

FINAL MINUTES

Board of Agriculture and Consumer Services
Oliver W. Hill Building, 102 Governor Street
Richmond, Virginia
March 25, 2010

The meeting convened at 9:00 a.m. on Thursday, March 25, 2010, in Room 220 of the Oliver W. Hill Building, 102 Governor Street in Richmond, Virginia. After prayer, President Rogers called the meeting to order. The Board Secretary called the roll:

PRESENT

Stephen Ellis
Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert Mills
Edward S. Fleming
Patrick A. Toulme
Charles C. Clark, Jr.
John Hardesty, Jr.
Melvin Murphy
Eddie N. Moore, Jr.
Dr. Brian Calhoun

DISTRICT

1st
2nd
3rd
4th
5th
7th
8th
9th
10th
11th

President of Virginia State University
Representing, President of Virginia Tech

ABSENT

Andrea Lohr

6th

STAFF PRESENT

Sandra J. Adams, Acting Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

The minutes of the December 3, 2009, meeting were approved as distributed.

REPORT FROM BOARD MEMBERS

Mr. Clark reported that his area had a very cold winter with lots of snow. He noted that farmers have used up their feed for their animals but they expect to get through the season okay.

Mr. Toulme reported that his district had a considerable amount of snow also. He stated that consumers in his area are concerned about food safety. He added that citizens in his area have a particular concern about the use of antibiotics by the agriculture industry and the effect it has on human and animal health. He noted further that folks are concerned that the overuse of antibiotics is creating drug-resistant bacteria. He also mentioned that consumers in his district are talking about food irradiation and the safety of that practice.

Mr. Hardesty welcomed Mr. Mills as a new Board member and congratulated Todd P. Haymore on his appointment as the new Secretary of Agriculture and Forestry. He also noted the Governor's appointment of Delegate Matthew J. Lohr as the new Commissioner and thanked Ms. Adams for taking on additional responsibilities at VDACS as Acting Commissioner. He reported that he attended the 2010 Virginia Food and Beverage Expo on yesterday, and congratulated Charles

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Green, Director of the Division of Marketing, and his staff on a job well done in attracting over 130 exhibitors and more than 1000 buyers to this impressive event.

Mr. Hardesty reported that his area experienced a rough winter and that nearly 80 inches of snow fell during the season. He added that farmers are behind in their work to put down manure and fertilizer in their fields. He mentioned that deer damaged fruit trees—especially apple trees—because snow covered the ground so long.

Mr. Mills, the new Board member from the 5th Congressional district, stated that he appreciated the opportunity to serve on the Board. He mentioned that farmers in his area saw a tremendous amount of death loss in livestock (cattle and calves) this winter. He mentioned that there are programs available through the U. S. Department of Agriculture's (USDA) Farm Service Agency (FSA) for anyone who has lost cattle due to the weather. He reported that Pittsylvania County recently broke ground for a multi-million-dollar agricultural complex. He noted that he serves on the Board of Directors of the Old Dominion Agriculture Foundation, which funded this complex. This complex is the first of its kind (a fully sustainable agriculture complex), and it will house the offices of FSA, Extension, the local Soil and Water Conservation District, and USDA's Natural Resources Conservation Service. He added that the complex will have a 500-person seating capacity conference center with an industrial kitchen for catering events and large meetings. He noted further that the complex will have an enclosed arena that will seat about 175. He invited the Board to come visit the new agriculture complex when it is completed.

Mr. Ellis reported that his area is still wet. He talked about the concerns of farmers in his district regarding changes in the Chesapeake Bay clean-up effort. He noted the efforts of farmers who are using precision farming techniques to minimize their use of fertilizer to save money as well as reduce nutrient runoff. He mentioned that three or four different companies have been offering products that allow fertilizers to go directly into the ground with the seed rather than broadcasting fertilizer across a larger area. He noted that this approach minimizes the potential for fertilizer being washed away in heavy rains and into wetland areas. He stressed that these new approaches make sense economically and will help protect the Bay.

Dr. Calhoun, who represented Dr. Charles W. Steger, President of Virginia Tech, reported that his university is searching for an Associate Director of Cooperative Extension. He explained that Jim Riddell, who held this position, retired last year and that Virginia Tech will be interviewing three finalists for his former position next week and that the interviews will be posted on the internet. He added that within six months Virginia Tech will be conducting a national search for Director of Virginia Cooperative Extension.

