

## **FINAL MINUTES**

Board of Agriculture and Consumer Services  
Patrick Henry Building  
1111 East Broad Street  
East Reading Room  
Richmond, Virginia  
Thursday, May 24, 2018

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, May 24, 2018, at the Patrick Henry Building in Richmond, Virginia. President Mills called the meeting to order. At the President's request, Mr. Kirby gave the invocation.

### **ROLL CALL**

The Board Secretary called the roll:

#### **PRESENT**

Clifton A. Slade  
Shelley Barlow  
Robert J. Mills, Jr.  
Rosalea R. Potter  
L. Wayne Kirby  
Kay Johnson Smith  
James S. Huffard, III  
John R. Marker  
Richard Sellers  
Neil Houff  
Kevin J. Kordek  
Dr. Bobby Grisso

Dr. Jewel Bronaugh

#### **CONGRESSIONAL DISTRICT**

3<sup>rd</sup>  
4<sup>th</sup>  
5<sup>th</sup>  
6<sup>th</sup>  
7<sup>th</sup>  
8<sup>th</sup>  
9<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Pesticides – Commercial Agricultural  
Pesticides – Commercial Structural  
Representing Dr. Timothy D. Sands, President,  
Virginia Tech  
Representing Dr. Makola Abdullah, President,  
Virginia State University

#### **ABSENT**

O. Bryan Taliaferro, Jr. 1<sup>st</sup>  
Donald Horsley 2<sup>nd</sup>

#### **STAFF PRESENT**

Charles Green, Acting Commissioner of Agriculture and Consumer Services  
Kevin Schmidt, Board Secretary

#### **APPROVAL OF MINUTES**

Mr. Sellers moved that the draft minutes of the meeting on March 22, 2018, be approved as distributed. Mr. Kirby seconded the motion, and it was passed by a unanimous vote.

#### **ELECTION OF OFFICERS**

President Mills turned the gavel over to Acting Commissioner Green, who opened the floor for nominations for Board President.

Mr. Kordek nominated Mr. Mills for President, and Ms. Johnson Smith seconded the motion. There being no other nominations, Mr. Huffard moved that the nominations be closed, and Mr. Sellers

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seconded the motion. Acting Commissioner Green called for a vote on the nominee. The Board elected Mr. Mills as President by a unanimous vote.

Acting Commissioner Green then returned the gavel to President Mills, who opened the floor for nominations for Vice President. Mr. Kirby nominated Mr. Kordek for Vice President, and Mr. Slade seconded the motion. There being no other nominations, Mr. Marker moved that the nominations be closed, and Mr. Kirby seconded the motion. President Mills called for a vote on the nominee. The Board elected Mr. Kordek as Vice President by a unanimous vote.

President Mills then called for nominations for Secretary. Mr. Sellers nominated Mr. Schmidt for Secretary, and Ms. Potter seconded the motion. There being no other nominations, Ms. Potter moved that the nominations be closed, and Mr. Sellers seconded the motion. President Mills then 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, 2018, and run through June 30, 2019.

### **REPORT FROM BOARD MEMBERS**

#### **Dr. Bobby Grisso**

Dr. Grisso reported that approximately 600 undergraduate students and 120 graduate students received degrees from the Virginia Tech (VT) College of Agriculture and Life Sciences (CALs) during spring commencement events. Approximately 48 percent of the students receiving undergraduate degrees from CALs will go on to graduate or professional-type schools. He stated that he is pleased that most of the other graduates are starting careers in agriculture and life science fields that are closely aligned with their majors. He informed the Board that the Virginia Tech campus will host several events this summer, including the State Future Farmers of America convention, the 4-H State Congress, the Virginia Master Gardener's College (which will be attended by approximately 300 participants), Governor's State School of Agriculture, and several summer field days. He concluded his report by expressing his appreciation for everyone who participated in the VT Agriculture Natural Resources Summit in April. Approximately 110 people participated in the summit, which primarily looked at the CALs strategic plan and other CALs activities.

#### **Dr. Jewel Bronaugh**

Dr. Bronaugh announced that this would be her final Board report on behalf of Dr. Makola Abdullah for Virginia State University (VSU) before she begins her term as the 16th Commissioner of the Virginia Department of Agriculture and Consumer Services on May 25. President Abdullah and Dr. Raymond McKinnie, Dean of the VSU College of Agriculture, will continue to represent VSU on the Board following her departure. Dr. Bronaugh also announced that Dr. Milton Faison would succeed her as the Executive Director of the VSU Center for Agricultural Research, Engagement and Outreach.

