

FINAL MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
East Reading Room
1111 E. Broad Street
Richmond, Virginia

Friday, December 9, 2022

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Friday, December 9, 2022, in the East Reading Room of the Patrick Henry Building in Richmond. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Clifton A. Slade
Shelley Barlow
Tyler Wegmeyer
Richard Sellers
Neil Houff
Charles Church
Dr. Wondi Mersi

Lonnie Johnson

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
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

Cecil Shell
Margaret Ann Smith
Jacquelin Easter
Vacant
James S. Huffard, III

5th
6th
7th
8th
9th

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Erin Williams, Senior Policy Analyst, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on July 19, 2022, be approved as distributed. Mr. Church seconded the motion. The Board voted unanimously to approve the motion.

WELCOME FROM SECRETARY OF AGRICULTURE AND FORESTRY LOHR

Secretary of Agriculture and Forestry Lohr welcomed the Board and thanked members for their service. Secretary Lohr provided a brief update of the Secretariat's activities over the past year and priorities for the upcoming year. He also asked for future Board meeting dates so that he could try to attend.

REPORT FROM BOARD MEMBERS

Charles Church

Mr. Church reported on the Virginia Pest Management Association (VPMA) state technical meeting in Richmond and thanked Commissioner Guthrie for participating. He stated that the meeting trained over 200 pest management professionals and had 30 exhibitors over the three-day event. VPMA also had a fundraiser that raised approximately \$2,000, which allowed VPMA to award a \$1,500 scholarship to an entomology Ph.D. student at Virginia Tech.

Neil Houff

Mr. Houff mentioned the Virginia Crop Production Association's Crop Summit in January 2023 in Midlothian. Mr. Houff provided an update on fertilizer and pesticide supply chain challenges and pricing. Pricing is still fairly unpredictable for fertilizer, but pesticides have stabilized a bit. He concluded by stating that Shenandoah Valley crops had a good season.

Bryan Taliaferro

Mr. Taliaferro mentioned that he still sees a lot of soybeans in the fields, so when the beans are harvested, they will be in terrible shape. Yields in his district were up and down, with some dry spells that hit some soybeans badly and dropped the yields significantly. But, the soybean prices were astronomical. So, overall, grain farmers should make a profit this year. If farmers continue to see high input costs and the markets decline at all, profits will be in jeopardy for grain operations. Mr. Taliaferro also mentioned the completion of an eight-year process to transfer land within his family.

Donald Horsley

Mr. Horsley reported that he had good corn, wheat, and soybean yields this year, with the soybean yields the best he has ever had. Some spots did have dry weather, which hurt them. Mr. Horsley stated that they received 19 inches of rain over the first six months of the year in his area compared to 31 inches over the same time the previous year and that the rain in July is what saved the crops. They also had a good dry harvest season overall.

Clifton Slade

Mr. Slade reported that yields in his district all over the board. While yields were down in some place, prices were up. He also said that yields changed this year, with more yields near field bottoms. He completed one of the best years he ever had with vegetables and that irrigation for vegetables paid big dividends this year. Mr. Slade also thanked Virginia Agribility and the services that it has been able to provide and stated he was asked to go to national Agribility meeting in Spokane, Washington. Mr. Slade mentioned that, while he is still growing hemp and is one of the remaining growers, he is not sure if he will continue. Mr. Slade also relayed a message from Mr. Shell that the timber market is steady to strong with pine but that hardwoods are presenting some challenges. Mr. Shell also said that the yield on corn is down, the yield on soybeans was down but prices were up, and that tobacco yields and quality were good to very good. Mr. Shell did say that his irrigation ponds needed some moisture to make a crop next year.

Tyler Wegmeyer

Mr. Wegmeyer reported that the crop yield and conditions in his district were good. Above average rainfall was challenging for hay farmers at times. But, overall, it was a really good year. Prices were good, but inflation costs offset this. Supply chain issues continue to be an issue, specifically with larger equipment. He stated deer damage is at an all-time high and there is no question the deer population is huge and continues to be an issue. Mr. Wegmeyer mentioned that agritourism, specifically fall farm festivals, had a great year. Wineries and breweries did well in the fall, and the general population continues to want to get out and is choosing this form of entertainment for their families. There is a significant strawberry supply-chain issue for plant stock from Canada due to labor situations. This is important for strawberry growers since growers plant in September and October and timing is really important. Some strawberry growers were delayed in planting up to one month, and this will affect yields next year. Mr. Wegmeyer mentioned that labor is an issue, with higher wages needed to get quality employees and difficulty in getting the number of employees needed. Because of this, hours have been reduced. It is better than last year but still a major issue. Lastly, Mr. Wegmeyer mentioned that u-cut Christmas tree farms are mostly sold out, and retail establishments are having a hard time getting trees.

