

FINAL MINUTES

Board of Agriculture and Consumer Services
Rural Retreat Depot
105 W Railroad Ave
Rural Retreat, VA 24368
Tuesday, July 24, 2018

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 2 p.m. on Tuesday, July 24, 2018, at the Rural Retreat Depot in Rural Retreat, Virginia. President Mills called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Clifton A. Slade
Shelley Barlow
Robert J. Mills, Jr.
James S. Huffard, III
Richard Sellers
Neil Houff
Kevin J. Kordek
Dr. Alan Grant

Dr. Milton O. Faison

CONGRESSIONAL DISTRICT

1st
3rd
4th
5th
9th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Timothy D. Sands, President,
Virginia Tech
Representing Dr. Makola Abdullah, President,
Virginia State University

ABSENT

Donald Horsley 2nd
Rosalea R. Potter 6th
L. Wayne Kirby 7th
Kay Johnson Smith 8th
John R. Marker 10th

STAFF PRESENT

Dr. Jewel Bronaugh, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Board Secretary

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on May 24, 2018, be approved as distributed. Mr. Kordek seconded the motion, and it was passed by a unanimous vote.

WELCOME

Mr. Mills recognized Mr. Timothy G. Litz, mayor of Rural Retreat. Mr. Litz welcomed the Board to Rural Retreat and gave a brief history of the agricultural significance of the Rural Retreat Depot.

Mr. Mills recognized Secretary of Agriculture and Forestry Bettina Ring. Secretary Ring greeted the Board, delivered brief remarks, and introduced Mr. Brad Copenhaver, Deputy Secretary of

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Agriculture and Forestry to the Board. She also announced the appointment of Heidi Hertz as Assistant Secretary of Agriculture and Forestry.

REPORT FROM BOARD MEMBERS

Dr. Alan Grant

Dr. Grant reported that it has been a busy summer at Virginia Tech (VT). The university has hosted thousands of students on campus for a variety of activities. In June, Virginia Tech hosted the Future Farmers of America State Convention, Virginia 4-H State Congress, and Master Gardeners College. Summer is also the season for field days, which often involve the Agriculture Research Extension Centers. VT hosted a number of these events this summer, which were well attended. In July, VT hosted 100 students on campus for the Governor's School of Agriculture and the VT Department of Entomology hosted the Hokie Bug Camp, both of which are good opportunities for youth to come on campus. Also this summer, the third cohort of participants graduated from the Virginia Agriculture Leaders Obtaining Results (VALOR) program.

He stated that VT has made some recent organizational changes. Three separate academic departments were combined to create the School of Plant and Environmental Sciences (SPES) within the College of Agriculture and Life Sciences. The change will allow VT to make greater investments in the disciplines related to plant and environmental sciences. Horticulturist Michael Evans was hired to be the SPES Director in April. SPES officially opened on July 1. Finally, he stated that a number of VT faculty, staff, and students will be involved with the Ag Expo next week at Cloverfield Farms. Participation in this event gives the College of Agriculture and Life Sciences an opportunity to partner with the Virginia Grain Producer's Association, Virginia Soybean Association, and the Virginia Cooperative Extension.

Dr. Milton O. Faison

Dr. Faison introduced himself to the Board as the interim director of the Center for Agriculture Research, Engagement, and Outreach at Virginia State University (VSU). He reported that VSU is excited about outcomes from their seed grant program, which allowed them to build collaborations between the College of Agriculture and the rest of the campus. The original round of funding went out under Dr. Bronaugh, and they saw some exciting programs. One such program was a Girls in STEM camp that wrapped up two weeks ago. For the round of funding they awarded last week, they received 27 proposals. He stated that they were able to fund 10 proposals worth approximately \$1.1 million.

He reported that they are excited about the successful work that their small farm outreach program is doing around the Commonwealth. They just finished renovating their pavilion for those attending small farm outreach events on campus. He stated that VSU wrapped up its latest Urban Agriculture Certificate Program, which was held March 10 – May 16. Students came from across the state to learn about urban agriculture and urban agriculture techniques. He reported that the College of Agriculture is forging ahead with the Summerseat Project, a partnership between VSU, Sabra Dipping Company, and Chesterfield County. The project involves the installation of an urban garden on an historic site. There are plans for additional facilities around the garden that could be used for education. He concluded by noting that VSU is hosting a hemp field day in two days.