Dr. Bronaugh reported that approximately 69 students graduated from VSU's College of Agriculture, which is one of the largest graduating classes that the school has had. Many of the graduates are going on to jobs with U.S. Department of Agriculture (USDA) agencies and to other agricultural industry jobs. She stated that VSU is very proud of the 10 graduates from its Animal Sciences and Pre-Veterinary Medicine program. Three of those graduates have been accepted into the Veterinary Medicine graduate program at Tuskegee University.

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She invited the Board to attend the VSU/USDA Field Day on June 7 that will feature new and upcoming mobile technology and plans for a new high tunnel that will be sustained with solar and wind energy. There will also be a VSU hemp field day on July 26. Both events will be held at Randolph Farm.

Dr. Bronaugh concluded her report by stating that she is proud and humbled to serve as the Commissioner of the Virginia Department of Agriculture of Consumer Services. She said she has felt a connection to VDACS since her first Board meeting in 2006. Although she is not a farmer by trade, through her work with the agriculture community she has developed a love and respect for those who give their lives to food production and the preservation of our forests and natural resources. Finally, she recognized the work of Deputy Commissioner Green during his service as Acting Commissioner and stated that she looks forward to working with him. She added that it is a privilege to work for Secretary Bettina Ring and that she is looking forward to serving.

### **John R. Marker**

Mr. Marker reported that it has been a variable spring in his district, with weather that was cool and dry that then changed over to warm and wet. His region received more than eight inches of rain. He stated that the pasture and hay were looking short earlier in the season but now there is plenty of growth. Corn planting is approximately 60 to 65 percent complete, which is unheard of at the end of May. Soybeans are being planted. The fruit crop is looking good although there were challenges resulting from hailstorms. He reported that most of the fruit crop survived the freezes even though March and April were somewhat questionable. He concluded his report by saying his region now has plenty of rain and just needs more sun.

### **Richard Sellers**

Mr. Sellers reported that he has an upcoming appointment with the Agriculture Coordinator for Fairfax County. He stated that Fairfax County has allocated \$500,000 for agritourism. He will report on that meeting when the Board meets in July.

### **James Huffard**

Mr. Huffard apologized for missing last meeting, which he was unable to attend due to snow. He reported that it has been cold and wet in his district and farmers are running behind. Approximately one third of his corn is planted, and they would usually have it all planted by now. He stated that dairy prices are still low. There will be a small price increase in the next couple of months, but it will not be much. He said that Jersey dairy farmers are working hard to get component pricing in the Southeast. He stated that component pricing will bring \$12-14 million into the Southeast pools to be distributed among dairy farmers. They are working hard to get component pricing going in the Southeast because the rest of the milk in the country is priced on the component basis and it costs farmers money in this area. He stated that milk processing is business as usual. His company picked up some new customers this year but not enough to need to hire new staff.

Mr. Huffard reported that in December he traveled to China to consult on a government-owned herd. The herd had 5,000 Jerseys that were not producing properly because they were being fed like Holsteins. He created a suggested diet plan but is unsure if they will adopt it because it conflicts with the information the Chinese farmers have been referencing. In March he traveled to Brazil, where he did some Jersey work, including a nutritional seminar. There are

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approximately 25 million dairy cows in Brazil. By comparison, there are only 9 million dairy cows in the U.S. Brazil wants to get its Jersey association up and running. He reported that the Brazil trip was a challenging and entertaining experience. He noted that the reserve champion at a heifer show he attended while in Brazil was bred from a bull from his farm, which made him a celebrity. He concluded with an announcement that the annual meeting for the Jersey Association is in Ohio this year and will be hosted in conjunction with the World Jersey Cattle Bureau. There will be visitors from all over the world at the event, and it should be a fun time.

### **Ms. Johnson Smith**

Ms. Smith reported that earlier this month her organization, the Animal Agriculture Alliance, hosted its 17<sup>th</sup> Annual Stakeholder Summit (Summit). The Animal Agriculture Alliance is a national nonprofit based in Arlington whose mission is to bridge the communications gap between farm and fork. The theme of the Summit was “Protect your Roots,” which focused on how to ensure agriculture is proud of its heritage and looking forward to ensure there is strong agriculture in the future. The guest moderator was Tyne Morgan, the host of U.S. Farm Report. There were a number of university professors and researchers among the speakers. Two presented research projects funded by the Animal Agriculture Alliance in partnership with its members and sponsors. One project looked at the “no antibiotics ever” issue and concerns about its impact on animal welfare. Researchers polled 600 farmers and veterinarians with an anonymous survey. Most respondents said they are in antibiotic-free programs because of the preferences of their customers or for marketing purposes and not because they think it is the best program for an animal’s welfare.