Richard Sellers

Mr. Sellers reported that his church garden had the lowest production it has ever had in its 10-year existence, even with irrigation. The garden did have a good crop of potatoes and an amazing crop of green beans. The overall yield was around 300 pounds compared with the usually 400-500 pounds. Mr. Sellers said that he has noticed it is getting warmer in his region, and that makes a difference on the crops. He also heard that the U.S. would be importing lamb from the U.K., which shocked him given previous concerns with disease. He also attended the opening of Beanstalk in Herndon, which was also attended by Governor Youngkin and Secretary of Agriculture and Forestry Lohr. He was impressed with the operation, especially when you look at the large population density in Northern Virginia and the demand for these types of products in that area. Mr. Sellers was glad the Governor was there and hopes that more projects like this are funded from the Governor's Agriculture and Forestry Industries Development Fund.

Dr. Wondi Mersi

Dr. Mersi reported that Virginia State University has its commencement on December 10, with 249 students expected to graduate. Dr. Mersi mentioned the Small Ruminant Mobile Processing Unit Certification Program graduated its first two cohorts on October 14, 2022, resulting in 42 producers qualified to harvest their own goats, sheep, and rabbits, and thanked Commissioner Guthrie for sending a letter to each of these graduates. The 2022 Annual Small Farms Conference was held November 3-4 in Portsmouth. Over 200 registrants attended the conference, which was filled with bus tours, panel discussions, networking, and an awards banquet. Award members included Cliff Slade, who received the volunteer of the year award. The Small Farm Outreach Program conducted a veteran farmer's field day titled "Boots to Roots 2 – Down on the Farm." The event was a huge success, with over 15 U.S. Department of Agriculture (USDA) staff and others participating and providing information. Finally, Dr. Mersi mentioned the 23rd annual Virginia Biological Farming Conference to be held January 6-8, 2023, in Roanoke.

Lonnie Johnson

Mr. Johnson reported that the Virginia Tech (VT) fall semester is about to end and, along with it, the 18-month sesquicentennial celebration commemorating the 150th anniversary of VT. Under the leadership of Dr. Tom Thompson, the College of Agriculture and Life Sciences received an \$80 million dollar grant from USDA for implementing climate smart technology practices on Virginia farms, which is the largest single grant in VT history. The Virginia Agriculture Experiment Station (VAES) is experiencing leadership changes with the unexpected and sudden passing of Sue Duncan, Associate Director of VAES, in October and with Dr. Saied Mostaghimi, Director of VAES, having announced his retirement in spring 2023. In the interim, Dr. Kang Xia has assumed the Interim Associate Director VAES position. Virginia Cooperative Extension (VCE) also welcomes Dr. Mike Gutter as the new Associate Dean CALS and VCE Director. Dr Gutter comes to VCE from the University of Florida Extension system and is excited to be in Virginia. Mr. Johnson hopes that Dr. Gutter is able to attend a Board meeting soon.

Shelly Butler Barlow

President Barlow reported that her area had three dry spells, which has been challenging. She mentioned that she went to harvest peanuts and cotton not optimistic about what the yields would be and was pleasantly surprised and not sure how that happened. Crop yields on all her crops were good to very good and prices have been pretty good. Cotton prices have been a roller coaster. The prices for cotton are still good, but they were really good previously. Everyone has been delayed by weather challenges and by having a bigger crop than normal, and some soybeans and cotton fields are still left to be harvested. This is a concern because the later the harvest, the poorer the quality. The area keeps having rain events that do not replenish the drought situation but that, instead, make conditions sloppy. Overall, considering the challenges during the season, she is pleased with the harvest and thankful to be finished. Supply-chain issues are evening out, but there are still some issues with large equipment. This will create some issue in the spring for some. President Barlow mentioned the community garden in her area and thinks the idea of a community garden and growing your own food is a really great lesson that everyone should experience. She also mentioned that the competition for land is getting critical and farmers are not on a level playing field. She hopes that agriculture can find ways to remain competitive and that localities can find ways to value the fact that agriculture is producing food and fiber on the land.

COMMISSIONER'S REPORT

Commissioner Joseph Guthrie delivered his report to the Board. During the presentation of this 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.

