health Inspection Service staff to research large animals. VSU recently attended advocacy group meetings with USDA officials in Washington, D.C. VSU has 18 students participating in the USDA 1890 Scholars program. Though plans for VSU to host a presidential debate have dissipated, VSU was proud to host USDA Secretary Thomas J. Vilsack on July 12 for a Town Hall event. VSU has its Field Day scheduled for August 29 at Randolph Farms. VSU will open the National Urban Ag conference in Detroit in coordination with USDA Farm Service Agency and Natural Resources Conservation Service. Dr. Corley extended appreciation to Commissioner Guthrie for attending a meeting with VSU's South Korean partners from Chonnam National University. Dr. Corley ended his report sharing the loss of associate research director, Dr. Rafat Siddiqui, who was a crucial contributor in VSU's work in nutraceuticals.

Lonnie Johnson

Mr. Johnson shared Dr. Alan Grant's regrets for not being able to attend the last Board meeting before his retirement in October. Mario Ferruzzi, director of the Arkansas Children's Nutrition Center, has been named as the next dean of the Virginia Tech College of Agriculture and Life Sciences. Several other transitions are occurring at the administration level, which may impact their ability to continue filling new positions. Over 30 extension agents have been hired since the beginning of 2024.

Margaret Ann Smith

Ms. Smith echoed earlier sentiments regarding the drought conditions in the 6th district, though rain has increased recently. Cattle are selling earlier and at lighter weights, though high prices have been good for producers. Many producers are concerned about hay as inventories have lightened up. Compounds are a problem for the cattle industry, as inventory has dropped very low. Kill cow and rail cow prices are incredibly high. Some cows that would have been worth

\$600-700 in recent years are now selling for up to \$2,000. With the lucrative prices, some producers are exiting the business. Ms. Smith closed her report noting that the hot and dry weather has had a beneficial effect of a notable decline in cases of pink eye in cattle.

Donald Horsley

President Horsley shared that the 2nd district has been blessed with about 10 inches in July. An excess in rain has damaged some soybean crops, though the crop is strong overall. June was extremely dry, though steady rain in the end of June and beginning of July made for a generally strong corn crop. Grain buyers are concerned about aflatoxin and are asking for quick testing. Grain prices are a major concern for producers, meaning farmers will need to see exceptionally strong crops to break even for the year. There have been projections of a 25 percent decrease in farm income this year, with many farmers likely making less than that. President Horsley shared reports that John Deere is struggling to keep on staff, as farmers have not been able to buy new equipment.

COMMISSIONER'S REPORT

During Commissioner Guthrie's presentation of his 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.

Following the presentation of his written report, Commissioner Guthrie provided the Board with an update regarding the listeria outbreak at the Boar's Head facility in Jarratt. He also called on Charles Broaddus, Director, Division of Animal and Food Industry Services, to provide further information on USDA's Food Safety and Inspection Service efforts to contain the outbreak.

Several Board members asked Commissioner Guthrie questions related to the Office of Hemp Enforcement. Questions regarded the number of violations per inspection, management of collected funds from violations, the nature of the hemp industry, and the effectiveness of the penalty matrix. Commissioner Guthrie and David McGreevy, Deputy Director, Division of Animal and Food Industry Services, addressed these questions and offered to provide a more detailed presentation at the meeting in May 2025.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-550 (RULES AND REGULATIONS PERTAINING TO TOLERANCES AND PROHIBITIONS APPLICABLE TO SAUSAGE)

President Horsley called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services, to brief the Board on the proposed fast-track action to repeal 2 VAC 5-550.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-550, Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Sausage, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action. Mr. Church seconded the motion. The Board voted unanimously in favor of the motion.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-590 (RULES AND REGULATIONS PERTAINING TO TOLERANCES AND PROHIBITIONS APPLICABLE TO GROUND BEEF)

President Horsley called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services, to brief the Board on the proposed fast-track action to repeal 2 VAC 5-590.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-590, Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Ground Beef, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action. Ms. Smith seconded the motion. The Board voted unanimously in favor of the motion.

NOTICE OF INTENDED REGULATORY ACTION - 2 VAC 5-360 (REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA COMMERCIAL FEED ACT)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed notice of intended regulatory action for 2 VAC 5-360.

Several Board members asked questions regarding the scope of the proposed regulations and their compliance with federal regulations, which Mr. Gianino addressed.

Mr. Sellers moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary to file for public comment a notice of intended regulatory action to amend 2 VAC 5-360, Regulations for the Enforcement of the Virginia Commercial Feed Act, (i) to require that the label of a pet food or specialty pet food product include the maximum percentage of dietary fiber in that feed rather than the maximum percentage of crude fiber in that feed and (ii) to include an appropriate grace period for regulated entities to revise the labels of pet food or specialty pet food products accordingly. Mr. Church seconded the motion.

PROPOSED STAGE – 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT) AND 2 VAC 5-680 (REGULATIONS GOVERNING LICENSING OF PESTICIDE BUSINESSES OPERATING UNDER AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT)

President Horsley called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, to brief the Board on the proposed action to amend 2 VAC 5-685 and 2 VAC 5-680.

Mr. Houff moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act, and 2 VAC 5-680, Regulations Governing Licensing of Pesticide Businesses Operating under Authority of the Virginia Pesticide Control Act, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Mr. Church seconded the motion. The Board votes unanimously in favor of the motion.

Following the approval of the motion, Commissioner Guthrie; Larry Nichols, Director, Division of Consumer Protection; Mr. Church; and Mr. Houff all spoke to Ms. Trossbach's retirement, commending her years of dedication and service.

ANNUAL ELECTRONIC MEETING POLICY ADOPTION

President Horsley called on Secretary Schmidt to present a draft revised electronic meeting policy for the Board's consideration.

Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the revised electronic meeting policy as presented by staff today, effective July 31, 2024. Ms. Easter seconded the motion. The Board voted unanimously in favor of the motion.

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NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Horsley noted the upcoming December 12, 2024, Board meeting in Richmond.

PUBLIC COMMENT PERIOD

The Board did not receive any public comment.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 3:24 p.m.

Respectfully submitted,

Donald Horsley
Board President

Kevin Schmidt
Board Secretary