Another such project, conducted by Dr. Jason Lutz at Perdue University, examined consumer behavior and knowledge of cage free eggs and slow growth chicken. The findings substantiated anecdotal beliefs. Consumers are not willing to pay much for cage free eggs, and most consumers do not know what slow grow chicken means.

The summit had a couple of presenting professors from University of California, Davis. Dr. Van Eenennaam, who is featured in the Food Evolution movie, gave a dynamic presentation. Dr. Frank Mitloehner talked about debunking some of the myths about impacts of livestock production on the environment and sustainability issues. Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs Ted McKinney also spoke on the first day. The Summit was recorded, and Ms. Johnson Smith offered to share a link to the recording with the Board. All of the PowerPoints from the Summit are also available. She announced that next year’s Summit will be in Kansas City, but it will return to Arlington in 2020. Finally, she thanked Acting Commissioner Green for attending.

### **L. Wayne Kirby**

Mr. Kirby reported that the corn planting is 99 percent complete in his district. Farmers are still deciding on whether to re-plant, and everyone is behind with spraying and side dressing. There was a substantial amount of hail damage, especially to vegetable crops. He stated that they are dealing with an overflow of water, especially along the Pamunkey River. When they open the gates at Lake Anna, his region can count on floodwaters for a few days. He shared that one particular vegetable grower in his region has had as much as 30 acres of vegetables under water.

### **Rosalea Potter**

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Ms. Potter reported that in her region, like in many parts of the state, it was cold for much of the spring. They still had snow in April. Farmers in her region got a couple weeks of good fieldwork in, but now it is too wet to get back into the field. The small grains are not up to par. She stated that her farm ended up killing their rye because it was not worth going into the field to harvest. She saw the same thing with other small grain producers in her area when the small grain crop just was not what it should have been.

She updated the Board on a USDA processing facility in her area that had lost its seal of inspection and been shut down. The facility was able to regain its USDA certification and is back up and running. Processing plants are greatly needed in her area, especially for those distributing meat through Community Supported Agriculture, farmers markets, or direct marketing. She reported that it is also sheep shearing season for many in the Valley. Wool prices are averaging only 40 cents per pound. At that price, it takes quite a bit of wool to pay shearers. She stated that the wool from Rockbridge County is going to Texas and the wool in Augusta County is going to Ohio.

Finally, she shared that she has gained new customers because of her participation in the 2018 Virginia Food and Beverage Expo and stated that it was definitely a successful show for them as a vendor.

### **Shelly Butler Barlow**

Ms. Barlow reported that the weather has been challenging and it has been an interesting spring. She stated that the corn is mostly good, soybeans are currently being planted, the peanuts are planted and looking ok, and a majority of cotton is planted despite delays from the cold and the rain. With the exception of soybeans, everyone is now switching from planting to fieldwork. The community and school garden season is in full swing. She has about 20 gardens she is working with through Healthy Suffolk. She reported that Healthy Suffolk is getting traction, and she is optimistic about its future and the broader community interest. She is installing a new garden in a prominent spot next week.

Ms. Barlow reported that weather, prices, wildlife, input costs, and competition for farmland have all resulted in challenges. She stated that she thinks the biggest challenge that the Board needs to consider is that agriculture is not a priority in many of their locations. She said that she is encouraged that Fairfax County has an agricultural advisor and discouraged that the City of Suffolk does not. She think that real estate development and the development of industrial parks is taking priority over agriculture. With these challenges, it is becoming less and less possible for medium and small farms to be profitable.

She announced that the third VALOR class just completed its national seminar and will graduate in July. Interviews of the 18 applicants for the fourth VALOR class will begin next week. To conclude her presentation, she informed the Board that Southeast Virginia will host the next biannual Urban Agriculture conference in Virginia.

### **Clifton Slade**

Mr. Slate reported that the deer in his area have found ways to adapt to the tactics farmers use to keep them away. He is currently trying to protect his crop of sweet potato plants from the deer. A bushel of sweet potatoes can make 1,000 plants, and he can make money off them as long as he can find a way to keep deer away. He has started using shredded Irish Spring soap around the plant beds and that appears to be working.

