

FINAL MINUTES

Brent and Becky's Bulbs
Chesapeake Lounge
7900 Daffodil Lane
Gloucester, VA 23061
Tuesday, July 23, 2019

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 1:10 p.m. on Tuesday, July 23, 2019, at Brent and Becky's Bulbs in Gloucester, Virginia. President Barlow called the meeting to order. At the President's request, Mr. Kirby gave the invocation.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Clifton A. Slade
Shelley Barlow
Margaret Ann Smith
L. Wayne Kirby
John R. Marker
Richard Sellers
Neil Houff
Kevin J. Kordek
Dr. Alan Grant

Dr. Milton O. Faison

CONGRESSIONAL DISTRICT

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

ABSENT

Cecil Shell
Kay Johnson Smith
James S. Huffard, III

5th
8th
9th

STAFF PRESENT

Jewel Bronaugh, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Katherine Coates, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Kirby moved that the draft minutes of the meeting on May 23, 2019, be approved as distributed. Mr. Sellers seconded the motion, and it was passed by a unanimous vote.

REPORT FROM BOARD MEMBERS

Kevin Kordek

Mr. Kordek reported that everything in the bug world is healthy. The hot weather and dry spell have caused major fleas, tick, and mosquito problems. He noted that July is a tough month for the industry because people are either saving for vacations or on vacation. The economy has been a blessing and a curse. Pest control companies are having a hard time finding qualified help. Many companies have tried to recruit from other states. Large companies poaching employees from smaller companies has become a problem and has resulted in some lawsuits. He stated that he suspects those issues will be ironed out in the fall when things go back to normal. He is looking forward to a good fall season

Neil Houff

Mr. Houff reported that things have slowed down in the crop protection business. They are pretty much done with corn and soybeans. Herbicides and fungicides are going down. They have begun using planes and helicopters to apply some fungicides. It appears there will be a tremendous yield in the field in his part of the world. Now it comes down to protecting that yield and getting it in the bins and silos. He was happy to report that he spoke with VDACS staff, and there have been no documented drift complaints related to dicamba in the state. He concluded his report by saying life is good in the Valley and they have good yields, good rain, and are looking forward to a good harvest.

Bryan Taliaferro

Mr. Taliaferro began his report by welcoming the Board to the 1st district. He added that the Board would have the opportunity to see how crops look in the Northern Neck and the southern side of the Rappahannock during its tour. They have had stress on the corn crop in recent weeks from heat and early dry weather. Some pollination did not get completed on corn. Soybeans are in good shape. The hope is that today's rain will get the soybeans on track and fill out the corn that has pollinated. There is a decent corn crop in the field, but it probably will not be a bumper crop.

Donald Horsley

Mr. Horsley reported that they are going to have a "good average" crop of corn in his general area. It was wet early in the year, and it took about twice as long as normal to get the corn planted. Once the rain stopped, they had a wonderful planting season for soybeans. He stated that he thinks they have the best looking early soybean crop they have ever had. The rain a couple weeks ago helped revive the corn. The heat has affected his area more than the moisture this year. He reported that he spoke with former Board Chair Steve Sturgis to get a report on the southern end of the Eastern Shore. Steve reported that the southern end of the Eastern Shore had received inconsistent rain. Some of the corn did not look good at all, but some of it was decent. The northern part of the Eastern Shore is looking better because it received more rain. The potato crop was beginning to be stressed, but, as a whole, he was optimistic. He reported that he heard of a little bit of pollination problem in certain hybrids because of timing. He concluded his report by stating he thinks they will have a good overall corn crop in Southeast Virginia.

Clifton Slade

Mr. Slade reported that it is a mixed bag in his district. They were in a very bad drought up until July 5th. Some areas received an inch to three inches of rain, while some areas in the same

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community received none. He noted that members might have seen news coverage about the flooding of the Virginia Diner's parking lot. His area did not get that rain. He thinks they will have yields of corn ranging from 50 bushels an acre to a bumper crop depending on location. He has never seen anything like that range before. He reported that the deer pressure is continuing. The deer are even eating pumpkins and butter beans, which he previously thought they would not eat. The soybean crop looks great. Commercial vegetable production is great as long as you have irrigation and kept the deer pressure down. He concluded his report by stating that he was amazed at how good the cotton crop in his area looks despite the heat.

L. Wayne Kirby

Mr. Kirby began his report by echoing what the other board members have said. It will not be a bumper crop, but he is confident it will be a good crop. The wheat harvest did not go well because of the wet weather this fall. The quality of the wheat was down this year. They had to replant many of their beans this year because increased home construction crowded the deer population into the remaining rural areas and the deer are eating the soybeans. The deer are a problem, and shooting them is not always the answer. He concluded by stating that he is very optimistic they will have something to sell this fall.

