

FINAL MINUTES

Board of Agriculture and Consumer Services
Virginia State Capitol, House Room 3
Richmond, Virginia
December 10, 2015

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m., on Thursday, December 10, 2015, in the Virginia State Capitol in Richmond. President Sturgis called the meeting to order. At the President's request, Mr. Mills gave the invocation.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Steve Sturgis
Clifton A. Slade
Shelley Barlow
Robert J. Mills, Jr.
Rosalea R. Potter
L. Wayne Kirby
John R. Marker
L. Kirk Wiles, III
Elizabeth L. White
Kevin J. Kordek
Dr. Pamela V. Hammond
Dr. Alan Grant

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
10th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
President, Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Kay Johnson Smith 8th
Vacant 9th

STAFF PRESENT

Sandra J. Adams, Commissioner of Agriculture and Consumer Services
Kevin E. Schmidt, Board Secretary

APPROVAL OF MINUTES

Mr. Mills moved that the draft minutes of the meeting on July 20, 2015, be approved as distributed.
Mr. Kirby seconded the motion, and it was passed by a unanimous vote.

REPORT FROM BOARD MEMBERS

Dr. Alan Grant

Dr. Grant reported that Virginia Tech is nearing the end of the fall semester with commencement scheduled for December. He stated that approximately 130 undergraduate students from the College of Agriculture and Life Sciences will be graduating at that time. He shared that they have seen tremendous growth in enrollment at both the college and the university level and that the college will continue to grow. He said that Virginia Tech partners annually with the Virginia Cattlemen's Association, the Virginia Pork Industry Association, the Virginia Sheep Producers

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Association, the Virginia State Dairymen's Association, and the Virginia Horse Council to recognize those being inducted into the Livestock Hall of Fame. The inductees have made significant contributions to the livestock industry in Virginia and beyond. The five individuals who were inducted this year were Olive Britt (honored posthumously), Dick Chichester, Allen Harper, Gary Minish, and David Notter. They will be joining dozens of individuals that have made great contributions to the agricultural industry in Virginia.

Dr. Pamela Hammond

Dr. Hammond reported that the 1890 institutions have completed the year-long 125th anniversary celebration and it was very eventful throughout the year. Virginia State University (VSU) will also have a graduation this December with approximately 400 students. She stated that VSU has a multipurpose center in the works that will have a great economic impact in Chesterfield County and the cities contiguous to VSU. VSU hoped that the new multipurpose center would be open in time for the graduation, but the opening has been pushed back to January and will likely be pushed back even further in the future. She shared that the Board of Trustees would be announcing that Makola M. Abdullah was chosen as the new president of VSU at a press conference on December 11. Dr. Abdullah comes to VSU from Bethune-Cookman College. The VSU community is excited about the new president. On a personal note, she expressed how she enjoyed her year as interim president at VSU and thanked the Board for its continued support of VSU and of her over the past year. She wished everyone the best in the future.

Robert Mills, Jr.

Mr. Mills reported that 2016 will be a year to find out who is faithful because the depressed commodity markets and lowered cattle prices have created a lot of uncertainty. He stated that the strong U.S. dollar is hurting many of the export markets right now. Last year, there was an over-supply of tobacco in the global economy, but when the other countries' currencies fell so sharply, a lot of that supply was eaten-up in the global market. He said that resulted in a market correction within 12 months that they expected would take three years. For those in Southside who are still in tobacco production, they are in a haze. He stated that there is a bit of a bright side for those farmers because it looks like there are going to be more tobacco contracts out there. He said that, regarding cattle prices, he's waiting for someone to tell him they have hit the bottom, although he has not seen or heard that yet. He reported that in his area, the small grains are planted. He stated that it has been extremely wet, like in most of the state. He said his area has received approximately 18 inches of rain above the state average, while in a normal year they are at 18 inches below the average. He said this created challenges this year, resulting in reduced quality, lower yields, and lower prices. Nevertheless, he stated that they are very resilient, which is the reason they have been in business for 400 years, and that they will bounce back.