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He reported they are late on shipments of their sweet potato plants. His sweet potato transplant shipments typically go out around May 15, but this year the first shipment went out on May 22. He contacted North Carolina to find out how they are doing, and they reported that they were also putting their first shipments of transplants out on May 22. His transplants are coming out of a high tunnel greenhouse that was made available through VSU and National Resources Conservation Services programs. Without the greenhouse, he does not know when he would have been able to ship. The cold spring has been very tough for getting vegetables out.

He stated that weed control is also a challenge and costs him a lot of money. Weeds seem to grow faster in the month of May than in any other time of the year. He concluded his report by requesting an agency update on the rules, regulations, and fee structures for the production of industrial hemp because he is receiving questions from farmers and potential investors. He would like to determine when the agency expects hemp production to go out to the fields in Virginia.

### **Neil Houff**

Mr. Houff reported that the consensus is that weather has been a challenge this year. The only thing predictable about rain is that it is not predictable. It seems to come in excess at times but growers have adapted to that. The size of equipment and speed at which crops can be harvested and put into the ground has drastically changed over the years.

He stated that those on the supply side have had trouble keeping up with the speed that things can come through. He noted that in the Valley this year they have had some supply issues, mostly with fertilizer. There have been challenges with rail and truck transportation getting products into stores. As the economy grows and new regulations have come on to over the road transportation trucks, it can create some challenges to be aware of in the ag retail world.

He reported that all eyes are turning towards dicamba and the use of dicamba on soybeans. Over the winter, everyone in the industry was made well aware of the potential of losing this technology, and he thinks they will be sure to use it properly. The agricultural industry has demonstrated in the past that it can properly use pesticides, and he hopes that will have a good result. He echoed Ms. Smith's recommendation of the documentary Food Evolution. He stated that it is his opinion that Genetically Modified Organism and CRISPR technology give many of the answers we want if we do not scare consumers away from it.

### **Kevin Kordek**

Mr. Kordek began by thanking the Board for his election as Vice President and stating that he is looking forward to serving.

He reported that even though the rain killed the termite swarm season, termites will follow the moisture in structures. The industry needs to find a better way to communicate information to the public about this risk. Homeowners and business owners need to be vigilant about looking for places where there is water intrusion. He stated that the overall economy has put pressure on the Virginia Pest Management Association (VPMA) and its member companies to find good quality candidates for employment. The VPMA is introducing a new three-part leadership development program called Leadership Enrichment Action Program (LEAP). It provides participants the opportunity to develop business skills. It carries on the VPMA's fine tradition and legacy of providing trained, knowledgeable employees to go out in the field to protect health and

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property. The program begins in November and will conclude in May 2019. It covers personal and team leadership, organizational leadership, and a leadership implementation toolbox.

He announced that the VPMA will host a recertification course through the Associate Certified Entomology (ACE) prep course. VPMA was the leader in making certain the industry produced knowledgeable and educated leaders who continue the legacy of entomology. If pest management professionals do not understand pest biology and habits, they will not do as good of a job. The ACE program will produce non-degreed entomologists. He stated that there are not many degreed entomologists, and VPMA hopes this program will raise the bar of entry for the pest management industry and turn it back into a highly educated industry.

He reported that the National Pest Management Association has a big stake in the federal Farm Bill because of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Some pesticide reforms need to be made to FIFRA. This is the first time in his 35 years with VPMA he has seen pleas to petition congressional leaders. He added that he wanted to lend VPMA's support to Board members if the VPMA can do anything to help with the Farm Bill.

### **Robert J. Mills, Jr.**

Mr. Mills reported that his region is facing many of the same issues that other members reported. Tobacco planting is 95 percent complete. Most of it was planted during the dry spell. They are facing a challenge with hay quality. The hay matured quickly, and it hits its quality peak before mowing started. The volume is going up, but quality is going down every day. He stated that it would impact cattle farmers in December – March when they have to feed that hay to their cattle.

He stated that many soybeans are behind because of the rain. There is a lot of drowned corn; especially river bottom corn that was planted during the dry spell and was underwater last week. He reported that they ran out of ammoniated fertilizer for tobacco for the first time in his memory and, while he and other farmers understand the challenges of maintaining the supply, there is an expectation that the fertilizer will be there when they need it. He reported that the wheat crop looks better now. It was just starting to pollinate when the water came through, so he thinks the wheat crop will be good. He is unsure how the barley crop will be.