Mr. Moore, President of Virginia State University (VSU), mentioned that he will be officially retired as of June 30, 2010, and his successor is Dr. Keith Miller from Lockhaven University in Pennsylvania. He noted that Petersburg did not receive as much snow as other areas. He also mentioned the conference for small farmers that provided information about the availability of USDA programs and services and which included USDA's Deputy Secretary of Agriculture as a featured speaker. He reported that VSU had mixed results from the General Assembly, but that he was pleased that the University received permission to use approximately \$6 million for the expansion of VSU's new Extension Research building.

Mr. Fleming reported that his area received a lot of rain and that this has put a damper on farmers getting their beans harvested. He added that those who did harvest their beans could not get their

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wheat in the ground. He noted that farmers had trouble getting their small grains planted this year. He stated that some farmers were so late planting that nothing germinated. He reported that farmers are preparing land for corn, and they hope to have a good crop this year. He closed with a comment that folks in his area are gearing up for the farmers markets.

Mr. Bain reported that he hoped that the snow and rain will provide a positive result. He noted that farmers have been able to do a little field work such as harvesting the soybean crop and spreading fertilizer. He commented that only 50 percent of wheat has been planted because of wet ground. He reported that there is some optimism that the peanut acreage may be up in Virginia this coming year. He added that last year 11.5 thousand acres were planted while acreage this year is expected to be up to 16,000 acres. He reported that the General Assembly passed a bill requested by the Virginia Peanut Growers Association that allowed the self-imposed tax paid by peanut growers to be increased from \$3 to \$6 per ton. He explained that because of the low acreage, the Peanut Board was not getting enough revenue to adequately support funding that benefited peanut growers. In closing he noted that cotton prices have picked up this year and are quite attractive but it is hoped that the price incentive will not prompt growers to overproduce and flood the market.

Mr. Sturgis reported that the Eastern Shore had the same problems with the snow and rain. He noted that Northampton County farmers usually plant 20,000 acres of wheat, but that only 7,000 acres were planted because of weather conditions. He added that Accomack County farmers only planted 3,000 acres of wheat. He commented that the barley crop looked good with 1,500 acres planted before the rain. He reported that 80% of the potatoes were planted. In closing, he stated that Virginia Beach strawberries looked okay.

Mr. Murphy reported on the heavy snows in his area. He mentioned that his mother is still in hospital and asked for prayers. He echoed Mr. Toulme's comments about constituent concerns about food safety. He complimented Mr. Green and his staff for their success with the 2010 Virginia Food and Beverage Expo and thanked him for inviting Board members to attend this fine event. He advised the Board that he participated in the Consumer Protection Week that was held in his area and noted that it was very successful.

Mr. Rogers reported that spring work has started in the fields and that folks are optimistic about the potential for this year. He commented on the use of precision agriculture on farms south of the James River. He added that many planters and sprayers are using GPS systems to control or guide equipment and provide such features as automatic cut-offs. He echoed earlier Board member comments about the peanut and cotton situation and agriculture in general. He added that he hoped that farmers will have good weather through the growing seasons.

BOARD RECOGNITION OF VSU PRESIDENT EDDIE MOORE

Board President Rogers presented the Board with a draft resolution honoring Mr. Eddie Moore for his service to the Board during his tenure as President of Virginia State University. Mr. Bain made the motion that the Board adopts the resolution as presented and Mr. Murphy seconded the motion. Following the Board's adoption of the resolution, Mr. Rogers presented the resolution to Mr. Moore, who thanked the Board for this recognition and remarked on his enjoyment in serving on the Board.

GOVERNOR'S RECOGNITION OF PRESIDENT EDDIE MOORE

Mr. Rogers called on Secretary Haymore who presented Mr. Moore with a statement from Governor McDonnell recognizing Mr. Moore for his quarter of a century of outstanding

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contributions to the Commonwealth, including but not limited to his 17 years as head of Virginia State University. Mr. Moore expressed his thanks for the recognition and his appreciation for the opportunity to serve the University and be a member of the Board of Agriculture and Consumer Services.