MEETING RECESS

At approximately 10:27 a.m., President Barlow recessed the meeting to hold a public hearing on the proposed regulations for 2 VAC 5-105, Regulations for the Inspection of Pet Shops Selling Dogs or Cats.

**SUMMARY OF PUBLIC HEARING FOR PROPOSED REGULATIONS FOR 2 VAC 5-105
(REGULATIONS FOR THE INSPECTION OF PET SHOPS SELLING DOGS OR CATS)**

At 10:27 a.m., President Barlow opened the public hearing on the proposed regulations for 2 VAC 5-105. A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Barlow called on Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services, to brief the Board concerning the proposed regulations for 2 VAC 5-105.

Dr. Bissett 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 was to provide interested parties an opportunity to comment on the proposal.

Following the staff presentation, President Barlow asked Secretary Schmidt if anyone signed up to speak. Senator Marsden, the patron of the bill from the 2020 Session of the General Assembly that required the Board to enact these regulations, thanked the Board for its work on this regulation. The Board then received comments from the Virginia Pawsitivity Project, the Humane Society of the United States, the People for the Ethical Treatment of Animals, and the Virginia Pet Advocate Alliance.

President Barlow 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 Barlow then adjourned the public hearing at 10:48 a.m. and reconvened the Board meeting.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-205 (RULES AND REGULATIONS PERTAINING TO SHOOTING ENCLOSURES)

President Barlow called on Dr. Carolynn Bissett, Program Manager, Office of Veterinary Services. Dr. Bissett briefed the Board on the proposed fast-track action to repeal 2 VAC 5-205. Following Dr. Bissett's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-205, Rules and Regulations Pertaining to Shooting Enclosures 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 to approve the motion.

EXPANSION OF THE REGULATED AREA OF 2 VAC 5-315 (VIRGINIA IMPORTED FIRE ANT QUARANTINE FOR ENFORCEMENT OF THE VIRGINIA PEST LAW)

President Barlow called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the expansion of the regulated area for 2 VAC 5-315.

PESTICIDE CONTROL FUND REPORT AND ONLINE PESTICIDE REGISTRATION UPDATE

President Barlow called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, to provide an update on the Pesticide Control Fund report and VDACS's online pesticide registration system. Ms. Fleeson Trossbach also updated the Board on recent legislative inquiries from Southwest Virginia regarding the Board's regulatory authority with respect to pesticides.

STRENGTHENING VIRGINIA'S ANIMAL HEALTH LABORATORY SYSTEM

President Barlow called on Dr. Charles Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services to provide an update on efforts by the Virginia Department of Agriculture and Consumer Services to examine potential opportunities to strengthen Virginia's animal health laboratory system.

UPDATE ON ELECTRONIC MEETING POLICY

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, to provide an update on electronic meeting options for the Board due to recent changes to the Virginia Freedom of Information Act. Mr. Schmidt will provide a draft electronic meeting policy for discussion at either the March or May 2023 Board meeting.

NEW BUSINESS

President Barlow asked Board members if there is any new business to bring before the Board. Mr. Horsley asked if there was any update on the seed law regulation since a member of the public made this request at the July Board meeting. Larry Nichols provided an update on the status of this regulatory action.

FUTURE BOARD MEETINGS

President Barlow announced that the Board meeting dates for 2023 will be March 23, May 18, and December 7 in Richmond. A summer meeting and tour will be announced later. Mr. Horsley mentioned that his family was hosting the Virginia Ag Expo on August 3 at his farm, so one possibility might be to hold the summer meeting August 3-4 in Virginia Beach and tie this into the Virginia Ag Expo.

PUBLIC COMMENT PERIOD

Stefanie Tallion spoke on behalf of the Virginia Farm Bureau Federation (VAFB). Ms. Tallion thanked VDACS for attending the recent animal health laboratory listening sessions and for the agency's information and transparency at these sessions. VAFB did vote at its annual policy meeting in November to support keeping all four existing VDACS labs open at this time. Ms. Tallion stated that she believes this is the beginning of the discussion and looks forward to have more conversations about strengthening the animal health lab system going forward.

Brandon Reeves spoke on behalf of the Virginia Cattlemen's Association and aligned his comments with VAFB. The Virginia Cattlemen's Association wants to ensure that the lab system is accessible, is high quality, and produces efficient results for the association's producers. He thanked VDACS for hosting these listening sessions and asked that whatever is proposed in the future be at least as accessible to producers as the services are now.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:18 p.m.



Shelley Barlow
Board President

Respectfully submitted,



Kevin Schmidt
Board Secretary