

BOARD OF AGRICULTURE AND CONSUMER SERVICES
Patrick Henry Building
East Reading Room
1111 E. Broad Street
Richmond, Virginia

Thursday, December 12, 2024

9 A.M.

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from July 31, 2024
4. Board member reports
5. Commissioner's Report to Board – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
6. Pesticide Control Fund report – Nicole Wilkins, Program Manager, Office of Pesticide Services
7. Proposed fast-track action to amend 2 VAC 5-425 (Vapor Pressure Requirements for Gasoline Ethanol Blends) – Gary Milton, Program Manager, Office of Weights and Measures
8. Office of Hemp Enforcement: inspection and compliance activity update – Nikeya Thomas, Program Manager, Office of Hemp Enforcement
9. New business
10. Future Board meetings
11. Public comment period
12. Adjourn

COMMISSIONER'S REPORT TO
BOARD OF AGRICULTURE AND CONSUMER SERVICES
December 12, 2024

GOVERNOR'S PRIORITIES

Governor Youngkin and his administration, including the Office of the Secretary of Agriculture and Forestry and VDACS, have been very active in the recovery efforts in the areas of the Commonwealth impacted by Hurricane Helene in September. Much of the damage involved agriculture, particularly flood damage to fences, hay, structures, and livestock as well as wind damage to vast acres of trees. The Governor and Commissioner Guthrie personally visited multiple sites shortly after the storm to begin assessing damage and coordinating recovery efforts. Virginia Cooperative Extension has played a vital role in gathering information on damages in numerous localities and assisting in gathering and distributing contributions and supplies. VDACS staff attended farm recovery events in several localities and, along with other state agencies, federal agencies, local government, non-profits, and financial institutions, provided information for farmers who had suffered damage. VDACS coordinated much of its efforts with AgriSafe, which provides physical and mental health services to farmers.

In late July, the Office of Meat and Poultry Service (OMPS) was notified that the Boars Head facility located in Jarratt had been suspended by USDA's Food Safety Inspection Service (FSIS) due to a *Listeria monocytogenes* outbreak. The initial investigation found Boars Head products to be the source and traced illness-associated products back to this facility. Approximately 7 million pounds of deli meats were recalled. Over 50 people were hospitalized, and 10 deaths have been reported in association with consumption of certain Boars Head deli meat products. Once OMPS was notified of the suspension, inspection services were removed. An investigation by FSIS is underway, and Boars Head made the decision to close the plant in September.

Governor Youngkin's tour of the State Fair of Virginia included an extensive visit to the youth livestock show. The Governor met with the state FFA and 4-H officer teams and with several youth livestock exhibitors. Prior to the Sale of Champions, the Governor served dinner to dozens of attendees. He contributed to the winning bid on the Champion Steer.

On September 18 in Louisa, Office of Agriculture and Forestry (OAFD) staff joined Governor Youngkin and Secretary of Agriculture and Forestry Lohr for the grand opening of Better Future Farms, a new Controlled Environment Agriculture (CEA) company which has committed to more than \$65.7 million in new investment and 35 new jobs to produce, package, and sell more than \$30 million of Virginia-grown leafy greens over the next three years. Governor Youngkin approved a \$200,000 Governor's Agriculture and Forestry Industries Development (AFID) Facility Grant in support of the project, as well as roughly \$72,000 in services through the Virginia Talent Accelerator Program.

On September 25 in Chesterfield, VDACS staff joined Secretary Lohr and Governor Youngkin for the ribbon cutting celebration for Plenty Unlimited. The company's new CEA farm in Chesterfield County will be dedicated to the production of strawberries exclusively for Driscoll's. The project, which was awarded a \$500,000 AFID Facility Grant, represents \$300 million in capital investment, 300 new jobs, and the production of more than 16.7M kilograms of Virginia-grown strawberries.

October 1-2 in Danville, OAFD staff joined Secretary Lohr and Commissioner Guthrie at Virginia's 3rd annual CEA Summit East conference. Governor Youngkin provided the opening keynote speech. The conference focused on bringing together greenhouse and vertical growers, industry businesses, academia, and state government who are interested in advancing controlled environment agriculture.

October 15 in Augusta County, OAFD staff joined Secretary Lohr as Governor Youngkin announced the expansion of Shamrock Farms at the company's 10th anniversary celebration in Virginia. Shamrock, a leading dairy products manufacturer, will invest \$59 million and create 28 new jobs to expand its Augusta County facility. In addition to a \$300,000 AFID Facility Grant, the project is supported by a \$600,000 Virginia Investment Performance grant and \$22,400 Virginia Jobs Investment Program grant.

On October 30, Governor Youngkin announced that Amory Seafood, of Hampton, has been awarded \$247,000 through the Governor's Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program. This reimbursable grant will support the implementation of a modern quick freezer and essential packing equipment that will increase processing capacity. Once the expansion and modernization project is complete, Amory Seafood will add a new Individual Quick Freezing system to include 210 fillet trays and 10 new freezing racks. This project is expected to add nine jobs.

AGENCY OPERATIONS

Commissioner's Office

Since August, Commissioner Guthrie has spoken to many agricultural groups, including the Virginia Christmas Tree Growers (Floyd), the VSU Field Day (Randolph Farm, VSU), Clinch Valley SWCD (Russell County), Virginia Forest Products Association (Williamsburg), Horizon Farm Credit Board of Directors (Winchester), Renaissance Academy (Virginia Beach), Southern Piedmont AREC (Blackstone), the Mid-Atlantic Farmer's Market Conference (Richmond), Virginia Biomanufacturing Summit (Richmond), and the Virginia Farm Bureau Federation Convention (Hot Springs). The Commissioner also attended the Farm Progress Show in Boone, Iowa, and the State Fair of Virginia in Doswell.