Margaret Ann Smith

Ms. Smith introduced herself to the Board. She is from a diversified family farming operation in Lexington. They are heavily into the cow-calf operation and feeder and stocker business. They also have hay and grain. Her part of the operation is livestock marketing. They run an order buying company that buys and sources cattle throughout the Eastern U.S. and ships cattle throughout the Midwest. They ship to 22 states and cover 28 livestock markets a week in four states.

John Marker

Mr. Marker reported that the Northern Valley has been spotty on moisture. It was wet early, and, when it cut off, it cut off drastically. They did get some rain recently. Corn and beans looks good. The rain will make the corn. Early beans are excellent. There was plenty of hay made. He reported they started the peach harvest last week and have another month left. A few early apples are being harvested, and the size looks decent on them. The recent rain will help with the size on peaches. He stated that the deer like apples and peach trees and have been eating pumpkins in his area for years. Because of the deer, it can be tough to get trees established without an 8 or 10-foot fence around them. He concluded by stating that it looks like it is going to be a decent crop of most everything.

Richard Sellers

Mr. Sellers reported that summer gardens are in bloom and doing well in the large suburban, high-population areas of Fairfax and Prince William County. He is excited to work with Commissioner Bronaugh and VDACS staff on promoting urban agriculture. He noted that there is a big symposium on urban agriculture in Arlington every year. He and his wife have a good relationship with the Fairfax County extension agent who is out promoting agriculture in his area. They have used Virginia Tech for soil samples and are adding lime to improve the northern Virginia soil. He added that road construction projects are in full swing in his area.

Dr. Alan Grant

Dr. Grant reported that this is the season for orientation and they have many new students coming on campus for freshman orientation and new transfer student orientation. Virginia

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Tech's acceptance rate was much higher than expected, and they will have 1,000 more students coming in than anticipated. The extra students will put pressure on infrastructure and the Town of Blacksburg, but it is a good thing for the College of Agriculture and Life Sciences. They will have a few more students than usual, but will not see the significant increase some of the other schools at the college are seeing.

He gave an update on recently filled Agricultural Research and Extension Center (AREC) vacancies around the state. The Eastern Shore AREC hired a new lead scientist. The Southern Piedmont AREC filled a board specialist position. The Central District AREC director vacancy has been filled. He announced that Dr. Carl Griffey in their small grains program is planning to retire and they are preparing a search for a replacement so the program will not have any gaps.

He concluded his report by stating that they are pleased to collaborate with the Virginia Grain Producers Association and the Virginia Soybean Association next week for Ag Expo at Charity Hill Farms.

Dr. Milton O. Faison

Dr. Faison reported that there is not much student activity currently at Virginia State University (VSU) because of summer break. They were excited to have Governor Northam on campus on June 27 for the industrial hemp bill signing. The VSU industrial hemp field day is coming up on July 25, and the VSU Ag Fest is coming up on August 28. Following Dr. Faison's report, Mr. Kordek informed the Board that subterranean termites have been known to eat live hemp plants.

Shelley Butler Barlow

President Barlow began her report by acknowledging the two other Board members besides herself who were reappointed and the two new members who were appointed to the Board.

She echoed the statements of previous Board member reports. For the last several seasons, whatever they are having, they are having too much of it. If it is rain, it is a little too much; if it is heat, it is a little too much. She explained that with the corn they only get once chance. If it is too hot or does not get rain at the right time, the corn crop does not pollinate. With the cotton, if you get a harvestable boll, you get multiple chances. It is the crop they count most on and are cautiously optimistic it will be a decent harvest.

She knows they are all dealing with ongoing concerns about prices and deer problems. She has planted soybeans around her cotton crop to keep the deer out of the cotton. It is extremely frustrating to watch the deer eat your paycheck, and she suggested that is a topic VDACS and the Department of Game and Inland Fisheries should have a discussion about to come up with a new plan because deer damage has become a serious problem.

COMMISSIONER'S REPORT

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

MEETING RECESS

At approximately 1:47 p.m., President Barlow adjourned the Board meeting to allow staff to prepare for the public hearings on the proposed regulations for 2 VAC 5-317, proposed regulations for 2 VAC 5-320, and the Spotted Lanternfly Quarantine.

SUMMARY OF PUBLIC HEARING FOR PROPOSED REGULATIONS FOR 2 VAC 5-317 REGULATIONS FOR ENFORCEMENT OF THE NOXIOUS WEEDS LAW

At 2:00 p.m., President Barlow opened the public hearing on the proposed regulations for 2 VAC 5-317, Regulations for Enforcement of the Noxious Weed Law. 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 David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board concerning the proposed regulations for 2 VAC 5-317.

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

Following the staff presentation, President Barlow asked Secretary Schmidt if anyone signed up to speak. No members of the public signed up to speak.

