

FINAL MINUTES
Board of Agriculture and Consumer Services
Senate Room 3, State Capitol
Richmond, Virginia
May 23, 2013

The meeting convened at 9:00 a.m. on Thursday, May 23, 2013, in Senate Room 3 of the State Capitol in Richmond, Virginia. President Rogers called the meeting to order. Mr. Hardesty gave the invocation. The Board Secretary called the roll:

PRESENT

Stephen Ellis
Steve Sturgis
Paul W. Rogers, Jr.
William B. Bain
Robert Mills, Jr.
Rosalea Potter
Edward S. Fleming
Patrick A. Toulme
Charles C. Clark, Jr.
John D. Hardesty, Jr.
Kirk Wiles
Elizabeth L. White
Kevin J. Kordek
Dr. Jewel Hairston

DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th

Pesticides -- Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Keith T. Miller, President,
Virginia State University

ABSENT

Dr. Charles W. Steger President, Virginia Tech

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 be approved as distributed. Mr. Sturgis seconded the motion and the Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Rogers advised the Board members that the terms of office for persons elected today will begin July 1, 2013, and end June 30, 2014. He then called for nominations for President.

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Mr. Mills nominated Mr. Sturgis for President and Mr. Kordek seconded the nomination.

Mr. Clark nominated Mr. Ellis for President and Mr. Hardesty seconded the nomination.

Mr. Bain moved that nominations be closed and Mr. Mills seconded the motion.

President Rogers then called for a vote on the two nominees and the Board elected Mr. Sturgis as President by a vote of 10 to 2.

President Rogers called for nominations for Vice President.

Mr. Bain nominated Mr. Mills for Vice President and Ms. Potter seconded the motion.

Mr. Clark nominated Mr. Ellis for Vice President. Mr. Ellis withdrew his name from nominations.

Mr. Fleming moved that the nominations for Vice President be closed. His motion was seconded by Ms. Potter and passed unanimously by the Board.

Mr. Sturgis moved that Mr. Mills be elected Vice President. Mr. Toulme seconded the motion and it was passed by a unanimous vote of the Board.

President Rogers then called for nominations for Secretary.

Mr. Bain nominated Mr. Seward for Secretary and the motion was seconded by Mr. Clark. There being no other nominations, Mr. Toulme moved that nominations be closed and that Mr. Seward be elected as Board Secretary. Mr. Mills seconded the motion. The Board then elected Mr. Seward as Secretary by a unanimous vote.

REPORT FROM BOARD MEMBERS

Dr. Hairston, the representative of Virginia State University (VSU), reported that the University's School of Agriculture will become the College of Agriculture. She noted that VSU is delighted that this year it will be the first 1890 land grant institution to host representatives of land grant universities from 17 states for the Southern Regional Conference of the Council for Agriculture Research, Extension, and Teaching. She noted that VSU will be hosting the Southern Regional Conference in partnership with Virginia Tech during August 4-6, 2013, in Williamsburg. She invited all Board members to attend the above conference. She will send the members an email link for them to register. She also reported plans for a Small Fruit and Vegetables Field Day during June 27, 2013. She noted that the field day will showcase some of the fruit and vegetables they are growing and will include an "Iron Chef" competition at Randolph Farm.

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Mr. Mills reported that his district had adequate moisture; tobacco planting has been delayed due to rain; 85% of tobacco plants are in the ground; early corn is in the ground; and barley and wheat look good. He talked about the challenges facing the cattle producers in his area and noted that farmers are glad to see moisture in the ground.

Mr. Ellis reported that his district is doing pretty well. He noted that it has been slow going because of cool wet weather but that once farmers got everything planted, the warmer nights started to make things grow. He reported that his area did not receive the heavy rains that flooded other areas of the state. He stated his district has two to three fairly large farmers' markets that open on Saturday mornings and that they are doing very well.

Mr. Hardesty thanked Commissioner Lohr and his staff for their work in promoting the interests of Virginia agriculture. He also thanked the Board members for their efforts to support of the state's industry of agriculture. He reported that in his area the hay crop is average, 20 percent of soybean acreage is planted, barley and wheat crops look good, and 90 percent of corn is planted. He noted that the apple and peach crops are off to a good start and that they were not affected by the heavy frost. He stated that the harvest of strawberries is running behind.

Mr. Toulme reported that the City of Falls Church is continuing its famous Farmers Market Chef Series at their local farmer's market which is held on Saturdays. He explained that chefs from Washington, D.C. area restaurants come to the market and demonstrate their specialties and recipes using locally grown seasonal foods. He pointed out that the Chef Series highlights the importance of eating local seasonal food and that this event benefits our environment, our economy, and our health. He noted that 2013 is the fifth year for this very popular Chef Series program. He added that hundreds of people attend the market and that this helps to educate the public about the importance of locally grown food and Virginia agriculture in general

Mr. Clark reported that his district is green and beautiful and everything is going well. He thanked his fellow Board members for the opportunity to serve with them for the past eight years. He also thanked Commissioner Lohr and his staff for their hospitality and working relationship with the Board. He noted that his area has had some problems with pastures because of cold weather but that they have had a lot of moisture and experienced some growth.