As required by Chapters 675 and 693 of the 2024 Acts of Assembly, VDACS in collaboration with the State Council of Higher Education for Virginia, convened a Task Force on Transparency in Publicly Funded Animal Testing Facilities (Task Force) for the purpose of identifying potential deficiencies in publicly funded animal testing facilities and recommending methods and context for making certain information about such animal testing facilities publicly available. The Task Force convened three separate in-person meetings in July, August, and September that Commissioner Guthrie chaired to discuss the existing framework for reporting animal testing statistics, the deficiencies in the existing framework, and ways to build upon or alter that framework to address the concerns. The Institute for Engagement and Negotiation facilitated the meetings. As required by the Acts, Commissioner Guthrie reported the Task Force's findings and recommendations to the House Committees on Agriculture, Chesapeake, and Natural Resources; Finance; and Appropriations and the Senate Committees on Agriculture, Conservation, and Natural Resources and Finance and Appropriations by November 1.

Since August, the Virginia Beer Distribution Company (VBDC) has held four board meetings to streamline internal operations and finalize the Operating Agreement for brewery distribution.

Following its approval in October, VBDC submitted six beer wholesale applications to Virginia ABC covering locations in Tidewater, Southwest Virginia, Northern Virginia, and the Shenandoah Valley. Nearly 50 additional breweries have registered with VBDC and are preparing documentation for the beer wholesale application. VBDC is collaborating with the VDACS Communications office, Virginia Craft Brewers Guild, and Flair Communication to promote its first licensed locations.

In October, Commissioner Guthrie served as the host for the Tri-National Accord meeting in Arlington. The annual meeting brings together the heads of departments of agriculture of the states and provinces of the US, Mexico, and Canada to discuss trade and other topics of importance in agriculture. As part of the three-day gathering, VDACS hosted a Virginia Agricultural Trade Conference. It included a reception and dinner featuring Virginia food and beverages and speakers including Secretary Lohr, American Farm Bureau President Zippy Duvall, and representatives from the Port of Virginia and Virginia Farm Bureau Federation touting Virginia agricultural products. The event was attended by the Tri-National Accord delegations, representatives of Virginia agricultural industries, and numerous diplomats from several embassies.

In August, Commissioner Guthrie coordinated with leadership from Virginia Tech's College of Agriculture and Life Sciences and College of Veterinary Medicine for the three entities to tour facilities each operates in proximity to each other that have strong emphasis on the equine industry, including the VDACS Warrenton RAHL, the Middleburg AREC, and the Equine Medical Center in Leesburg. The group found numerous ways to improve interaction and find synergies between the facilities.

In November, Commissioner Guthrie joined a delegation from Virginia State University on an agricultural research and development mission to South Korea. The group focused on gaining more understanding of growing and processing swordbean, a crop currently grown in South Korea that could become an alternative crop in Virginia.

Division of Marketing and Development (DMD)

On September 18 in Waverly, OAFD and DMD staff attended the ribbon cutting of Restoration Bioproducts. This project was awarded a \$50,000 AFID Facility Grant in June 2022 and is the first commercial biochar production facility in the Commonwealth. This project purchases otherwise low-value byproduct of the wood pellet manufacturing process. Over the three-year grant period, Restoration Bioproducts has committed to creating five new jobs, investing \$4.2 million in capital expenditures, and purchasing \$1.7 million (34,560 tons) worth of Virginia-grown and processed wood fines in the creation of biochar and biochar byproducts.

On October 31, Commissioner Guthrie and VDACS staff hosted an inbound peanut trade group of Japanese food business officials and international trade consultants to promote export sales of Virginia peanuts. The meeting included an overview of Virginia agricultural production and exports, port infrastructure, peanut production, marketing, and grading services.

In September, VDACS announced awards of over \$550,000 for the 2024 Specialty Crop Block Grant Funding from the USDA Agriculture Marketing Service. This year's funding includes eight projects.

Since August, the Office of Domestic Marketing and Promotions (ODMP) participated in several agriculture marketing and educational events. These included the Virginia Ag Expo, Virginia State University Farming Workshop, Virginia Cooperative Extension (VCE)'s Cut Flower Discussion Groups and Workshops, Southern Piedmont AREC Crop Field Day, Mid-Atlantic Spray Drone Workshop, International Soil Tillage and Research Organization Conference, Field Day at the Cyrus McCormick Farm, Big Walker Soil and Water Conservation District, Central Virginia Crop Expo, VSU Randolph Farm Field Day, Kentland Farm Field Day, Virginia Pumpkin Growers Association Annual Field Day, United Soybean Board's Staff Meeting, the Virginia Specialty Food and Beverage Association meeting, the Virginia Christmas Tree Growers Association Annual Meeting, and the Virginia State Fair.

Each Thursday from June through October, ODMP staff supported the OnTheSquare Farmers Market in Richmond. The farmers market gave state employees the opportunity to shop for fresh local goods. Staff manned a Virginia Grown exhibit throughout the market season.

Market News added new reports for Virginia produce auctions, including sale results from Central Virginia Produce Auction in Dillwyn and Southside Produce Auction in Charlotte Court House.

Market News reports major crop prices have decreased significantly during 2024. Compared to January, soybean prices have decreased by over 20 percent. Grain prices are at their lowest levels since 2020. Prices have been pressured by increasing supplies in the U.S. and internationally. In the October Crop Production Report, USDA-National Agricultural Statistics Service forecasted U.S. soybean production at a record high in 2024 and U.S. corn production at the third highest on record.

