

FINAL MINUTES
Board of Agriculture and Consumer Services
Oliver W. Hill Building, 102 Governor Street
Richmond, Virginia
March 22, 2012

The meeting convened at 9:00 a.m. on Thursday, March 22, 2012, in Room 220 of the Oliver W. Hill Building, 102 Governor Street in Richmond, Virginia. President Rogers called the meeting to order. Mr. Fleming gave the invocation. The Board Secretary called the roll:

PRESENT

Stephen Ellis
Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert Mills
Rosalea Riley
Edward S. Fleming
Patrick A. Toulme
Charles C. Clark, Jr.
John D. Hardesty, Jr.
Dr. Wondi Mersie

DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th

Representing Dr. Keith T. Miller, President
Virginia State University

Lonnie Johnson (not voting) Representing Dr. Charles W. Steger, President
Virginia Tech

ABSENT

Vacant Position

11th

STAFF PRESENT

Matthew J. Lohr, Commissioner
Sandra J. Adams, Deputy Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

Mr. Mills made a motion that the minutes of the meeting held on December 8, 2011, be approved as distributed. Mr. Fleming seconded the motion and it was passed by the Board with a unanimous vote.

REPORT FROM BOARD MEMBERS

Mr. Clark reported that cattle prices are unbelievably high. He noted that his area has seen a mild winter.

Mr. Toulme reported that community supported agricultural (CSA) enterprises are very popular with folks in his district. He noted that these enterprises allow consumers to support farmers directly and to obtain food commodities through their contributions to the farm operations over the year. He added that these contributions provide local farmers with financial support throughout the growing and harvest periods. He explained that there are five or six CSA farms located within an hour of the local farmers' market.

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Mr. Hardesty indicated that there is a CSA program in his county. He reported that his district experienced a mild winter which reduced the need for feeding hay to cattle. He advised that small grain and pasture are a little bit behind due to lack of rain. He reported on the peach and apple crops stating that the peach crop has already bloomed and that apples will bloom next week. He indicated that these two crops are about three to four weeks early. He cautioned that there is the possibility of frost which could damage these crops.

Mr. Ellis reported that eastern Virginia experienced a mild winter that he would compare to weather around Savannah, Georgia. He mentioned the possibility of a cold snap that could cause problems after all the unusually warm weather. He noted that his family enjoyed working with the local CSA area during 2011. He stated that everything appears ready to start planting. He reported on the success of his surgery to correct an eye problem.

Mr. Mills reported that folks in his area are ready for spring and that they are optimistic. He echoed that cattle prices in his area are also high and noted that the southern Piedmont has made a major shift toward more cattle production in that area. He observed that cattle are being turned out on grass two to three weeks early this spring. He noted the resurgence in tobacco production and tobacco contracting are more competitive. He talked about the great success of the first Southern Virginia Wine Festival that was attended by approximately 1400 people. He also noted that he enjoyed the opportunity to read to local students during Agriculture Literacy Week.

Mr. Johnson reported on a winter conference on professional development for all agency specialists that was co-sponsored by Virginia Tech (VT) and Virginia State University (VSU). He added that 46 new Extension agents were introduced at the conference and these agents represented a net 30 percent increase in Extension personnel working across the state. He pointed out the continued investments being made in the Agricultural Research and Education Centers in Virginia. He reported that there are over 2900 students in VT's College of Agriculture and Life Sciences and that number is growing. He added that VT's Ag Tech Program has 60 to 80 applicants every year.

Dr. Mersie reported that enrollment at VSU continues to grow and that the University opened new dorms. He stated that on March 6, 2012, VSU observed the 130th anniversary of its establishment during a Founders Day Program that included a keynote speech by Virginia's Secretary of Transportation. He advised that U. S. Secretary of Agriculture Tom Vilsack visited VSU on February 21, 2012, and held a roundtable discussion that included VSU administrators, faculty and students, as well as local farmers, U.S. Department of Agriculture (USDA) staff and government officials. He added that the discussion covered food safety, the availability of internships, and the USDA loan process.

Mr. Fleming expressed concern for the rising cost of fuel and how it is driving up the total cost of farmer inputs. He reported that farmers in his district will try to top dress their fields for corn and wheat, but that there are concerns about the somewhat dry conditions. He added that the cost of fertilizer will affect the cost of hay being produced for sale by farmers in his district. He noted that the unusually warm weather has created some concerns about pest control, etc.

Mr. Bain told the Board that everyone in his area is concerned about the potential for late frost. He also pointed out that the mild weather is expected to produce more insect pest problems for everyone. He reported that peanut growers have been offered \$700 contracts for the 2012 crop

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year---up from \$625 offered last year. He noted that everyone is looking at what will happen to the Farm Bill given that farm prices have been more favorable. He added that American farmers still need a safety net that the Farm Bill could provide. He expressed concern about Virginia and his region receiving sufficient precipitation for this year's crops. He noted that another drought this year could be very harmful. He stated that it is his understanding that tobacco companies like tobacco grown in Virginia because it has better texture. Mr. Bain thanked Commissioner Lohr for coming to Dinwiddie County for a farmland preservation meeting.

Mr. Sturgis also commented on the unusually mild weather. He reported that the potato planting is 85% complete. He mentioned that about 30 acres of fresh market carrots are being grown on the Eastern Shore this year for a firm in Canada. He mentioned the strawberry conference held in Virginia Beach and added that growers are concerned about the early flowering and the potential for a late frost that could hurt the crop. Concerning an agricultural excellence dinner he attended in Virginia Beach, he reported that Agriculture and Forestry Secretary Todd Haymore attended. He noted that Virginia Beach officials communicate a very positive attitude about the importance of farming and agriculture to their community and recognize the key role of farming/agriculture in the local economy.