He added that he was asked by Delegate Danny Marshall to speak to the House Committee on Agriculture, Chesapeake and Natural Resources on January 20 to talk about commodities and the commodity boards that were established by the General Assembly. He said these boards date back to the 1980s. He added that the individual boards are made up of producers and agribusiness representatives and administer self-assessed assessments, also called "check-off funds". He said that in the tobacco industry, for example, the industry has funded tobacco research conducted in Virginia with the Tobacco Board. Last year, the total funds collected and administered by all 15 commodity boards was \$5 million. He stated that VDACS staff is assisting him with the preparation of a PowerPoint presentation to present to the Committee on January 20 that will show the total amount of self-assessed check-offs and list each important

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research group that has been awarded money. He said there are some technical changes to the Code of Virginia related to the commodity boards that are being proposed for the 2016 session of the General Assembly and, given those proposed changes, he thinks it's important to educate the general public and the General Assembly that the check-off funds are not taxes. He stated that the funds are self-imposed assessments that commodity producers use to market and research the various commodities they grow. He added that the information for this presentation will be based on each commodity board's annual report, which is due to VDACS by January 1. The full reports for each board are posted on the VDACS website. He said that he is working with Deputy Commissioner Charles Green and other VDACS staff. He stated that there is a large collective group that is working on this to try to get things in line and to work toward getting the check-off initiatives that will be coming forward in the next couple of years.

O. Bryan Taliaferro, Jr.

Mr. Taliaferro reported that his corn crop this year is probably the best they've ever had and it is of excellent quality. He indicated that the significant rainfall was great for the corn, but added that the prices were not good. He said that soybeans yields were average to slightly below average, with depressed prices. The big issue with soybeans this year was quality, with many issues caused by damaged soybeans and shriveled seeds, which was detrimental to the export business. He stated that the wheat crop was average as expected, and after looking at the numbers, he thinks that the acreage will be down again this year because of the depressed prices. He said that barley has become a specialty crop because of the huge interest in the malting industry, and producers in the barley business have received a lot of inquiries from malters, which is encouraging. He mentioned that he is also encouraged by movement on the ethanol plant in his area, which was recently sold and will soon be operated by new owners. He also shared that he grew a very large watermelon this year and had watermelon seeds to share if any Board members were interested.

John Marker

Mr. Marker reported that his area had plenty of rain until the middle of July, which resulted in good crop growth during that period. He stated that they did have problems with hay quality but that they have plenty of it in his area. He said that the quality issues resulted from problems getting it made in a timely fashion. He added that corn did very well and had enough moisture. He said that when the rainfall stopped from the middle of July until September, it hurt the beans, especially the double-crop beans. The apples and peaches turned out to be a very good crop because they were deeply rooted and were able to hold on to the moisture and the reserve. He added that the horticulture crops did very well. He closed by saying that they would all like to have better prices on corn, beans, cattle, and apples.

Rosalea Potter

Ms. Potter reported that, despite an increased percentage of black bear damage to crops this year, the corn crop in the southern part of the Valley actually fared pretty well, averaging approximately 200 bushels per acre. She said that an advantage of having the poultry plants in the Valley is that they supply an excellent market for anyone that grows corn and has extra corn to sell. She echoed Mr. Mills' comments on the down-slope of the cattle market, which has placed farmers in a predicament. She said that cattle farmers are trying to decide if they should sell their cattle and cut their losses, or if they should try to keep them through the winter and see what spring will bring. She stated that all of the farmers in her area have their cover crop in right now and the small grains are planted and doing well. She said that it did start to dry out toward the end of the summer, but that they received some fall rain, which really helped their pasture in

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the Valley. She added that winter has not come too early and they are still faring well on hay crops. She hopes that everyone will be able to make it through the winter.

Kevin Kordek

Mr. Kordek stated that there is not currently a lot to talk about with bugs. He reported that kissing bugs won't become a problem for the next few months and that he'll have a handout on them to share with members at the next meeting. He said that the Virginia Pest Management Association (VPMA) has conducted many recent training sessions. A total of 350 technicians, inspectors, and sales people have attended VPMA sponsored training since September of this year, which is a significant increase. This is a significant number compared to annual totals of only 230 trainees in the past, whereas this year, they trained that many in a single state technical meeting in September. He commented that it was their best attended event on record. He stated that the VPMA held master technician training with the help of Dean Miller of Virginia Tech. The group trained on rodents and cockroaches. He said they already had 52 Wood Destroying Insect inspector certifications that occurred in December, so they are way ahead of the curve. He added that they recently started online recertification training. He stated that when a piece of real estate is sold, it's necessary to have termite and moisture inspections and those recertifications are done voluntarily through the industry. It was slated for an online component to make it more affordable for members to pursue recertification, which was received very well. He said that there has been some action nationally that will affect Virginia through the VPMA. He recognized Liza Fleeson, Program Manager for VDACS's Office of Pesticide Services, for her leadership as the new President of the Association of Structural Pest Control Regulatory Officials. He said that it is an important job, especially now and that he's been working closely with Liza and her staff to make sure that anything that affects the VPMA and the structural pest control industry are addressed. He thanked Ms. Fleeson for her help and guidance. Lastly, he discussed the VPMA sponsored "Hokie-Bug Fest", which had over 6,000 attendees this year. The purpose for this event was to raise awareness of insects in attendee's everyday life and teach them that not all bugs are bad. The event had exhibitors, a flea circus, an insect petting zoo, and cockroach races and was all about having a good time if you are into bugs.