Following the presentations, Mr. Bain noted how much Mr. Moore had done for the Commonwealth and VSU through his efforts that have raised the visibility and the status of the University as a dynamic and progressive institution of higher learning.

VIRGINIA AGRIBUSINESS COUNCIL RECOGNITION OF ROY SEWARD

On behalf of the Board of Directors of the Virginia Agribusiness Council (VAC), Donna Pugh Johnson, VAC President, presented Mr. Seward with an award for his service and support to Virginia agriculture.

COMMISSIONER'S REPORT

Acting Commissioner Adams briefed the Board on personnel changes, recent and future events and other matters relating to the Department and Agriculture and Consumer Services. A copy of a written report on which her presentation was based was included in the Board's meeting folders. In her remarks, Ms. Adams thanked the members of agency strategic management team and their staff for the support and cooperation she has received during this transition period.

SECRETARY'S REPORT

Secretary Haymore updated the Board on his new role as Secretary of Agriculture and Forestry and talked about the Governor's appointment of Matt Lohr as Virginia's new Commissioner of Agriculture and Consumer Services. He briefed the Board on the working partnership that Mr. Lohr and he will have. He recognized Mr. Mills of Pittsylvania County as an excellent addition to the Board, gave Ms. Adams special thanks for her work as Acting Commissioner, and thanked the rest of the agency management team for their continued support and cooperation.

PUBLIC HEARING ON PROPOSED EQUINE INFECTIOUS ANEMIA REGULATIONS

President Rogers called for a recess of the Board's regular business meeting. He then opened the public hearing on proposed Health Requirements Governing the Control of Equine Infectious Anemia in Virginia (2 VAC 5-70). A court reporter was present to record and later transcribe the comments received during the hearing. Dr. Richard Wilkes, Director, Division of Animal and Food Industry Services (DAFIS), led the staff presentation on the proposed regulations. During his comments, Dr. Wilkes called the Board members' attention to draft changes to the proposed regulations developed by staff after the proposed regulations were presented to the Board in an earlier meeting. He advised the Board that the comment period for the proposed regulations would end on April 5, 2010.

Following staff comments, Mr. Rogers provided an opportunity for the public to comment on the proposed regulations; however, there were no persons who wished to speak about the proposals.

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Mr. Rogers adjourned the public hearing and called the regular meeting back into session.

LEGISLATIVE UPDATE

Ms. Adams briefed the Board on key legislation considered during the 2010 Session of the General Assembly. During her comments, she recognized the efforts of agency staff that represented the agency at subcommittee/committee meetings and tracked and analyzed legislative proposals. A copy of the most recent edition of the VDACS legislative tracking record was included in the Board's meeting folders.

BUDGET UPDATE

Acting Commissioner Adams called on Kendra Shifflett, VDACS Budget Director, who reviewed with the Board actions of the General Assembly concerning the Department's budget. A copy of Ms. Shifflett's briefing was included in the Board's meeting folders.

APPLICATION OF FERTILIZER TO NONAGRICULTURAL LANDS – PROPOSED REGULATIONS

President Rogers called on Andy Alvarez, Director of the Division of Consumer Protection, to coordinate staff's presentation of the draft proposed Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5-405. Mr. Alvarez briefed the Board on what steps have already been taken by the Board concerning the promulgation of such regulations.

After the staff reviewed the proposed regulations and recommended that the Board propose the filing and publication of the regulations for public review and comment, Mr. Mills made the motion that the Board propose the draft Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5-405, presented by staff and authorize staff to take any and all actions necessary to have the regulation filed with the Virginia Registrar of Regulations and published in The Virginia Register of Regulations as proposed regulations for public review and comment.

Mr. Toulme seconded the motion and it was passed by a unanimous vote.

In response to questions from the Board, Mr. Alvarez noted that the proposed regulations would not relate to forest land.

GASOLINE & MOTOR FUEL LAW – PROPOSED REPEAL OF REGULATIONS

President Rogers called on Mr. Alvarez who led the staff presentation concerning the proposal to repeal Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, 2 VAC 5-405.