Ms. Riley reported on weather and crop conditions in her district. She also talked about her experiences with reading to two local school classes during Agricultural Literacy Week.

Mr. Rogers mentioned his positive experiences with reading to local school students during Agricultural Literacy Week. He reported that he attended a program on foodbanks where he learned more about the work of volunteers who go into the fields to glean or gather food after the harvest for homeless shelters and foodbanks. He also reported on the mild weather conditions in his area and expressed concern for potential damage of a late frost.

COMMISSIONER'S REPORT

Commissioner Lohr briefed the Board on personnel changes, recent and future events and other matters relating to the Department of Agriculture and Consumer Services. A copy of a written report on which his presentation was based was included in the Board's meeting folders.

PROPOSED REVISION – ANIMAL POUNDS AND SHELTERS CIVIL PENALTY MATRIX

Dr. Richard Wilkes, State Veterinarian and Director of the Division of Animal and Food Industry Services, recognized the work of Dr. Rachel Touroo who recently left VDACS to take a position in Florida. He then introduced Dr. Dan Kovich of his staff who presented a proposed revision to the current Animal Pounds and Shelters Civil Penalty Matrix for the Board's consideration and adoption. Dr. Kovich indicated that the original matrix was adopted by the Board several years ago to be used by staff in assessing civil penalties. A copy of the proposed revision of the matrix was sent to Board members before the March meeting and a copy of this proposal was included in each Board meeting folder.

Following comments and discussion, Mr. Toulme moved that the Board adopt the revised pounds and shelters civil penalty matrix presented today by staff and authorize staff to have this revised matrix filed with the Virginia Registrar of Regulations. Mr. Mills seconded this motion and the Board voted unanimously to adopt the revised matrix.

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LEGISLATIVE UPDATE

Commissioner Lohr reviewed with the Board the latest tracking summary for legislative proposals considered by the General Assembly during the recent 2012 session. Copies of the tracking summary were included in the Board meeting folders. Among the several bills discussed during the Commissioner's briefing was the Governor's reform bill which will transfer the duties and responsibilities of the Pesticide Control Board to the Board of Agriculture and Consumer Services.

AGENCY BUDGET UPDATE

Deputy Commissioner Adams briefed the Board concerning appropriations for the Virginia Department of Agriculture and Consumer Services for the 2012-2014 biennium as included in the Governor's budget proposal and in the House and Senate versions of the state budget that will be considered when the appropriations bill is finalized. Summary information about the 2012-2014 agency budget as it relates to VDACS was included in the Board meeting folders.

PROPOSED REGULATORY ACTION -- 2 VAC 5-440, RULES & REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA PEST LAW – COTTON BOLL WEEVIL QUARANTINE

Andy Alvarez, Director of the Division of Consumer Protection, introduced Erin Williams of his staff who briefed the Board on the need to authorize staff to file a Notice of Intended Regulatory Action (NOIRA) concerning 2 VAC 5-440, Rules & Regulations for the Enforcement of the Virginia Pest Law – Cotton Boll Weevil Quarantine. Ms. Williams recommended that a NOIRA be filed and published in the Virginia Register of Regulations to seek public comment on the need to amend 2 VAC 5-440 to bring it up-to-date and to make other changes that are needed.

Following comments and discussion, Mr. Clark moved that the Board authorize staff to take any and all actions necessary to file, on behalf of the Board, a Notice of Intended Regulatory Action concerning 2 VAC 5-440, Rules & Regulations for the Enforcement of the Virginia Pest Law – Cotton Boll Weevil Quarantine. Mr. Ellis seconded the motion and the Board voted unanimously to pass the motion.

BRIEFING ON VDACS OFFICE OF CHARITABLE GAMING

Mr. Alvarez introduced Mike Menefee of his staff who gave a PowerPoint presentation on the programs and services of the Office of Charitable Gaming.

BRIEFING ON VDACS FARMSTEAD CHEESE PROGRAM

Dr. Wilkes introduced John Beers who briefed the Board on VDACS' Farmstead Cheese Program.

VIRGINIA AGRICULTURAL STATISTICS UPDATE

Herman Ellison, Director of the Virginia Office of the National Agricultural Statistics Service of USDA, briefed the Board on plans for the 2012 Census of Agriculture and gave the members a copy of the USDA brochure on the Census. Mr. Ellison asked the Board to help encourage folks to participate in the Census.

NEW BUSINESS

Mr. Ellis expressed concern about the negative perception of ethanol fuel and the lack of accurate information about ethanol. Mr. Bain noted that there is a need to get out the facts about ethanol fuel. The Commissioner acknowledged that the industry is

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divided over this subject. Mr. Bain mentioned that it would be helpful if they could get sufficient facts on the ethanol issues to reduce the bad publicity.

The Board was advised that Melvin Murphy resigned from the Board after the December Board meeting.

It was noted that, with the merger of the duties and responsibilities of the Pesticide Control Board with the current duties and responsibilities of the Board of Agriculture and Consumer Services, effective July 1, 2012, Governor McDonnell will be appointing citizens to fill the two new positions representing pesticide interests that will be added to the Board.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers advised that the Board is scheduled to meet in Richmond during the remainder of 2012 on May 24 and December 6 and that it will have its summer meeting in the Winchester area on August 7. He called on Mr. Hardesty who reported on plans for the Board to meet on August 7 in his district and to participate in a tour on August 8. In response to Mr. Mills' question about when will the Board begin to take up pesticide issues, Mr. Rogers reported that the Board's new duties and responsibilities for pesticides will be on the meeting agenda for the August meeting.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:35 a.m.

Respectfully submitted,

Paul W. Rogers, Jr., Board President

Roy Seward, Board Secretary