In September, Office of International Marketing (OIM) staff exhibited at the Thailand International Woodworking Fair and the International Woodworking Furniture Manufacturing Expo in Indonesia. These two major shows in Southeast Asia allowed Virginia companies to gain critical new business and meet with current customers.

From October 26-31, OIM, in partnership with Virginia Spirits Board, Virginia Wine Board, and Virginia Tourism, invited 42 international wine and spirit buyers and 12 international journalists to Virginia for a four-day tour of Virginia's wine and spirit industries.

The Office of Food Distribution (OFD) awarded 12 organizations a sub grant totaling \$1 million through the Virginia Agriculture Food Assistance Program. Grantees will work with local farmers to purchase agricultural products and distribute those products to people who are food insecure.

OFD worked with Virginia Food Banks to complete the Reach & Resiliency grant program. This USDA program expanded the Emergency Food Assistance Program's reach into underserved remote, rural, tribal, and low-income areas. Food banks spent a total of \$1.8 million dollars renovating facilities and purchasing vehicles and other supplies to distribute food to highly food-insecure areas.

OFD recommended 13 organizations receive Resilient Food Systems Infrastructure grants. These projects, totaling over \$6 million, have been sent to USDA for approval. Funding would cover infrastructure improvement projects and equipment purchases. These grants work to build resilience in the food supply chain and to provide more and better markets for farms and food businesses.

Division of Commodity Services (DCS)

Since August, DCS Staff:

- Conducted Terminal Market and Shipping Point Inspections on approximately 1,500,200 pounds of fresh fruits and vegetables; processed Food Inspections on approximately 2,500,000 pounds of processed products; conducted Export Inspections on approximately 765,000 pounds of potatoes to Canada; and completed 20 Good Agricultural Practices (GAP) Audits and 50 Country of Origin (COOL) reviews.
- Inspected and certified grain commodities including soybeans, corn, wheat, soybean meal, and soybean hull pellets with a total value of more than \$189 million destined for 28 countries.
- Conducted one compliance visit with a grain dealer.
- Provided livestock evaluation services on approximately 64,801 cattle, 1,256 head of junior market livestock, and 1,306 lambs/goats; and provided 97 Market News Reports on 41,932 head of livestock at livestock markets and 748 bales of hay or straw.
- Inspected and certified approximately 80,796,581 pounds of Farmers' Stock peanuts and regrades, approximately 74,597,451 pounds of shelled and in-shell milled peanuts, and 2,693,791 pounds of imported peanuts from Argentina and Paraguay.
- Analyzed approximately 1,836 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption.
- Certified 3,489,869 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products.
- Graded, via contracted full-time grading services, 83,206,843 pounds of chicken and 32,898,218 pounds of turkey for the Virginia poultry and egg industry.
- Provided non-contract fee grading and certification services for 2,748,306 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry.
- Performed two USDA Food Defense Audits.

Division of Consumer Protection (DCP)

On September 4, the Virginia Metrology Laboratory received a Certificate of Accreditation and Scope of Accreditation issued by the National Voluntary Laboratory Accreditation Program. Accreditation is granted following an on-site assessment, resolution of any nonconformities identified during the on-site assessment, participation in proficiency testing, and technical evaluation.

On September 27, Commissioner Guthrie signed an enforcement discretion letter addressing 2 VAC 5-425, *Vapor Pressure Requirements for Gasoline Ethanol Blends*. Issuing this enforcement discretion letter will allow gasoline blended with ethanol sold in Virginia to meet the specification in the latest version of American Society for Testing Materials D4814-24a and D4806-21a, which conflict with the current regulation, which requires that, when gasoline is blended with ethanol, the ethanol shall meet the requirements of ASTM D4806-16a and the blend shall meet the requirements of ASTM D4814-16a. This action was requested by suppliers using the Colonial Pipeline to provide fuel in Virginia. If not issued, Virginia would have been the only state receiving fuel from the pipeline that did not align with the updated ASTM specifications, which may have resulted in costly fuel for consumers in Virginia. OWM will present a request to the Board of Agriculture and Consumer Services to update the regulation to include the latest ASTM specifications.

On August 22, staff began accepting applications for the 2024 Beehive Distribution Program. The program provides free equipment for assembling new beehives to Virginia residents. Recipients of the equipment are selected at random from qualifying applications received during the application period. Recipients of the beehive units are required to populate the beehives with honeybee colonies. OPIS received 5,340 applications during the application period. 401 applications were randomly selected to receive approximately 960 beehive units for fiscal year 2025. Staff is coordinating packaging and shipment of the beehive units with its contractor. Initial shipments began in November.

Since August, OPIS staff have confirmed an additional five properties with populations of the hybrid fire ant in Lee County, bringing the total to 24 since the first mound was confirmed in 2022. Since August, staff has treated 77 active mounds in Lee County. The hybrid fire ant species that is found in the southeastern and south-central parts of Virginia can tolerate colder temperatures and - compared to the red fire - is more resilient against treatments. The Tennessee fire ant quarantine includes the county adjacent to Lee County, and the movement of these hybrid fire ants may be from a combination of natural spread and from commerce occurring across the state line. Due to the challenging terrain and remote nature of these mounds, OPIS will be soliciting a contractor to perform pesticide treatments.