President Barlow provided an opportunity for Board questions. President Barlow then adjourned the public hearing at 2:02 p.m.

SUMMARY OF PUBLIC HEARING FOR PROPOSED REGULATIONS FOR 2 VAC 5-320 REGULATIONS FOR THE ENFORCEMENT OF THE ENDANGERED PLANT AND INSECT SPECIES ACT

At 2:15 p.m., President Barlow opened the public hearing on the proposed regulations for 2 VAC 5-320, Regulations for the Enforcement of the Endangered Plant and Insect Species Act. 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 David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board concerning the proposed regulations for 2 VAC 5-320.

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

Following the staff presentation, President Barlow asked Secretary Schmidt if anyone signed up to speak. No members of the public signed up to speak.

President Barlow provided an opportunity for Board questions. President Barlow then adjourned the public hearing at 2:17 p.m.

SUMMARY OF PUBLIC HEARING FOR THE SPOTTED LANTERNFLY QUARANTINE

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At 2:30 p.m., President Barlow opened the public hearing on the Spotted Lanternfly Quarantine. 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 David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board concerning the temporary Spotted Lanternfly Quarantine to date.

The Board was advised that the purpose of the hearing is to provide interested parties an opportunity to comment on establishing the temporary Spotted Lanternfly Quarantine as a permanent quarantine.

Following the staff presentation, President Barlow asked Secretary Schmidt if anyone signed up to comment on establishing the temporary Spotted Lanternfly Quarantine as a permanent quarantine. No members of the public signed up to speak.

President Barlow advised the Board that it would consider action on 2 VAC 5-331 immediately following the close of the public hearing and provided an opportunity for Board questions. President Barlow then adjourned the public hearing at 2:39 p.m. and reconvened the Board meeting.

EXEMPT FINAL ACTION TO PROMULGATE 2 VAC 5-331 (RULES FOR ENFORCEMENT OF THE VIRGINIA TREE AND CROP PESTS LAW – SPOTTED LANTERNFLY QUARANTINE)

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino presented the Board with a brief overview of the final action to promulgate 2 VAC 5-331.

Following Mr. Gianino's presentation, Mr. Marker moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-331, Rules for Enforcement of the Virginia Tree and Crop Pests Law – Spotted Lanternfly Quarantine, as presented by staff today and that the Board authorize staff to take any and all steps necessary to promulgate this regulation through an exempt regulatory action as authorized by Section 3.2-703 of the Virginia Tree and Crop Pests Law and to have this regulation become a final regulation of the Board. Mr. Sellers seconded the motion, and it was carried by unanimous vote of the Board.

PROPOSED FAST-TRACK ACTION TO AMEND VAC 5-585 (RETAIL FOOD ESTABLISHMENT REGULATIONS)

President Barlow called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis presented the Board with a brief overview of the proposed fast-track action to amend 2 VAC 5-585.

Following Mr. Davis's presentation, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-585, Retail Food Establishment Regulations, 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. Mr. Marker seconded the motion, and it was carried by unanimous vote of the Board.

UPDATE ON AFRICAN SWINE FEVER

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President Barlow called on Dr. Charles Broaddus, State Veterinarian and Director of the Division of Animal and Food Industry Services. Dr. Broaddus presented the Board with an update on African Swine Fever and responded to Board member questions.

UPDATE ON 2017 CENSUS OF AGRICULTURE

President Barlow called on Herman Ellison, State Statistician, U.S. Department of Agriculture, National Agricultural Statistics Service. Mr. Ellison presented the Board with an update on the 2017 Census of Agriculture and responded to Board member questions.

PLANS FOR TOUR ON WEDNESDAY, JULY 24

President Barlow called on Mr. Taliaferro to discuss the logistics for the reception and dinner on Tuesday evening, July 23, and for the tour on Wednesday, July 24.

NEW BUSINESS

No new business was introduced.

FUTURE BOARD MEETINGS

President Barlow announced that the final Board meeting for 2019 would take place December 12 in Richmond.

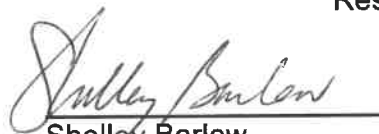
PUBLIC COMMENT PERIOD

President Barlow recognized Kyle Shreve, Executive Director of the Virginia Agribusiness Council (VAC). Mr. Shreve commented that VAC wanted to thank Commissioner Bronaugh, Governor Northam, and Secretary Ring for the July 15, 2019, letter regarding industrial hemp production and processing.

ADJOURNMENT

There being no further business, Mr. Kirby made a motion for the Board to adjourn. Mr. Slade seconded the motion, and it was carried by a unanimous vote of the Board. The Board adjourned at approximately 4:23 p.m.

Respectfully submitted,



Shelley Barlow
Board President



Kevin Schmidt
Board Secretary