Elizabeth White

Ms. White reported that as of December 10, 2015, there are 23,261 certified applicators in Virginia. Of those, 8,060 are commercial applicators, 6,811 are private applicators, and 8,390 are registered technicians. She stated that there are 3,000 licensed pesticide businesses and 15,312 pesticide products registered in Virginia. She reminded the Board that the Pesticide Disposal Program for calendar year 2015 collected over 62,261 pounds of unwanted pesticides. Since its inception, the program has collected approximately 1.4 million pounds of unwanted, expired, or discontinued pesticides. She added that the Pesticide Container Recycling Program collected 149,299 pounds of plastic pesticide containers to date this year. Since 1993, the program has collected almost 1.6 million pounds of containers. It is quite a phenomenal amount and shows that they are doing their part to keep the environment clean.

Kirk Wiles

Mr. Wiles apologized for not attending the last two meetings due to last-minute business appointments. He stated that he was disappointed that he missed the summer meeting. He reported that a lot is going on in his district. In the spring, there was an attempt to build a farm brewery near his winery that created quite a stir among their neighbors and some government officials. He said that those opposing the brewery started looking at farm brewery and farm winery laws, which got everyone up in arms. He stated that the brewery was run out of his

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district and eventually settled in Prince William County. He said they were working with state level people to try to get the issue resolved, which resulted in regulatory officials visiting their winery. He shared that as a result of the officials visiting his winery, they were required to create a storm water management plan because they had recently put down over 2,500 square feet of gravel. He stated that he wanted the Board to be aware of the storm water management laws and that any farm putting down more than 2,500 square feet of gravel will trigger a requirement for a storm water management plan. He feels this is something that should be looked at by the state to help producers with regulatory rules. He said his winery managed to get through that process. He reported that the harvest was great for the wine industry, both in quality and quantity, and a very much above average year for both. He stated there was excess fruit grown at most vineyards, which allowed wineries to help each other by sharing fruit. He said they did have three days of heavy rainfall in October that will prevent some of the wine from being exceptional. He said the white wines will be exceptional but that any fruit still on the vine after the rain would have its quality somewhat impacted. He closed by saying that they are looking forward to some good wine coming in the future.

Shelley Barlow

Ms. Barlow reported that the poor results of the 2015 growing season had them looking forward to 2016. She stated that they had a disappointing year in her area. She reported a lot of variability in the corn crop, with both record yields and some poor yields as well. She echoed other Board member's statements about the rain. She said they had plenty of rain, and then none, and then way too much, including an unprecedented two-week rain event in September. She stated that they are also disappointed in the quality of their bean crop. Soybeans yields and quality were very poor. She said that cotton yields were very average, which feels bad compared to the record yields of the two prior years, especially because the prices are depressed. She stated that they will plant more cotton because they are hard-headed and are looking forward to the rest of the winter season and a more profitable yield next year. She also shared an update on her involvement in the Virginia Agriculture Leaders Obtaining Results (VALOR) program. She stated that she was very excited about the program and has benefitted greatly from her participation. She said that just since July, she has been to the Northern Neck, out on the Chesapeake Bay, and to Tangier Island and spent a week in observing agricultural practices in Florida. She added that she will also be going to Vietnam in January with the group. She stated that she can't say enough positive things about the VALOR program. She encourages other Board members to look into it because it is an excellent program and has been a valuable experience for her. She added that she can't believe she only has four more seminars to attend.