On August 29, OPIS's plant pathology lab confirmed *Ceratobasidium theobromae*, the causal agent for the plant disease vascular streak dieback (VSD), on Hydrangea plants from Nelson County. This is the first confirmation of VSD on new host species, which has not previously been reported in Virginia. VSD is an emerging fungal disease that is associated with wilt and dieback of woody ornamental nursery stock. How the fungus spreads and details about its life cycle are currently unclear. Staff surveyed to understand the impact and distribution of the fungus in Virginia resulting in the detection of VSD in 16 localities at nursery and environmental sites. OPIS has developed best management practices for nursery stock growers to lessen the impacts of the plant pathogen.

In September, OPIS staff met with Virginia Beach city staff to discuss a beach vitex control program. Beach vitex is a woody vining plant species that can displace native sand dune flora, leading to reduced dune stability. The plant's sturdy and deep roots restrict sea turtle nesting sites. Beach vitex is listed as a Tier 2 noxious weed. In October, OPIS staff surveyed coastal areas and beachfront properties for beach vitex (*Vitex rotundifolia*). After surveying the areas of Chincoteague, Hampton Roads, Norfolk, Sandbridge, and Virginia Beach, OPIS staff mapped 48 sites of approximately 3.2 acres with populations of beach vitex. OPIS plans to contact property owners where beach vitex was found in preparation for a control program to treat and remove all the beach vitex from the sites.

In October, OPIS staff responded to a report of cogongrass (*Imperata cylindrica*), a Tier 2 noxious weed not known to occur in Virginia. Staff visited the site in Charlottesville and visually confirmed the presence of cogongrass and collected a sample to be identified by Virginia Tech. OPIS has since contacted the property management company and intends to treat the cogongrass. Cogongrass is an aggressively invasive perennial grass that grows up to six feet in height. Cogongrass exudes substances into the soil that suppress other plant's ability to grow, allowing it to form dense colonies wherever it establishes. Large infestations of this plant can alter the fire regime by causing more frequent and intense fires, thereby injuring or destroying some native plants and potentially damaging property.

In October, OPIS staff met with USDA Forest Service staff and Virginia Tech to review the 2024 spongy moth trapping results and decide which populations will be proposed for treatment and which populations will be surveyed more intensely in 2025. Approximately 74,000 acres were proposed to receive treatment in 2025 for either mating disruption treatments or larvicide treatments.

In August, Office of Pesticide Services staff attended the Association of Structural Pest Control for Regulatory Officials meeting in Lexington, Kentucky. Committee meetings were held to discuss communications, public health, rodenticides, and structural fumigation.

On August 26-27, OPS staff attended the 2024 Pesticide Safety Educators Workshop in Roanoke. Staff presented programmatic updates and pesticide regulatory updates for pesticide applicators. Staff also provided presentations on the U.S. EPA's Bulletins Live! Two, investigations and complaints, Pesticide Container Recycling and Collection Program, and the Worker Protection Standard field inspections. Staff also provided materials and resources to new VCE staff at the agent orientation. Commissioner Guthrie recognized agents for outstanding performance in pesticide safety education, pesticide collection, and pesticide container recycling.

On October 30, OPS staff concluded the 2024 Pesticide Collection Program. A total of 73,080 pounds of unwanted and outdated pesticides were collected from five sites. OPS also assisted with several special collection requests. Virginia's Pesticide Collection Program assists agricultural producers, licensed pesticide dealers, pest control firms, golf courses, and homeowners with the proper disposal of unwanted pesticides. Since its inception in 1997, Virginia's Pesticide Collection Program has collected more than 1.8 million pounds of pesticides and is available at no cost to eligible participants.

On October 12, OPS staff participated in the Virginia Tech Hokie BugFest in Blacksburg. This event celebrates entomology through outreach and engagement. OPS provided pesticide safety information and activities for children.

Division of Animal and Food Industry Services (AFIS)

The Office of Dairy and Foods (ODF) Food Safety Program (FSP) conducted over 4,000 inspections from July through October. FSP investigated over 300 consumer complaints and collected 230 food samples. FSP also performed the inspection necessary to open 423 new food businesses.

From August through October, ODF Dairy Services Program (DSP) routinely conducted inspections of dairy farms and cheese and ice cream manufacturing plants. DSP staff also permitted two new ice cream facilities in Williamsburg and Virginia Beach. There are 363 permitted dairy farms in Virginia.

In August, the DSP received notice of the award of a grant in the amount of \$23,400 from the Association of Food and Drug Officials to secure funding for dairy-related laboratory equipment needed to perform regulatory sampling requirements. Most of this grant will be used for the purchase of equipment by the Office of Laboratory Services to support the Grade “A” milk sampling requirements set forth by the Pasteurized Milk Ordinance.

In September, the ODF Produce Safety Program (PSP) hosted members of the Tennessee Department of Agriculture Produce Safety Program and National Association of State Departments of Agriculture (NASDA) as part of the FDA/NASDA state mentorship program.

The Office of Hemp Enforcement (OHE) is currently focused on the launch of the regulated hemp product retail facility registration process. As mandated by state law, this will require any retail facility that offers regulated hemp products for sale to register with VDACS and obtain a hemp product retail facility registration. Applications were available on the VDACS website starting on November 15. As prescribed in state law, the nonrefundable registration fee is \$1,000 annually.

OHE developed a VDACS Voluntary Registry of Compliant Edible Hemp Products list. The registry list includes manufacturers of hemp products who have submitted their products for review and met the labeling and packaging requirements in Virginia law and regulations. The registry list has had a positive impact on the number of compliant products being sold in commerce in Virginia. The program has observed a decline in violations per inspection and an increase in compliant products for purchase.