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Richard Sellers

Mr. Sellers reported that there has been two to four inches of rain per hour in his area, which is a concern for vegetable gardens. He has left a message with the Agriculture Coordinator for Fairfax County and plans to meet with him soon. Fairfax County has allocated \$500,000 in its budget for agritourism. He reported that the federal Farm Bill conferees have been named, and he anticipates that it will be an ugly negotiation. There are 36 conferees from eight different committees. Many in Washington would like the Supplemental Nutrition Assistance Program (SNAP) to be taken out of the Farm Bill and moved to Health and Human Services. SNAP is 70 percent of the Farm Bill budget, and disagreements about the program are endangering the other programs in the bill. The House and Senate versions of the bill are dramatically different. The Senate version of the bill passed with all the Democrats supporting the bill, but the Senate version did not pass the House because of disagreements over work requirements for food stamp recipients. He stated that he has been involved with implementation of the federal Food Safety and Modernization Act, which is costing his industry on the feed side approximately \$1 billion nationwide. Inspections of larger scale feed companies are supposed to start in January, and he hopes the Commonwealth can get some funding to do these inspections.

James Huffard

Mr. Huffard welcomed the Board to Rural Retreat. He reported that they have had less than an inch of rain in the last several days on his farm and the corn could use more water. The problems facing the dairy industry have been in the national press lately. He stated that the announced dairy price for next month is significantly down, which many think is due to the international tariff situation. Prior to the tariffs, the industry had forecasted improved prices for the next six months. The Duchess Dairy plant, which the Board will be touring later, has started supplying more athletic teams with chocolate milk. He stated that he is currently in talks with a few colleges to supply chocolate milk for their athletes as well. Athletes drink chocolate milk after workouts and practices, and he stated that his Jersey milk has more natural protein in it than regular milk.

Kevin Kordek

Mr. Kordek reported that the pest control industry dodged the sales tax bill that passed the General Assembly last year, but he doesn't think they're going to be as fortunate this year. The push for a neonicotinoid ban is back in full swing again. He noted that the certified entomologist course is also about to start. The Virginia Pest Management Association's (VPMA) inaugural Leadership Enrichment Action Program (LEAP) class is about to begin, and the first class will have 20 enrollees. The VPMA State Technical Meeting will be on September 25-26, in Richmond. From a structural standpoint, mosquitos, bug beds, and spiders are the pests of the season. He concluded his report by stating that he is pleased to have Dr. Dini Miller presenting to the Board later in the meeting.

Neil Houff

Mr. Houff stated that, due to heavy rain, an applicator was so stuck in the field it had to be dug out with an excavator, which was a first. He reported that he continues to follow the issue of dicamba use and reported complaints. The EPA presented reports of incidents in various states, and he is happy to announce the state of Virginia has had no reported drift injuries. Injury can be anything from minor leaf curl to serious injury. Virginia is doing its part. Unfortunately, other states have had a slight uptick from previous years. He stated that he does not think this uptick is from more drift but from more awareness and more use of the product. It's still up in the air whether they'll be able to keep using dicamba, which in his opinion, is a tool the industry needs.

The U.S. Environmental Protection Agency will ultimately decide. Finally, he stated that, in his opinion, forage land and grassland is one of the most underutilized resources in Virginia. With the tools available for weed control and pest control, brush, bramble, and barley wheat could be a productive cash crop. While grass is not thought of as a cash crop, it can become one in the beef industry as it is grazed by sheep and other livestock.

O. Bryan Taliaferro

Mr. Taliaferro reported that his district had lots of water in the spring and the corn took a lot of damage as a result in the Northern Neck and Middle Peninsula areas. A significant amount of acreage had to be replanted. There was an associated loss of nitrogen in some cases. They could not get in the fields to do the top dressing, some of which had to be done by airplane, but some of the fields never got it. He stated that from June 22 until July 21 his district didn't receive any rain, and both the corn and soybeans took a hit. Fortunately, this past Saturday they started to get some rain. It has been going from extremely wet to extremely dry back to extremely wet. He also stated that he has heard the seafood industry is doing well. It appears Rappahannock oysters are coming back and the blue crab season has been decent.

Clifton Slade

Mr. Slade echoed what Mr. Taliaferro reported about the rain patterns. He reported that there were more than three inches of rain in his rain gauge this morning and it continued to rain hard. In the vegetable industry, rain after an extended drought creates growth cracks in the produce, especially in tomatoes and sweet potatoes. He won't be able to sell vegetables that have those cracks, and they will go to food banks instead. Mr. Slade reported that they still have the deer problem. However, he had great success deterring the deer with Dial soap this year. He grated the soap and spread it around the perimeter of his field, and it protected his sweet potato transplants until he was able to ship them all out. The corn, soybean, and small grain crop have been a mixed bag. He stated that he would defer to Ms. Barlow to speak about cotton, but he noted that he has never seen a crop withstand drought as well as this year's cotton crop. Regarding the corn crop, he stated that farmers who managed to get into the field to plant their corn early may have a substantial yield. However, farmers who could not get into the fields and waited to plant until May will not have much of a yield. Corn yields are already drying and falling down. The moisture will help vegetables and soybean crops, but the corn is very much a done deal.