Mr. Rogers echoed the comments of Messrs. Clark and Hardesty about the Board and the experience he has had serving on the Board. He added that it has been an honor and pleasure to work with the Board members and that he has a great respect for the work VDACS is doing. He reported that planting in his district is on schedule, peanuts have been planted, 95% of cotton is planted, and the wheat crop is about three weeks away. He noted that he is planting soybeans and topdressing the corn. He added that

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corn is about 12 to 18 inches high. He reported that his area has had adequate moisture and things are looking good so far.

Ms. Potter reported that her area has received a lot of rain. She mentioned driving in her district and seeing a cornfield covered with water from a flooding creek and seeing fish swimming in the field. She noted that the heavy rains have delayed efforts of local farmers to chop their small grain fields. She reported that a few farmers have had some corn planted but that the corn is no more than two inches tall. She stated that a farmers' market has opened in her district and that is good for those farmers who are selling local products. She told the Board that she had an opportunity to travel over her area during the planning for the Board's tour on July 30.

Mr. Kordek thanked Mr. Roger for welcoming him to the Board and helping him become acclimated to his role as a Board member. He reported that the pest control industry has felt the impact of the weather as have the farmers. He added that, starting in April when the warm weather hit, termites showed up in numbers, and that has a lot to do with the many months of rainfall we have had in different parts of the state. He noted that, by some measurement, termites business is up by as much as 30% in Virginia this year and that has a huge economic impact on consumers in terms of dollars they need to spend to correct the termite problems and also to fix termite damage. He reported that in the last five weeks his company has hired six new staff persons to try to keep up with consumer demand for services. He commented that he expects that the Office of Pesticide Services (OPS) will see a little spike in the number of registered technician pesticide applications coming through.

Ms. White briefed the Board concerning OPS activities during July 1, 2012 through May 6, 2013, and provided a summary of program data such as the numbers of applicators certified, pesticide businesses licensed, and pesticide products registered. A copy of this report was included in the Board meeting folders.

Mr. Wiles reviewed with the Board information from the 2012 Commercial Grape Report. He stated that, according to this report, a total of 2,974 acres of grape vines were produced in the Virginia. He noted that the 7,532 tons of grapes produced yielded almost 485,000 cases of wine which were sold to consumers. He added that Virginia reached a record high in wine sales last year. He noted that, in terms of wine production, Virginia ranks 5th behind California, Oregon and Washington and New York. He reported that Virginia's wine industry employed almost 470,000 people and contributed almost \$750,000,000 to the state's economy. He stated his operation was the 156th winery in Virginia when it opened and that the last he heard the state has 260 farm wineries. He reported that on May 13, 2013, some wine-growing areas of the state experienced frost damage and that yields for affected vineyards are expected to be down by about 20 percent.

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Mr. Sturgis reported that weather conditions on the Eastern Shore are generally good. He updated the Board concerning the arrest of persons for arson following a long series of fires on the Shore. He noted that crops look good at the moment. He stated that potatoes look very good, that barley is coming up, and that wheat is a little bit behind. He advised that the 30th Annual Pungo Strawberry Festival will be held in Virginia Beach this weekend.

Mr. Bain reported that, in general, his district has received a good amount of moisture. He noted that his district has a good potential for wheat yields, and that the planting of crops is on schedule. He noted that local farmers are very happy that the improving tobacco situation. He reported that the cattle market is weakening. He noted that there is a lot of interest in the Farm Bill, especially on the crop side of the bill. He thanked Mr. Rogers for an excellent job in presiding over the Board meetings.

Mr. Fleming stated that it was an honor and privilege to serve on the Board. He reported that farmers in his district have complained that about experiencing the coldest spring on record. He noted that the cold weather has affected crops in his district, but some of the crops are recovering. He added that the local farmers' market in his county is doing well.

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.

FINAL ACTION - PROPOSED REGULATION OF THE HARVEST AND PURCHASE OF WILD GINSENG - 2 VAC 5-321

President Rogers called on Andy Alvarez, Director of the Division of Consumer Protection (DCP), who presented the staff recommendations concerning the proposed 2 VAC 5-321, Regulation of the Harvest and Purchase of Wild Ginseng, which was submitted for public comment and which was the subject of a public hearing held by the Board in conjunction with the Board's meeting on March 28, 2013. It was noted that a copy of the proposed regulation with an amendment was sent to the Board prior to the May 23rd meeting and that a copy is included in each Board meeting folder. In addition, a copy of the transcript of the public hearing on 2 VAC 5-321 was sent to the Board members prior to the May meeting and included in the meeting folders.