Clifton Slade

Mr. Slade introduced himself as a certified organic seed and transplant producer from Surry and thanked the Board for the opportunity to serve. He echoed Ms. Barlow's comments about the 2015 crop and said that the only thing he could add was that Surry County was declared a disaster area at a recent Board of Supervisors meeting after a presentation by the local extension agent. He stated that one thing is certain; they will continue to farm. What is uncertain is what the breakdown of the acreage will be for next year. He stated that a lot of it will be based on the prices and the price forecast for 2016. He closed by saying that spring brings hope eternal and they need it to get here fast.

L. Wayne Kirby

Mr. Kirby stated that his district is very similar to Mr. Taliaferro's area as well as others. He reported that the corn crop was outstanding and much above normal. He said that he'd heard soybean

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yields ranging from nine to 90 and everywhere in-between. He agreed with Mr. Taliaferro that soybean quality was pretty poor. He said that small grains are off to a good start but wasn't sure what the acreage is for the season. He stated that he was talking to a seed producer earlier in the week who reported that his sale numbers were really down for the season.

Steve Sturgis

Mr. Sturgis opened by welcoming Mr. Slade to the Board. He reminded the Board that when they visited the Eastern Shore in July, his crop looked great. He stated that they had some beautiful crops and he told his wife that it was probably the prettiest crop of beans he ever grew. He added that that he will never say that again because it came back to bite him. He reported that potatoes growers are not faring well. Due to the heat in July, many of the potatoes had slow movement, and it was hard to get them out of the ground. He said that a friend mentioned to him that he only previously dug potatoes once in August and this year he didn't begin getting the potatoes out of the ground until August 3 and didn't finish until August 20 due to dry conditions and quality issues. He stated that soybean yields on the same field ranged from 62 to two bushels depending on where you were. He said that he had heard the same thing from growers all over the state and it wasn't just that way on the Eastern Shore. He added that the wheat looks good. He closed by stating that he is hoping for the best and looking forward to better weather this spring.

COMMISSIONER'S REPORT

Commissioner Adams delivered her report to the Board. During the presentation of this report, she briefed the Board on personnel changes, recent and future events, and other matters relating to VDACS. A copy of the written report on which her presentation was based was included in the Board meeting folder.

ANIMAL SHELTER CIVIL PENALTIES CONSENT RESOLUTIONS

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Dr. Carolyn Bissett, Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett explained the Virginia Animal Pound and Shelter Civil Penalty Matrix and presented consent resolutions concerning violations of the Comprehensive Animal Care laws for the following cases:

- Augusta County Public Animal Shelter (contracted for City of Staunton and City of Waynesboro)
- Brunswick County Public Animal Shelter
- Dickenson County Public Animal Shelter
- Fluvanna SPCA (contracted for Fluvanna County)
- Greene County Public Animal Shelter
- Heritage Humane Society (contracted for James City County, York County, City of Williamsburg)
- Lee County Public Animal Shelter
- Montgomery County Public Animal Shelter

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Augusta County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of required recordkeeping by a public animal shelter by the Augusta

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County Public Animal Shelter contracted for the City of Staunton and the City of Waynesboro. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Brunswick County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of required recordkeeping by a public animal shelter by the Brunswick County Public Animal Shelter. Mr. Taliaferro seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Dickenson County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of required recordkeeping by a public animal shelter by the Dickenson County Public Animal Shelter. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Fluvanna SPCA and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Fluvanna SPCA contracted for Fluvanna County. Mr. Kirby seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Greene County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Greene County Public Animal Shelter. Ms. Barlow seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Heritage Humane Society and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Heritage Humane Society contracted for James City County, York County, and the City of Williamsburg. Mr. Wiles seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Lee County Public Animal Shelter and asked the Board to ratify the findings of the State

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Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Lee County Public Animal Shelter. Ms. White seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Montgomery County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Montgomery County Public Animal Shelter. Mr. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

MEETING RECESS FOR PUBLIC HEARING

At approximately 9:54 a.m., President Sturgis called for a recess to allow the Board and staff to prepare for a public hearing on the proposed regulations for 2 VAC 5-685.

SUMMARY OF PUBLIC HEARING FOR 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT).

At 10:08 a.m., President Sturgis opened the public hearing on the proposed regulations for 2 VAC 5-685 (Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act). A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Sturgis called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols called on Liza Fleeson, Program Manager, Office of Pesticide Services, to brief the Board concerning the proposed regulations for 2 VAC 5-685.