Shelly Butler Barlow

Ms. Barlow stated that she believes some dicamba injury is not being reported because she has seen some damage. Mr. Houff clarified that the injury is not reported if the landowners work it out between themselves. She noted that deer are still a problem. She has a couple of farms they are going to let go because they are small, cut up, and not productive and the deer eat everything. They are going to err on the side of smaller and hopefully better. She reported that her area has also experienced heavy rain. They had to race to get the growth regulators and insecticides on the cotton before the rain. They can't go in the fields because the equipment gets stuck, and even people are at risk of getting stuck with all the rain they've had. Her area has received approximately two inches of rain a day, and the pattern seems to be in place for the next 10 days. More than half of their acres are in cotton, and, with a few exceptions, the cotton looks excellent. The corn crop looks pretty good, but there is some that did not get nitrogen application. She stated that it can be difficult to be optimistic in agriculture at this moment because the commodity prices they are looking at in reaction to the tariffs are breathtaking. They already know that they will lose money on their soybean crop because of the

low prices, but they can't do anything about that. She reported that it looks like her area will have a better than average or excellent crop this year. They hope prices and the federal Farm Bill straighten themselves out. She stated that if there was anything they should be doing to help that along, to let her know. She concluded with a statement that it can be frustrating to be in the crosshairs of international trade and not be able to do anything about it.

Robert J. Mills, Jr.

Mr. Mills reported that he shared the same concerns as Mr. Taliaferro. His area went 45 days without a drop of water. He irrigated tobacco for 27 straight days. Even recently, they have received very little rain and are praying for more water. Several farms have gotten less than an inch of rain this week. He stated that the wheat crop looks pretty good. The corn crops are pretty bad. The two farms in his area that have center pivot irrigation systems will have corn, and the corn planted in June may yield some as well. But, three of the top four largest dairies in Virginia are located in Pittsylvania County, and owners are concerned that there won't be enough corn available to feed their dairy cows. He reported that the early beans are fair. The sun took the oil out of the no-till beans that went behind wheat. Crop insurance will spend a lot of time in the Southside this year with tobacco, beans, and corn. He stated that he has not seen a group of farmers as concerned as they are right now on how they are going to be able to make payments and survive one year to the next.

He reported that the tobacco crop is going to see a 300 – 400 pound reduction in yields this year. This could be a total loss for some farms, but things could turn around in the next couple of days. He stated that they were successful in getting the extension from the U.S. Food and Drug Administration (FDA) on the comment period for the regulations that would limit nicotine levels in tobacco. The tobacco industry will be waiting for that ruling soon to see what happens there. The industry is stepping back and watching. This is a very pivotal time in the tobacco industry, and the industry is watching to see what FDA is going to do on nicotine levels and the flavoring of tobacco.

COMMISSIONER'S REPORT

Commissioner Bronaugh delivered her report to the Board. During the presentation of this report, she 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 folder.

MEETING RECESS

At approximately 2:52 p.m., President Mills adjourned the Board meeting to begin the public hearing on the proposed regulations for 2 VAC 5-670.

**SUMMARY OF PUBLIC HEARING FOR PROPOSED REGULATIONS FOR 2 VAC 5-675
(REGULATIONS GOVERNING THE PESTICIDE FEES CHARGED BY THE DEPARTMENT
OF AGRICULTURE AND CONSUMER SERVICES)**

At 3:03 p.m., President Mills opened the public hearing on the proposed regulations for 2 VAC 5-675 (Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services). A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Mills called on Larry Nichols, Director, Division of Consumer Protection, to brief the Board concerning the proposed regulations for 2 VAC 5-675.

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Staff advised the Board that the proposed regulation was filed with the Registrar of Regulations and published in The Virginia Register of Regulations. The Board was advised that the purpose of the hearing is to provide interested parties an opportunity to comment on the proposal.

Following the staff presentation, President Mills asked Secretary Schmidt if anyone signed up to speak. President Mills also asked if there was anyone in the audience who wished to speak. No one signed up to speak nor wished to speak to the issue.