Following the presentation of the staff recommendation that the Board propose the repeal of 2 VAC 5-405, Mr. Ellis made the motion that the Board propose the repeal of Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, 2 VAC 5-405, and authorize staff to take any and all actions necessary to have the proposed repeal filed with the Virginia Registrar of Regulations and published in The Virginia Register of Regulations for public review and comment.

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Mr. Mills seconded the motion and it was unanimously approved by the Board.

In response to Board member questions, Mr. Alvarez advised that the agency should not be losing anything needed to enforce the Gasoline and Motor Fuel Law if 2 VAC 5-405 is repealed.

CHESAPEAKE BAY UPDATE

President Rogers called on Mr. Seward who reviewed with the Board a briefing prepared on Virginia's efforts in response to the federal government's renewed push for restoration of the Chesapeake Bay. Mr. Seward presented the Board members with a copy of his presentation and included in the Board folders copies of background information referenced in his remarks. He noted in his comments the action of the General Assembly to pass Senate Bill 346 that directs the Secretary of Natural Resources, with the support of the Secretary of Agriculture and Forestry, to establish and maintain a database that will document the voluntary actions of those who manage farm and forest lands to address water quality issues in the Bay.

During Board member comments, Mr. Ellis noted that those managing the large farm operations are leading the way in terms of voluntary actions to address water quality issues. Mr. Sturgis stressed that those involved in the restoration effort need to get things right the first time.

LOCAL FOODS AT VIRGINIA TECH DINING SERVICES: CREATING RELATIONSHIPS WITH VIRGINIA FARMERS

President Rogers called on Rachel Budowle, Sustainability Coordinator in Virginia Tech's Dining Services, who briefed the Board on Virginia Tech's purchase and use local foods and how her university supports Virginia farmers who supply the food products. Ms. Budowle is also a member of the adjunct faculty in Earth Sustainability at Tech.

COMMODITY GRADING AND INSPECTION SERVICES - AN OVERVIEW

President Rogers called on Mr. Green who introduced E. L. Knicely who directs the staff of the commodity grading inspections services program. Mr. Knicely provided the Board a briefing on the services provided through his program to the private sector for a fee.

OFFICE OF CONSUMER AFFAIRS – REGISTRATION PROGRAMS

President Rogers called on Mr. Alvarez who introduced Tina Holt, Manager of the Office of Consumer Affairs (OCA). Ms. Holt reviewed with the Board the different registration programs administered by OCA.

NEW BUSINESS

No new business was discussed.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers reported that the Board's next meeting is scheduled for May 20, 2010, in Richmond. (The election of Board president, vice-president, and secretary will take place at that meeting.) He added that the Board's last meeting of the year will be on December 9, 2010 in Richmond.

Concerning the Board's summer meeting and tour, Mr. Rogers asked Board members to let Mr. Seward know if they are interested in volunteering to host that meeting in their area.

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PUBLIC COMMENT PERIOD

Eileen McAfee of Richmond expressed concerns about the efforts of VDACS staff to enforce state animal welfare laws, including but not limited to those relating to the operation of local pounds and shelters. In her remarks, she criticized comments included in the draft minutes of the meeting of December 3, 2009 concerning local compliance with state law and VDACS efforts to enforce the law.

Ann Joyner of Sussex County, Marcie Balken of Goochland County, Michelle Burley of Chester, Jody Grove of Powhatan County, Sharon Johnson of Richmond, Susan White of the U. S. Rescue League, and Dr. Dana White (a former VDACS employee) also talked to the Board about animal welfare concerns that need the attention of the Board and VDACS.

Following comments from citizens, Board members and VDACS staff, President Rogers asked Dr. Wilkes to give him a response to comments made by Ms. McAfee and the others who spoke to the Board. (Mr. Rogers has indicated that he will be responding in writing to Ms. McAfee.)

Mr. Sturgis reminded President Rogers that at the December meeting the Board asked that a letter be written to the Director of the Department of Game and Inland Fisheries concerning deer damage that farmers are experiencing. Mr. Rogers asked staff to follow-up on the Board's request and put the deer damage issue on the May meeting agenda.

ADJOURNMENT

There being no further business, the Board adjourned at 1:15 p.m.

Respectfully submitted,

Paul W. Rogers, Jr., Board President

Roy Seward, Board Secretary