He shared that one of the challenges tobacco producers are facing is the U.S. Food and Drug Administration's (FDA) proposal to introduce regulations that would lower the allowed levels of nicotine in tobacco. The levels the FDA is proposing are not achievable, even though GMO tobacco. If promulgated, these regulations could cripple the tobacco industry as we know it in Virginia. He stated that whether you like it or not, tobacco plays an important part in the economy of Virginia. He appreciated VDACS's efforts to get in front of the issue and try to get the comment period for the changes lengthened. He knows that tobacco growers are being contacted. He said tobacco growers had similar issues last year with proposed regulations regarding nitrosamines in Virginia fire-cured tobacco. There was a big campaign launched to give comment on that last year. Growers haven't heard the results of that comment period yet, but it is important that agricultural producers get out and give comment. The only way they are heard is if they speak. He concluded his report by stating that no matter the issue, it is the responsibility of agriculturists and citizens to speak out and provide comments on rulings that could hurt the industry.

### **COMMISSIONER'S REPORT**

Acting Commissioner Charles Green delivered his report to the Board. During the presentation of this report, he briefed the Board on personnel changes, recent events, and other matters

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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 10:19 a.m., President Mills called a recess. President Mills reconvened the meeting at approximately 10:32 a.m.

### **VIRGINIA ANIMAL SHELTER CIVIL PENALTY MATRIX**

President Mills called on Dr. Charles Broaddus, State Veterinarian and the Director of the Division of Animal and Food Industry Services. Dr. Broaddus gave a brief overview of the Virginia Animal Shelter Civil Penalty Matrix. He then called on Dr. Kathryn MacDonald, Program Manager, Office of Animal Care and Emergency Response. Dr. MacDonald highlighted the proposed updates to the matrix and answered Board member questions.

Following Dr. MacDonald's presentation, Ms. Potter moved that the Board of Agriculture and Consumer Services adopt the proposed revisions to the Virginia Animal Shelter Civil Penalty Matrix - Guidelines for Enforcement as presented by staff and authorize staff to take any and all steps necessary to file this revised administrative procedure with the Virginia Registrar of Regulations. Mr. Sellers seconded the motion, and it was carried by a unanimous vote of the Board.

Mr. Sellers also requested that staff provide an update on how the revised Virginia Animal Shelter Civil Penalty Matrix is working once it has been in place for at least a year.

### **PESTICIDE CONTROL FUND UPDATE**

President Mills called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols provided a brief overview of the changes to the Pesticide Control Fund.

### **OFFICE OF WEIGHTS AND MEASURES PRESENTATION**

President Mills called on Joel Maddux, Program Manager, Office of Weights and Measures. Mr. Maddux presented the Board with an overview of the responsibilities and duties of the Office of Weights and Measures and answered Board member questions.

### **NEW BUSINESS**

No new business was introduced.

### **FUTURE BOARD MEETINGS**

Mr. Huffard announced that the summer Board meeting and tour would occur on July 24 and 25, 2018, in Wytheville. The Board meeting will be held at 2:00 p.m. on July 24 at the Depot in Rural Retreat. President Mills announced that the next meeting in Richmond will take place December 6, 2018, in the West Reading Room of the Patrick Henry Building.

### **PUBLIC COMMENT PERIOD**

President Mills recognized Mr. Eric Paulson from the Virginia State Dairyman's Association (VSDA). Mr. Paulson commented that VSDA wanted to make the Board aware that it has filed a petition for rulemaking regarding milk quality standards in Virginia. VSDA would like to strengthen milk quality standards in Virginia in order to enhance consumer confidence, make Virginia milk more competitive in export markets, and try to be a leader in the dairy industry. He stated that, if such regulations are adopted, Virginia will be the first state east of Mississippi to

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adopt these standards. He added that there will be more information in the future, but VSDA wanted to make the Board aware that the petition had been filed.

**ADJOURNMENT**

There being no further business, Mr. Sellers made a motion for the Board to adjourn. Mr. Huffard seconded the motion, and it was carried by a unanimous vote of the Board. The Board adjourned at approximately 11:49 a.m.

Respectfully submitted,

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Mr. Robert Mills  
Board President

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Kevin Schmidt  
Board Secretary