After Mr. Alvarez reviewed the public responses to the proposed 2 VAC 5-321 and the recommended amendment to the proposal, Mr. Clark moved that the Board adopt 2 VAC 5-321, Regulation of the Harvest and Purchase of Wild Ginseng, as presented by staff today, and that the Board authorize staff to take any and all steps necessary for this regulation to become a final regulation of the Board. Mr. Toulme seconded the motion and it was passed by a unanimous vote of the Board.

PROPOSED FAST TRACK AMENDMENTS – REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT (2 VAC 5-685)

President Rogers called on Mr. Alvarez to review with the Board the staff recommendations concerning proposed fast track amendments to 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act. Mr. Alvarez explained that staff recommends that the proposed changes to the current regulations be processed by fast track regulatory action because the amendments generally are supported by the industry and are not expected to be controversial.

Following the staff presentation and Board discussion, Mr. Kordek moved that the Board adopt 2 VAC 5-685, Regulations Governing Pesticide Certification Under Authority of Virginia Pesticide Control Act, as presented by staff today and that the Board authorize staff to take any and all actions necessary for 2 VAC 5-685 to become final regulations of the Board through a fast track regulatory process. Ms. White seconded the motion and it was passed by a unanimous vote.

OFFICE OF PESTICIDE SERVICES COMPLIANCE PROCESS

The President called on Mr. Alvarez, who introduced Liza Fleeson, Program Manager of the Office of Pesticide Services (OPS). Ms. Fleeson presented a PowerPoint presentation on the compliance process followed by OPS in the administration of the provisions of the Virginia Pesticide Act. She also answered questions from the Board concerning the different steps in the process that may lead to the Board's review of an appeal as in the case of Crabbe Aviation which was considered at the Board meeting on March 28, 2013.

CERTIFIED FERTILIZER APPLICATOR ONLINE TRAINING

The President called on Mr. Alvarez, who introduced Dr. Mike Goatley of Virginia Tech (VT). Dr. Goatley, together with Mark Sumner of VT, presented a PowerPoint presentation on the development of a training module called FACT (Fertilizer Applicator Certification Training) which was achieved in partnership with VDACS. Dr. Goatley explained that FACT provides online training and testing of certified fertilizer applicators. He noted that this undertaking could very well serve as model for similar training initiatives.

VIRGINIA AGRICULTURAL STATISTICS REPORT

Herman Ellison, who heads the Virginia State Office of the National Agricultural Statistics Service of the U. S. Department of Agriculture, briefed the Board concerning recent efforts of his agency regarding agricultural statistics reports, surveys and the Ag Census.

NEW BUSINESS

In response to questions from Mr. Sturgis about the seriousness of the threat that elk pose for Virginia livestock producers, Dr. Richard Wilkes, State

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Veterinarian and Director of the Division of Animal and Food Industry Services, stated that introducing elk to Virginia will not create an overwhelming risk. He explained that the elk being introduced come from a herd in Kentucky that has been under observation for several years. He added that we are not happy that elk are being brought into Virginia but we think that the precautions being taken make it an acceptable risk. He told the Board that if tuberculosis or brucellosis are found in Virginia elk and cattle that managing either disease around a wildlife reservoir could be overwhelming. Dr. Wilkes discussed concerns about the reliability of the tuberculosis and brucellosis tests in elk. He noted that he has cautioned against group feeding for the elk brought to Virginia because encouraging the animals to stay in close contact adds to the potential for disease spread.

Mr. Rogers presented certificates of recognition to Messrs. Fleming, Hardesty and Clark for their eight years of outstanding service to the Board as members.

Commissioner Lohr presented a special plaque to President Rogers recognizing his outstanding service as Vice President (2005-2009) and President (2009-2013). The Commissioner also presented Mr. Rogers with a certificate of recognition for his eight years of remarkable service as a Board member during 2005-2013.

PLANS FOR LEXINGTON VISIT

The President called on Ms. Potter who reported on plans for the Board's meeting on July 29, 2013, and tour on July 30 in the Lexington area.

PLANS FOR FUTURE BOARD MEETINGS

President Rogers noted that the Board will have its last meeting of 2013 on December 5 in Richmond. He thanked Ms. Potter for accepting the responsibility for hosting the Board for its meeting and tour in July.

PUBLIC COMMENT PERIOD

Rev. Gayl Fowler of Northumberland County presented her concerns about the contamination of water supplies and the threat to human health caused by the misuse of pesticides. She urged the Board to maintain adequate regulation of pesticide use as a means of safeguarding local water supplies. She advised the Board that the public needs to be better educated about pesticide use and that there appears to be confusion at the local level about where to go in state government to get help with pesticide issues.

Mr. Alvarez advised the Board that the OPS staff members have a long working relationship with local health departments across the state and expressed dismay that a local health official in her area did not know about VDACS' pesticide program.

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ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:40 a.m.

Respectfully submitted,

Steve Sturgis, Board President

Roy Seward, Board Secretary