

DRAFT MINUTES

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

Thursday, May 23, 2024

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:01 a.m. on Thursday, May 23, 2024, at the Patrick Henry Building. President Horsley called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Keith Harris
Donald Horsley
Raymond Keating
Brittany Jones
Cecil Shell
Margaret Ann Smith
Jacquelin Easter
Kailee M. Tkacz Buller
James S. Huffard, III
Richard Sellers
Neil Houff
Charles Church
Dr. Robert Corley

Dr. Alan Grant

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Makola Abdullah, President,
Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Tyler Wegmeyer 10th

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Nicolas Robichaud, Policy Assistant, VDACS

APPROVAL OF MINUTES

Mr. Sellers asked a question regarding the motion pertaining to Office of Pesticide Services Case # 73148 as represented in the draft minutes of the meeting on March 21, 2024, which was clarified by Mr. Schmidt. Mr. Sellers withdrew his question and moved that the draft minutes of the meeting on March 21, 2024, be approved as distributed. Ms. Smith seconded the motion. The Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Horsley asked Commissioner Guthrie to preside over the election of the President. Commissioner Guthrie called for nominations for President from the Board. Jacquelin Easter nominated Donald Horsley. There being no other nominations, Commissioner Guthrie closed the nomination and called for a vote on the nominee. The Board elected Mr. Horsley as President by a unanimous vote. Commissioner Guthrie then asked President Horsley to preside over the remaining elections.

President Horsley opened the floor for nominations for Vice President. Jacquelin Easter nominated Margaret Ann Smith. There being no other nominations, President Horsley closed the nomination and called for a vote on the nominee. The Board elected Ms. Smith as Vice President by a unanimous vote.

President Horsley then called for nominations for Secretary. Charles Church nominated Kevin Schmidt. There being no other nominations, President Horsley closed the nomination and called for a vote on the nominee. The Board elected Mr. Schmidt as Secretary by a unanimous vote.

All three officer positions become effective July 1, 2024, and run through June 30, 2025.

REPORTS FROM BOARD MEMBERS

Charles Church

Mr. Church remarked on the Virginia Pest Management Association's (VPMA) ongoing commitment to provide quality training and recertification across Virginia. VPMA is in their heavy training season, which typically runs through June. Mr. Church anticipates that from March to the end of June, they will have trained over 400 technicians.

Neil Houff

Mr. Houff shared that with chemistry and supply chains strong and steady spring weather, business in the Valley is good. He noted that the Virginia Crop Production Association has put new effort into their online presence, promoting the pesticide industry in Virginia across Facebook, Instagram, and LinkedIn. Mr. Houff added that he is looking forward to hosting the Summer Board meeting in the Valley and is excited to highlight agriculture in the region.

Keith Harris

Mr. Harris extended his appreciation for Secretary of Agriculture and Forestry Lohr and Commissioner Guthrie's attendance at the Warsaw Agricultural Research and Extension Center's (AREC) Virginia Small Grains Field Day. In his district, corn is nearly completely planted, beans are roughly 75 percent planted, and small crop is generally looking good. Mr. Harris shared concerns that he and farmers in his area have regarding cover crop funding through the Soil and Water Conservation District, with prices going up \$40-50 per acre in some areas and the impact that has had on small farmers. He also stated that he has shared his concerns regarding soil health and efficiency with the Soil and Water Conservation District President.

Raymond Keating

Mr. Keating remarked on Mr. Harris' comments regarding cover crops, noting that Virginia harvested less than half of the wheat it planted last year. He shared that the Board of Directors

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of Perdue Foods recently visited the Chesapeake Terminal as a part of their annual meeting in Norfolk. One major aspect of their visit was observing a recently installed \$50 million extractor in their soybean plant, a major investment made to a plant that was built in the 1950s. They plan on making further improvements to increase its capacity by over 50 percent over time.

Brittany Jones

Ms. Jones shared that it has been very wet in the 4th district, which has led to some cropping delays. Prices in the dairy sector have been steady, though they continue to monitor emerging issues.

Cecil Shell

Mr. Shell reported that weather in the Southside area has been volatile, with a dry start followed by heavy rain. This has led to planting delays. At this point, corn is mostly planted, and soybeans are well on their way. Tobacco had begun planting, though the wet weather forced delays that they are hoping to move past soon. Timber harvest in the region is booming. Farmers in the region are optimistic that prices will stay up, though soybean prices are down.

Margaret Ann Smith

Ms. Smith remarked on VDACS's social media coverage of National Beef Month and encouraged everyone to participate in Virginia's beef industry this month. She echoed Mr. Houff's comments regarding the weather in the Valley, adding that corn planting is done and most cattle work is done. Cattle prices are at record highs, which has had both positive and negative impacts on both buyers and producers. National feed-yard replacements for last month were down 13 percent from previous years. Sale barn receipts are also down 3 percent from last year. Overall, the meat-side is down about 1 percent on slaughter numbers but up 70 million pounds in production. Ms. Smith concluded by thanking VDACS for its help in spreading awareness of Highly Pathogenic Avian Influenza (HPAI) management practices. Though there is an increased burden on record-keeping, these animal disease traceability standards work and ensure the safety of the supply chain across the cattle industry.