President Mills provided an opportunity for Board questions and advised the Board that, following the end of the public comment period for the proposal, staff will review oral and written comments received and, at a later meeting, present a recommendation on the proposal. President Mills then adjourned the public hearing at 3:10 p.m. and reconvened the Board meeting.

RESPONSE TO VIRGINIA STATE DAIRYMEN'S ASSOCIATION PETITION FOR RULEMAKING – 2 VAC 5-490 (REGULATIONS GOVERNING GRADE "A" MILK)

President Mills called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis presented the petition for rulemaking from the Virginia State Dairymen's Association requesting that the Board amend 2 VAC 5-490. Mr. Davis summarized what staff has done in response to receiving this petition and explained the exempt process for 2 VAC 5-490 and next steps in the regulatory process should the Board initiate the proposed regulatory action.

President Mills then called on those persons interested in presenting comments on the petition. The following comments were received:

- Eric Paulson, Virginia State Dairymen's Association, spoke in support of the petition.
- Wilmer Stoneman, Virginia Farm Bureau Federation, spoke in support of the petition.

At the completion of the public comments, President Mills called again on Mr. Davis to make a formal recommendation to the Board for its consideration. Mr. Davis stated that the agency had no position on the petition.

Following Mr. Davis' presentation and an opportunity for Board questions and comments, Mr. Sellers moved that, after consideration of a petition for rulemaking presented by the Virginia State Dairymen's Association to amend 2 VAC 5-490, Regulations Governing Grade "A" Milk, as well as public comments received concerning the petition and staff recommendations, the Board approve this petition and authorize staff to take any and all steps necessary to amend this regulation through an exempt regulatory action as authorized by Section 3.2-5206 of the Virginia Milk, Milk Products, and Dairies Law. Mr. Taliaferro seconded the motion, and it was carried by a unanimous vote of the Board.

EXEMPT ACTION TO ADOPT AMENDMENTS NECESSARY TO CONFORM TO CHANGES IN VIRGINIA STATUTORY LAW – 2 VAC 5-585 (RETAIL FOOD ESTABLISHMENT REGULATIONS) - RYAN DAVIS, PROGRAM MANAGER, OFFICE OF DAIRY AND FOODS

President Mills called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis presented the Board with a brief overview of the amendments to 2 VAC 5-585 as a result of legislative changes during the 2018 Sessions of the General Assembly and answered the Board's questions.

Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-585, Retail Food Establishment Regulations, as presented by staff and that the Board authorize staff to take any and all steps necessary to amend this regulation through an exempt regulatory action as authorized by Section 2.2-4006 of the Virginia Administrative Process Act. Ms. Barlow seconded the motion, and it was carried by a unanimous vote of the Board.

PRESENTATION ON HOW THE VDACS OFFICE OF LABORATORY SERVICES SUPPORTS AGRICULTURE IN VIRGINIA

President Mills called on Dr. Joe Garvin, Program Manager, VDACS Office of Laboratory Services. Dr. Gavin presented the Board with an overview of the responsibilities and duties of VDACS's laboratory services and answered Board member questions.

PRESENTATION ON THE ROLE OF URBAN PEST MANAGEMENT IN VIRGINIA

President Mills called on Mr. Kordek to introduce Dr. Dini Miller, Professor, Department of Entomology, Virginia Tech. Mr. Kordek introduced Dr. Miller, who delivered a presentation on her work with bed bugs and German cockroaches.

PLANS FOR TOUR ON WEDNESDAY, JULY 25

President Mills called on Secretary Schmidt to provide an overview of the plans for Tuesday evening and Wednesday.

NEW BUSINESS

No new business was introduced.

FUTURE BOARD MEETINGS

President Mills announced that the next meeting will take place December 6, 2018, in the West Reading Room of the Patrick Henry Building.

PUBLIC COMMENT PERIOD

President Mills recognized Mr. Joe Hale from the Wythe County Board of Supervisors. Mr. Hale presented the Board with information about the Appalachian Regional Exposition Center opening soon in Wythe County.

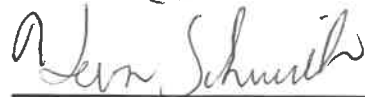
ADJOURNMENT

There being no further business, Mr. Sellers made a motion for the Board to adjourn. Mr. Slade seconded the motion, and it was carried by a unanimous vote of the Board. The Board adjourned at approximately 4:44 p.m.

Respectfully submitted,



Mr. Robert Mills
Board President



Kevin Schmidt
Board Secretary