The Office of Veterinary Services (OVS) continues monitoring the detection of H5N1 influenza in dairy cattle in other states; this is the same genotype that causes Highly Pathogenic Avian Influenza in poultry. The disease has not been found in Virginia, and, based on the testing performed to date, Virginia is free from the disease. OVS is preparing for a detection should it occur. Testing for H5N1 in dairy cattle is being completed in the Harrisonburg Laboratory. USDA recently announced that additional testing may be necessary in some states, but the amount of testing already completed in Virginia may be sufficient. If USDA determines that additional samples need to be tested, OVS will work closely with the dairy industry to facilitate the process.

OVS staff has implemented a new program for inspecting pet shops that sell dogs or cats. The program is a result of legislation passed in 2020 and regulations finalized in 2024. OVS has registered 18 pet shops and has completed inspections of all 18 shops.

OVS staff checked in and monitored animals at the Virginia State Fair. This work ensures that animals exhibited appear to be healthy and present the best face for animal agriculture to fair attendees.

The biennial American Association for Laboratory Accreditation audit for accreditation of the Regional Animal Health Laboratories occurred from July 22-26. Office of Laboratory Services (OLS) received

ISO 17025:2017 accreditation approval through August 31, 2026. The auditor was extremely complimentary of the system and its growth and support.

DRAFT MINUTES

Board of Agriculture and Consumer Services
Hotel Madison
Appalachian Ballroom
710 S. Main St
Harrisonburg, Virginia 22801

Wednesday, July 31, 2024

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 1:04 p.m. on Wednesday, July 31, 2024, at Hotel Madison in Harrisonburg. President Horsley called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Donald Horsley
Brittany Jones
Margaret Ann Smith
Jacquelin Easter
Kailee M. Tkacz Buller
James S. Huffard, III
Tyler Wegmeyer
Richard Sellers
Neil Houff
Charles Church
Dr. Robert Corley

Lonnie Johnson

CONGRESSIONAL DISTRICT

2nd
4th
6th
7th
8th
9th
10th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Makola Abdullah, President,
Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Keith Harris 1st
Raymond Keating 3rd
Cecil Shell 5th

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 moved that the draft minutes of the all-virtual meeting on July 2, 2024, be approved as distributed. Mr. Houff seconded the motion. The Board voted unanimously to approve the motion.

REPORTS FROM BOARD MEMBERS

Charles Church

Board of Agriculture and Consumer Service

July 31, 2024

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Mr. Church reported that the Virginia Pest Management Association (VPMA) has been exceptionally active as spring is the busiest season for the pest management industry. Over 300 pest management professionals were recertified through the spring recertification webinar series over sessions in April, May, and June. VPMA also offered several in person training sessions leading up to the June 30 recertification deadline.

Neil Houff

Mr. Houff welcomed the Board to the Shenandoah Valley, remarking that he wished his last Board meeting would not occur during such a dry period. He shared that the exceptionally dry weather has made this season's crops the worst in his 35 years of experience. The fertilizer market and chemistry supply chains are good, though crop production is in a difficult position, with decreases in prices likely. There is strong concern across the industry regarding corn and bean yields. Mr. Houff extended his appreciation for the time he has spent on the Board and thanked VDACS staff members for their efforts.

Brittany Jones

Ms. Jones shared that the 4th district experienced an extremely dry May and June, with some areas not seeing water for six weeks. Early crops are showing below average yields, with corn and grain yields reporting 50-55 percent losses. However, recent strong rains indicate later planted crops may see average to above-average yields. The sudden increase of rain, along with some torrential storms, have made surface erosion a concern, particularly in pumpkin crops. Beef producers remain happy with prices, though some tapped into hay stores due to the drought. Dairy and hog stocks are experiencing reproductive stress typical to the summer, and there are concerns regarding profitability. Corn silage in the area will cap soon, with below average yields expected. With recent precipitation, there have been elevated levels of corn pathogenic fungus blister smut. A high school in Dinwiddie County recently received funding for a milk dispenser, which Ms. Jones hopes will increase milk consumption.

Jacquelin Easter

Ms. Easter echoed Ms. Jones's sentiments, reporting feast-or-famine rain, with rain arriving too late for corn and rain now falling too heavy. There is concern for the recovery of hay and pastureland. Ms. Easter introduced her fiancé, Mr. Nelson Lake, to the Board.

Kailee M. Tkacz Buller

Ms. Buller alerted the Board that the federal Farm Bill expires at the end of September and that it unlikely that it will be extended. However, she said to watch for action by January. In her role in the soybean crushing industry, Ms. Buller has begun to see domestic demand for crushed soybean erode as the market has been flooded with imported used cooking oil and tallow. Since January 2023, 7.4 billion pounds of tallow have come into the country, which displaces about 600 million bushels of domestic soybeans. The resulting drop in soybean prices is a major concern nationally, with imports from China and Brazil having a major impact on domestic producers. Ms. Buller urged Virginia producers to weigh in on the issue on the national stage.

James S. Huffard, III

Mr. Huffard shared that weather in the Southwest has been exceptionally hot and dry, reporting that weather is drier than it has been in decades. Corn crops are improving, though tonnage will be reduced. Jersey production remains largely unaffected by the heat. Mr. Huffard thanked

Board of Agriculture and Consumer Service

July 31, 2024

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Governor Youngkin, Secretary of Agriculture and Forestry Lohr, and Commissioner Guthrie for their recent visit to the Southwest.

Tyler Wegmeyer

Mr. Wegmeyer reported that weather in the 7th district has been unprecedentedly dry, with crops across the region suffering tremendously. He noted corn, soybeans, and Christmas trees as particularly devastated crops. Extreme heat has impacted pollinators as well. During the spring, rain on weekends hurt turnout for strawberry farms. While overall yield of strawberries was strong, harvesting yields were not. Mr. Wegmeyer closed his report hoping for rain to come back to the district soon.