Jacquelin Easter

Ms. Easter echoed Mr. Shell's comments on the volatility of weather, though there has been a lot of farming activity and subsequent diesel fuel consumption. With this comes increased farm equipment traffic on the highways, which makes promoting safe driving practices to both the farming community and the public extremely important. Ms. Easter continues to monitor the impact of the closing of Tyson's plant in her region. This led to a decrease in acreage of corn last year and an increase in the input cost on the trucking side, which seems to have carried over to this year as well. She also noted that the season is moving quite rapidly, leading to combines going in the field early. Ms. Easter concluded her report sharing her excitement for the summer Board meeting and tour in the Valley.

Kailee M. Tkacz Buller

Ms. Buller expressed her gratitude for the Board's well-wishes regarding the birth of her third child, which prevented her from attending the March meeting. She continues to monitor the development of the federal Farm Bill, though the signing of a new Farm Bill this year seems unlikely due to political tensions. She also noted an increase of regulatory activity is highly likely on the federal level due to the election year.

James S. Huffard, III

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Mr. Huffard shares that it has been wet in the Southwest and a lack of sunshine has delayed crop growth, particularly in rye. Corn planting is nearly done. Mr. Huffard echoed Ms. Smith's sentiments regarding beef prices, which have affected dairy prices as well. The number of dairy cows is not increasing, which means prices are stable. He noted that he was netting a dollar less for milk in 1984, which does not keep up with the costs over time, especially labor. Duchess Dairy continues to maximize its plant capacity and hopes to expand despite high costs. The dairy also continues to find new facilities to supply with chocolate milk.

Richard Sellers

Mr. Sellers shared his experience driving his electric vehicle from his region to Richmond, noting a lack of charging stations despite the influx of funding to support electric vehicle charging infrastructure. In Northern Virginia, generally warm weather led to early planting, though a couple days of frost has negatively impacted many. Farmers markets are opening with strong produce crops.

Dr. Robert Corley

Dr. Corley shared his regret that Virginia State University (VSU) would no longer be hosting a presidential debate leading up to this year's election. VSU graduated over 500 students in the spring, with Congressman Bobby Scott and former Governor L. Douglas Wilder delivering commencement addresses. VSU recently began its next-gen efforts resulting from a grant of about \$18.1 million to help produce the next generation of thinkers in agriculture. VSU also hosted its annual alumni luncheon recognizing the Virginia Farm Bureau Federation and other institutions. In the spirit of integrating the wellbeing of family youth and community, VSU continues to work with schools to introduce children to the agricultural space early. As a part of these efforts, VSU has helped establish several community gardens across Virginia. A trip to visit Chonnam National University in South Korea has been postponed. The visit was intended to highlight VSU's work on processing jack beans and soybeans into pharmaceuticals. Representatives from Chung-Ang University will visit Virginia soon. VSU has begun preparing for its upcoming advocacy meetings in the coming months. Dr. Corley expressed his appreciation of Dr. Alan Grant's work for agriculture in the Commonwealth and congratulated him on his retirement.

Dr. Alan Grant

Virginia Tech's College of Agriculture and Life Sciences celebrated over 750 graduates early in May. Virginia Tech is preparing for the fall semester, though with many new students arriving early and several thousand students staying on campus, many summer activities are taking place. Enrollment has been steadily strong for the past several years. A newly-constructed large classroom building on campus has given the College of Agriculture and Life Science significantly more laboratory space. The Governor's School for Agriculture will be held June 23 - July 20, which provides an opportunity for about 100 high school students across Virginia to gain valuable agricultural experience. The 4-H State Congress meets on Virginia Tech campus in late June, shortly followed by the Virginia FFA convention. Dr. Grant also thanked Commissioner Guthrie and Secretary Lohr for their participation at the Eastern Virginia AREC Field Day and noted that several other field days will be taking place at other ARECs across Virginia. The national search for the next Dean of Agriculture and Life Sciences is on-going, with many qualified candidates currently being interviewed.

Donald Horsley

Mr. Horsley reports an excellent planting season in his region after the wettest March on record. Corn began planting in early April and finished quickly. Good progress has been made planting soybeans despite some recent heavy rain. Mr. Horsley anticipates that wheat harvest will be early this year and expressed worry that the dry stretch in May will have a negative impact. Farmers in the 2nd District have had trouble finding farm help, relying heavily on H2A. Mr. Horsley concluded remarking on the new classroom building in Virginia Tech mentioned by Dr. Grant and noted that it will be used to host the next Board of Visitors meeting.