Staff advised the Board that the proposed regulation was filed with the Registrar of Regulations and that the proposed regulation was 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.

President Sturgis asked Secretary Schmidt if anyone signed up to speak. Secretary Schmidt advised him that Andrea Coron of the Virginia Pest Management Association signed up to speak.

Ms. Coron introduced herself. She shared the VPMA's concerns regarding the proposed changes to Section 20 of the regulation that would dispense with the 10-day waiting period for candidates retaking the pesticide applicator exam. She stated that the change would have the additional consequence of prohibiting applicator candidates from applying pesticides under the supervision of a certified applicator until after they passed their exam, which would deprive the candidate of vital hands-on experience. She also stated that it would place a financial burden on companies that employ the applicator candidates that will be unable to utilize those employees.

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President Sturgis asked if there was anyone else in the audience who wished to speak. No other speakers came forward.

President Sturgis 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 Sturgis then adjourned the public hearing at 10:23 a.m. and called for a recess to allow the Board and staff to prepare for a public hearing on the proposed regulations for 2 VAC 5-111 and the proposed repeal of 2 VAC 5-110.

SUMMARY OF PUBLIC HEARING FOR 2 VAC 5-111 (RULES AND REGULATIONS PERTAINING TO PUBLIC AND PRIVATE ANIMAL SHELTERS) AND THE PROPOSED REPEAL OF 2 VAC 5-110 (RULES AND REGULATIONS PERTAINING TO A POUND OR ENCLOSURE TO BE MAINTAINED BY EACH COUNTY OR CITY).

At 10:30 a.m., President Sturgis opened the public hearing on the proposed regulations 2 VAC 5-111 (Rules and Regulations Pertaining to Public and Private Animal Shelters) and the proposed repeal of 2 VAC 5-110 (Rules and Regulations Pertaining to a Pound or Enclosure to be Maintained by Each County or City). A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Dr. Carolyn Bissett, Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett briefed the Board concerning the proposed regulations for 2 VAC 5-111 and the proposed repeal of 2 VAC 5-110.

Staff advised the Board that the proposed regulation was filed with the Registrar of Regulations and that the proposed regulation was 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.

President Sturgis asked Secretary Schmidt if anyone signed up to speak. President Sturgis also asked if there was anyone in the audience who wished to speak. No one signed up to speak nor wished to speak.

President Sturgis 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 Sturgis then adjourned the public hearing at 10:34 a.m. and returned the Board to its regular business meeting.

ANIMAL SHELTER CIVIL PENALTIES CONSENT RESOLUTIONS - CONTINUED

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Dr. Carolyn Bissett, Program Manager, Office of Animal Care and Emergency Response to resume presentations on the consent resolutions concerning violations of the Comprehensive Animal Care laws for the following cases:

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- Nottoway County Public Animal Shelter
- Stafford County Public Animal Shelter

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Nottoway County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Nottoway County Public Animal Shelter. Ms. Barlow seconded the motion, and it was carried by a unanimous vote of the Board.

Dr. Bissett presented the findings that resulted in the proposed consent resolution agreed to by the Stafford County Public Animal Shelter and asked the Board to ratify the findings of the State Veterinarian. Following Dr. Bissett's presentation, Mr. Mills moved that the Board of Agriculture and Consumer Services ratify the proposed consent resolution staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care laws regarding the maintenance of a public animal shelter by the Stafford County Public Animal Shelter. Mr. Taliaferro seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED REVISIONS TO THE VIRGINIA ANIMAL POUND AND SHELTER CIVIL PENALTY MATRIX - GUIDELINES FOR ENFORCEMENT

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Dr. Carolyn Bissett, Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett presented a proposed revision to the current civil penalty matrix for the Board's consideration and adoption.

Following Dr. Bissett's presentation and an opportunity for Board questions, Mr. Mills moved that the Board of Agriculture and Consumer Services adopt the proposed revisions to the Virginia Animal Pound and Shelter Civil Penalty Matrix – Guidelines for Enforcement as presented by staff, and that the Board authorize staff to take any and all steps necessary to file this revised civil penalty matrix with the Virginia Registrar of Regulations. Mr. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED EXEMPT ACTION TO REPEAL – 2 VAC 5-316 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PEST LAW - BEACH VITEX QUARANTINE)

President Sturgis called again on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the proposed exempt action to repeal 2 VAC 5-316 (Rules and Regulations for Enforcement of the Virginia Pest Law - Beach Vitex Quarantine).