Richard Sellers

Mr. Sellers reiterated Mr. Wegmeyer's concern over drought conditions, though rain has picked up in the 11th district. Rain was strong in the spring, resulting in bountiful vegetable gardens and well attended farmers' markets. Mr. Sellers noted that the United States Department of Agriculture (USDA) moved the 11th district to a different climate zone and that crop life cycles in the district have changed over time.

Dr. Robert Corley

Dr. Corley shared Virginia State University's (VSU) excitement for the upcoming fall semester. Strong recruitment has led to a large incoming class. Over the summer, VSU assisted with the establishment of several school and community gardens, which will help engage children in agriculture at an early age. About 30 students in VSU's AgDiscovery program worked with USDA Animal and Plant Health Inspection Service staff to research large animals. VSU recently attended advocacy group meetings with USDA officials in Washington, D.C. VSU has 18 students participating in the USDA 1890 Scholars program. Though plans for VSU to host a presidential debate have dissipated, VSU was proud to host USDA Secretary Thomas J. Vilsack on July 12 for a Town Hall event. VSU has its Field Day scheduled for August 29 at Randolph Farms. VSU will open the National Urban Ag conference in Detroit in coordination with USDA Farm Service Agency and Natural Resources Conservation Service. Dr. Corley extended appreciation to Commissioner Guthrie for attending a meeting with VSU's South Korean partners from Chonnam National University. Dr. Corley ended his report sharing the loss of associate research director, Dr. Rafat Siddiqui, who was a crucial contributor in VSU's work in nutraceuticals.

Lonnie Johnson

Mr. Johnson shared Dr. Alan Grant's regrets for not being able to attend the last Board meeting before his retirement in October. Mario Ferruzzi, director of the Arkansas Children's Nutrition Center, has been named as the next dean of the Virginia Tech College of Agriculture and Life Sciences. Several other transitions are occurring at the administration level, which may impact their ability to continue filling new positions. Over 30 extension agents have been hired since the beginning of 2024.

Margaret Ann Smith

Ms. Smith echoed earlier sentiments regarding the drought conditions in the 6th district, though rain has increased recently. Cattle are selling earlier and at lighter weights, though high prices have been good for producers. Many producers are concerned about hay as inventories have lightened up. Compounds are a problem for the cattle industry, as inventory has dropped very low. Kill cow and rail cow prices are incredibly high. Some cows that would have been worth

\$600-700 in recent years are now selling for up to \$2,000. With the lucrative prices, some producers are exiting the business. Ms. Smith closed her report noting that the hot and dry weather has had a beneficial effect of a notable decline in cases of pink eye in cattle.

Donald Horsley

President Horsley shared that the 2nd district has been blessed with about 10 inches in July. An excess in rain has damaged some soybean crops, though the crop is strong overall. June was extremely dry, though steady rain in the end of June and beginning of July made for a generally strong corn crop. Grain buyers are concerned about aflatoxin and are asking for quick testing. Grain prices are a major concern for producers, meaning farmers will need to see exceptionally strong crops to break even for the year. There have been projections of a 25 percent decrease in farm income this year, with many farmers likely making less than that. President Horsley shared reports that John Deere is struggling to keep on staff, as farmers have not been able to buy new equipment.

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.

Following the presentation of his written report, Commissioner Guthrie provided the Board with an update regarding the listeria outbreak at the Boar's Head facility in Jarratt. He also called on Charles Broaddus, Director, Division of Animal and Food Industry Services, to provide further information on USDA's Food Safety and Inspection Service efforts to contain the outbreak.

Several Board members asked Commissioner Guthrie questions related to the Office of Hemp Enforcement. Questions regarded the number of violations per inspection, management of collected funds from violations, the nature of the hemp industry, and the effectiveness of the penalty matrix. Commissioner Guthrie and David McGreevy, Deputy Director, Division of Animal and Food Industry Services, addressed these questions and offered to provide a more detailed presentation at the meeting in May 2025.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-550 (RULES AND REGULATIONS PERTAINING TO TOLERANCES AND PROHIBITIONS APPLICABLE TO SAUSAGE)

President Horsley called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services, to brief the Board on the proposed fast-track action to repeal 2 VAC 5-550.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-550, Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Sausage, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action. Mr. Church seconded the motion. The Board voted unanimously in favor of the motion.

PROPOSED FAST-TRACK ACTION TO REPEAL 2 VAC 5-590 (RULES AND REGULATIONS PERTAINING TO TOLERANCES AND PROHIBITIONS APPLICABLE TO GROUND BEEF)

President Horsley called on David McGreevy, Deputy Director, Division of Animal and Food Industry Services, to brief the Board on the proposed fast-track action to repeal 2 VAC 5-590.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-590, Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Ground Beef, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through a fast-track regulatory action. Ms. Smith seconded the motion. The Board voted unanimously in favor of the motion.

NOTICE OF INTENDED REGULATORY ACTION - 2 VAC 5-360 (REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA COMMERCIAL FEED ACT)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed notice of intended regulatory action for 2 VAC 5-360.

Several Board members asked questions regarding the scope of the proposed regulations and their compliance with federal regulations, which Mr. Gianino addressed.

Mr. Sellers moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary to file for public comment a notice of intended regulatory action to amend 2 VAC 5-360, Regulations for the Enforcement of the Virginia Commercial Feed Act, (i) to require that the label of a pet food or specialty pet food product include the maximum percentage of dietary fiber in that feed rather than the maximum percentage of crude fiber in that feed and (ii) to include an appropriate grace period for regulated entities to revise the labels of pet food or specialty pet food products accordingly. Mr. Church seconded the motion.