COMMISSIONER’S REPORT

During Commissioner Guthrie’s presentation of his 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.

Mr. Harris asked Commissioner Guthrie about a recent reported case of HPAI in Texas and its potential impact on Virginia, which Commissioner Guthrie addressed. Ms. Smith also commented on the increased paperwork that other states are beginning to require due to HPAI and expressed her hope that Virginia would mirror other states’ requirements should additional paperwork be required.

LEGISLATIVE UPDATE

President Horsley called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, to deliver an update on bills that VDACS tracked during the 2024 Session of the General Assembly.

BUDGET UPDATE

President Horsley called on Dewey Jennings, Director, Administration and Finance, to deliver an update on VDACS’s budget for fiscal years 2025 and 2026.

Commissioner Guthrie and Joel Maddux, Deputy Director, Division of Consumer Protection, provided the Board with background information regarding a change in funding from the charitable solicitations fund and addressed a question from Ms. Buller about the reallocation of that funding. Commissioner Guthrie also provided background information regarding the Office of Farmland Preservation’s transfer to the Virginia Department of Forestry.

MEETING RECESS

At 10:37 a.m., President Horsley recessed the meeting.

At 10:51 a.m., President Horsley resumed the meeting.

PROPOSED STAGE – 2 VAC 5-455 (REGULATIONS FOR TRADESPERSONS INSTALLING INVASIVE PLANT SPECIES)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed stage for 2 VAC 5-455.

Mr. Sellers asked for clarification on the investigation processes and what would qualify as written notification related to the proposed action. Ms. Smith asked for an estimation of the scope of individuals that would be affected by the proposed action.

Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-455, Regulations for Tradespersons Installing Invasive Plant Species, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Mr. Huffard seconded the motion. The Board voted unanimously in favor of the motion.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-336 (REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA TREE AND CROP PESTS LAW – SPOTTED LANTERNFLY QUARANTINE)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed fast-track action to repeal 2 VAC 5-336.

Mr. Harris asked a question regarding the movement of funds related to repealing the quarantine, which Mr. Gianino and Commissioner Guthrie addressed.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-336, Regulations for Enforcement of the Virginia Tree and Crop Pests Law - Spotted Lanternfly Quarantine, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action. Mr. Houff seconded the motion. The Board voted unanimously in favor of the motion.

PROPOSED FAST-TRACK ACTION TO AMEND 2 VAC 5-510 (RULES AND REGULATIONS GOVERNING THE PRODUCTION, PROCESSING, AND SALE OF ICE CREAM, FROZEN DESSERTS, AND SIMILAR PRODUCTS)

President Horsley called on Hunter Moyer, Dairy Program Supervisor, to brief the Board on the proposed fast-track action to amend 2 VAC 5-510.

Mr. Sellers asked whether the changes outlined in this regulation would comply with the Food Code, which Mr. Moyer addressed.

Ms. Jones moved that the Board of Agriculture and Consumer Services amend 2 VAC 5-510, Rules and Regulations Governing the Production, Processing, and Sale of Ice Cream, Frozen Desserts, and Similar Products, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to amend this regulation through a fast-track regulatory action. Ms. Easter seconded the motion. The Board voted unanimously in favor of the motion.

VIRGINIA BEER DISTRIBUTION COMPANY UPDATE

President Horsley called on Commissioner Guthrie to provide an update on the Virginia Beer Distribution Company.

Commissioner Guthrie also alerted the Board that VDACS will likely request a brief special Board meeting in early July to appoint members to the newly established Virginia Beer Distribution Company Board of Directors. Justin Bell, the Board's attorney, alerted the Board that it may not be allowed to meet virtually before a new virtual meeting policy is made in the new fiscal year.

Mr. Huffard moved for a special meeting of the Board to take place July 2, 2024, at 11:00 a.m. virtually, if allowed, or, if not, in person in Richmond, for the purpose of appointing members to the Virginia Beer Distribution Company and other business as may need to be conducted by the

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Board at that time. Mr. Sellers seconded the motion. The Board voted unanimously in favor of the motion.

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Horsley noted the upcoming summer Board meeting on July 31, 2024, and Mr. Houff provided further information regarding the Board meeting and subsequent tours on August 1, 2024. President Horsley also noted the December 12, 2024, Board meeting in Richmond.

PUBLIC COMMENT PERIOD

Paulette Dean, representing the Danville Area Humane Society, spoke to issues regarding euthanasia numbers.

Representing the Virginia Nursery and Landscape Association, Matt Berry, Cameron Stanley, and Katie Hellebush each commented on desired changes to 2 VAC 5-455.

Rod Walker, representing Blue Ridge Prism, also commented on desired changes to 2 VAC 5-455.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:04 p.m.

Respectfully submitted,

Donald Horsley
Board President

Kevin Schmidt
Board Secretary