Following Mr. Nichol's presentation and an opportunity for Board questions and comments, Mr. Taliaferro moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-316, Rules and Regulations for Enforcement of the Virginia Pest Law - Beach Vitex Quarantine, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through exempt regulatory action. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

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PROPOSED FAST TRACK ACTION TO REPEAL – 2 VAC 5-200 (RULES AND REGULATIONS PERTAINING TO THE DISPOSAL OF ENTIRE FLOCKS OF DEAD POULTRY)

President Sturgis called again on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Dr. Charles Broaddus, Program Manager, Office of Veterinary Services. Dr. Broaddus briefed the Board on the proposed fast-track action to repeal 2 VAC 5-200 (Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry). Dr. Broaddus reminded the Board that it approved a proposed fast track action to amend 2 VAC 5-200 at its meeting on March 19, 2015, and provided an update on staff's decision to instead recommend the repeal of this regulation after further review and discussion.

Following Dr. Broaddus's presentation and an opportunity for Board questions and comments, Mr. Kirby moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-200, Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through fast-track regulatory action. Ms. Potter seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED FAST TRACK ACTION TO AMEND – 2 VAC 5-501 (REGULATIONS GOVERNING THE COOLING, STORING, SAMPLING AND TRANSPORTING OF MILK)

President Sturgis called again on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis briefed the Board on the proposed fast-track action to amend 2 VAC 5-501 (Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk) as presented by staff today and authorize staff to take any and all steps necessary to amend this regulation through fast-track regulatory action.

Following Mr. Davis's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services amend 2 VAC 5-501, Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through fast-track regulatory action. Mr. Taliaferro seconded the motion, and it was carried by a unanimous vote of the Board.

UPDATE ON PESTICIDE CONTROL FUND

President Sturgis called on Kendra Shifflett, Budget Director. Ms. Shifflett provided an update on the Pesticide Control Fund and answered questions from Board members.

NEW BUSINESS

President Sturgis called on Liza Fleeson, Program Manager, Office of Pesticide Services, to provide an update on the agency's work with key stakeholders to develop a pollinator protection plan.

Ms. Fleeson provided an overview of the Virginia State Managed Pollinator Protection Plan, including background information and the current status of VDACS's efforts in this area. President Sturgis requested that VDACS consider adding an additional listening session in the southeastern region of the state to the listening sessions already scheduled.

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PUBLIC COMMENT PERIOD

President Sturgis called on Mr. Paul Rogers, former Board member and past President of the Board. Mr. Rogers stated that the Virginia State Managed Pollinator Protection Plan would be beneficial to agricultural producers and beekeepers. He also stated that beekeepers and farmers depend on each other and encouraged continued cooperation and communication between the two groups. He urged VDACS to fast-track the plan's development so it might be ready for the 2016 planting and growing season and suggested that the agency consider using other state's plans as a template. He also suggested that all stakeholders be given the opportunity to provide input and participate in an advisory group.

Commissioner Adams stated that the scheduled listening sessions are intended to gather input from all stakeholders, which will then be utilized during the drafting of the plan.

President Sturgis recognized Mr. Wilmer Stoneman from the Virginia Farm Bureau Federation (VFBF). Mr. Stoneman stated that the VFBF has met with industry representatives to discuss the Virginia State Managed Pollinator Protection Plan and is trying to work cooperatively with VDACS on the issue. He urged caution in speeding up the process so much that mistakes may be made and suggested that a completed plan before the 2016 growing season may be too quick. He stated that VFBF would like the plan to also consider other pollinators such as hummingbirds and butterflies. In conclusion, he stated that he agreed with Mr. Rogers that they need to get the process going, get the process right, and get the stakeholders involved. Mr. Stoneman also volunteered that VFBF could help get producers to meetings.

FUTURE BOARD MEETINGS

President Sturgis announced that the dates for meetings of the Board in 2016 are set for March 24, May 26, and December 8, all in Richmond. He stated that the summer Board meeting and tour have not been scheduled yet.

Mr. Sturgis invited members of the Board to attend the 22nd Eastern Shore Agricultural Conference on January 26-27.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:23 a.m.

Respectfully submitted,

Steve Sturgis
Board President

Kevin Schmidt
Board Secretary