PROPOSED STAGE – 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT) AND 2 VAC 5-680 (REGULATIONS GOVERNING LICENSING OF PESTICIDE BUSINESSES OPERATING UNDER AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT)

President Horsley called on Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, to brief the Board on the proposed action to amend 2 VAC 5-685 and 2 VAC 5-680.

Mr. Houff moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act, and 2 VAC 5-680, Regulations Governing Licensing of Pesticide Businesses Operating under Authority of the Virginia Pesticide Control Act, 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. Church seconded the motion. The Board votes unanimously in favor of the motion.

Following the approval of the motion, Commissioner Guthrie; Larry Nichols, Director, Division of Consumer Protection; Mr. Church; and Mr. Houff all spoke to Ms. Trossbach's retirement, commending her years of dedication and service.

ANNUAL ELECTRONIC MEETING POLICY ADOPTION

President Horsley called on Secretary Schmidt to present a draft revised electronic meeting policy for the Board's consideration.

Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the revised electronic meeting policy as presented by staff today, effective July 31, 2024. Ms. Easter seconded the motion. The Board voted unanimously in favor of the motion.

Board of Agriculture and Consumer Service

July 31, 2024

Page 6

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Horsley noted the upcoming December 12, 2024, Board meeting in Richmond.

PUBLIC COMMENT PERIOD

The Board did not receive any public comment.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 3:24 p.m.

Respectfully submitted,

Donald Horsley
Board President

Kevin Schmidt
Board Secretary



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Joseph W. Guthrie
Commissioner

October 15, 2024

Members of the Board of Agriculture and Consumer Services:

I. PURPOSE

To report on the activities, educational programs, and grants administered through the Pesticide Control Fund (Fund), as required in Item 93¹ of the 2024 Appropriation Act.

II. THE PESTICIDE CONTROL FUND

The Virginia Pesticide Control Act (Act) (Va. Code § 3.2-3900 et seq.) grants certain powers to the Board of Agriculture and Consumer Services (Board), including the authority to regulate pesticides in Virginia. Section 3.2-3906 of the Act authorizes the Board to adopt regulations, in part, to establish a fee structure for the licensure, registration, and certification of pesticide businesses and applicators. Section 3.2-3912 of the Act (i) establishes the Fund, which is a special non-reverting account established on the books of the Comptroller into which all moneys levied and collected under the Act are deposited, (ii) provides that moneys in the Fund shall be used by the Department of Agriculture and Consumer Services solely for carrying out the purposes of the Act, and (iii) specifies that "expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner."

III. PESTICIDE FEES

All pesticide fees that are collected pursuant to the Act are deposited into the Fund. The type, amount, frequency, and due date of the various fees are prescribed in 2 VAC 5-675, *Regulations Governing Pesticide Fees Charged by the Department of Agriculture and Consumer Services*.

¹ *The Office of Pesticide Services shall publish a report on the activities, educational programs, research, and grants administered through the Pesticide Control Act Fund to the Board of Agriculture and Consumer Services by October 15 of each year.*

The Schedule of pesticide fees for fiscal year 2024 is below:

Pesticide Business License (Initial)	\$150	Payable at time of application
Pesticide Business License (Renewal)	\$150	Annual (Due March 31)
Late Fee for Business License Renewal	\$30	Payable upon late renewal
Commercial Applicator Certification (Initial)	\$100	Payable at time of application
Commercial Applicator Reciprocal Certification	\$100	Payable at time of application
Commercial Applicator Certification (Renewal)	\$0	
Commercial Applicator - Additional certification category	\$35	Payable at time of application
Registered Technician Applicator Certification (Initial)	\$50	Payable at time of application
Registered Technician Applicator Certification (Renewal)	\$0	
Product Registration (Initial)	\$225	Payable at time of application
Product Registration (Renewal)	\$225	Annual (Due December 31)
Late Fee for Product Registration Renewal	\$45	Payable upon late renewal

On March 21, 2024, the Board approved a regulatory action to reduce several fees established in 2 VAC 5-675, *Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services*. The approved changes reduce the pesticide business license fee, both initial and renewal, to \$75. It also reduces the commercial applicator and registered technician applicator initial certifications to \$25. These changes are proceeding through the regulatory process, and it is anticipated that the fee reductions will take effect sometime in 2025.

IV. GRANT FUNDING

The Pesticide Control Fund received \$643,200 in grant funding from the U.S. Environmental Protection Agency (EPA). The Virginia Department of Agriculture and Consumer Services (VDACS) used the EPA grant funds to offset salary and fringe expenses related to certification and enforcement. The agency also used the grant funds for pesticide-related projects such as training workshops and pollinator protection.

V. ADMINISTRATION OF THE PESTICIDE CONTROL FUND DURING FISCAL YEAR 2023

The Fund carried a cash balance of \$4,337,667.47 from fiscal year (FY) 2023. During FY 2024, the Office of Pesticide Services reported Fund sources of \$4,377,610.80 and Fund uses of \$4,840,235.21. The Fund cash balance at the end of FY 2024 was \$3,875,043.06 (Please see Appendix 1). Expense detail for 2020 - 2024 can be found in Appendix 2.

A. Operation of Office of Pesticide Services (OPS)

OPS certifies pesticide applicators, registers pesticide products, issues pesticide business licenses, and educates pesticide users and the public about the benefits and risks of these products. Staff conducts routine inspections and investigates complaints to determine if pesticides have been misused. Staff also carries out public interest programs such as recycling of pesticide containers and disposal of pesticides. Through these activities, OPS protects consumers and the environment while permitting the safe and effective control of pests that adversely affect crops, structures, health, and domestic animals.

During FY 2024, OPS certified 4,723 private applicators, 6,758 commercial applicators, and 9,809 registered technicians to apply pesticides in the Commonwealth. OPS also licensed 2,274 pesticide businesses and registered 15,326 pesticide products. Field staff conducted 1,802 routine inspections and related activities and initiated 120 investigations, including complaints, incidents, accidents, and related activities, at 1,495 individual sites throughout Virginia. The

registration status of pesticides, as part of use inspection and investigation activities, was verified. Please see Appendix 3 for an organizational chart and staffing as of September 2024. Appendix 3 also indicates the positions that were vacant at year-end closing.

B. Continuation of Education and Outreach Programs

OPS continues to work with its Virginia Cooperative Extension (VCE) partners to provide pesticide applicators with up-to-date training materials and exams. Specific documents undergoing review and revision include four exams based upon the *Virginia Core* manual.

Costs related to applicator training, manuals, exams, and certification as well as continuing education and outreach programs were as follows:

<u>Virginia Cooperative Extension</u>		
Applicator Training, Manuals/Exams and Certification	\$	646,545.17.

Pesticide applicators can take the certification exams using SecuriTest, which is offered at more than 70 Department of Motor Vehicles (DMV) customer service centers throughout the Commonwealth. Applicators can also take the certification exams at VCE offices, online using the newly implemented remote testing option, or by appointment with OPS staff. During FY 2024, DMV administered 3,451 exams through SecuriTest and 411 prospective applicators utilized the remote testing option. A total of 6,160 exams were given at all sites, resulting in the issuance of 4,703 new certifications across all pesticide applicator categories. Testing sites included DMV offices, VDACS offices, online remote testing, and other proctored testing venues.

VDACS renewed the pesticide safety education agreement contract with Telamon to provide worker and handler training to growers throughout the state. This training is provided free of charge to agricultural employers and is available in English, Spanish, and Haitian Creole. During FY 2024, Telamon trained 712 workers at 40 training sessions at a cost of \$19,598.76.

C. Environmental Stewardship Programs

Since its inception, the Pesticide Collection Program has collected approximately 1.8 million pounds of unwanted, expired, or discontinued pesticides. The program provides an environmentally conscientious option for agricultural producers, pesticide dealers, pest control firms, homeowners, and golf course operators to dispose of unwanted pesticides at no cost to them. For FY 2024, the Pesticide Collection Program collected 47,826 pounds of unwanted pesticides.

Since its inception in 1993, the Plastic Pesticide Container Recycling Program has collected more than 2.5 million pounds of containers. The program is available to any pesticide applicator or dealer in Virginia and is part of a nationwide effort by chemical manufacturers to reduce the waste generated by the disposal of plastic pesticide containers. For FY 2024, the Pesticide Plastic Container Recycling Program collected 107,803 pounds of pesticide containers statewide.

Costs related to environmental stewardship programs were as follows:

Pesticide Disposal	\$	20,323.44
Container Recycling	\$	<u>23,090.07</u>
Total	\$	43,413.51

D. Fund Cash Balance

Obligations paid from the Fund during FY 2024 include (i) OPS operating expenses, (ii) education and outreach programs, and (iii) the Pesticide Collection and the Plastic Pesticide Container Recycling programs. During FY 2024, the Fund paid higher than normal expenses for the purchase of trucks, online system development costs, and costs from Virginia Tech related to private applicator training.

The Fund’s year-end cash balance for the past five years:

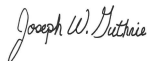
Fiscal Year	Ending Balance
2020	\$1,916,139
2021	\$2,868,696
2022	\$3,310,412
2023	\$4,337,667
2024	\$3,875,043

The agency anticipates that continued information technology costs for the online application system will impact the ending balance for FY 2025. The year-end balance for FY 2025 is estimated to be \$ 3.55 million.

VI. CONCLUSION

The agency is committed to the fair and sensible regulation of pesticides in Virginia as well as activities that are consistent with the provisions of the Pesticide Control Act. I trust that our commitment is evidenced by the breadth and scope of the activities listed in this report. Please let me know if you have any questions or need additional information. As always, your input is most welcome and appreciated.

Sincerely,



Joseph W. Guthrie
Commissioner

cc: The Honorable Matthew Lohr, Secretary of Agriculture and Forestry
Travis Rickman, Deputy Secretary of Agriculture and Forestry
Beth Green, Deputy Secretary of Agriculture and Forestry

Appendix 1

Pesticide Control Fund – FY 2024	
Fund Balance – June 30, 2023	\$4,337,667.47
SOURCES	
Pesticide product registrations	\$3,365,556.00
Commercial applicator certification	\$157,531.00
Pesticide business licenses	\$410,380.00
Registered technician certification	\$199,900.00
Late fees, interest, misc.	\$215,744.45
Civil penalties	\$28,489.35
Total Sources	\$4,377,610.80
USES	
Personal services	\$1,958,038.54
Contractual services	\$1,221,215.37
Supplies and materials	\$36,826.66
Transfer payments (includes grant payments)	\$689,234.00
Continuous charges	\$109,343.28
Equipment	\$270,909.36
Agency administrative expenses	\$554,668.00
Total Uses	\$4,840,235.21
Fund Balance – June 30, 2024	\$3,875,043.06

Appendix 2

**Pesticide Control Fund
FY 2020 - 2024**

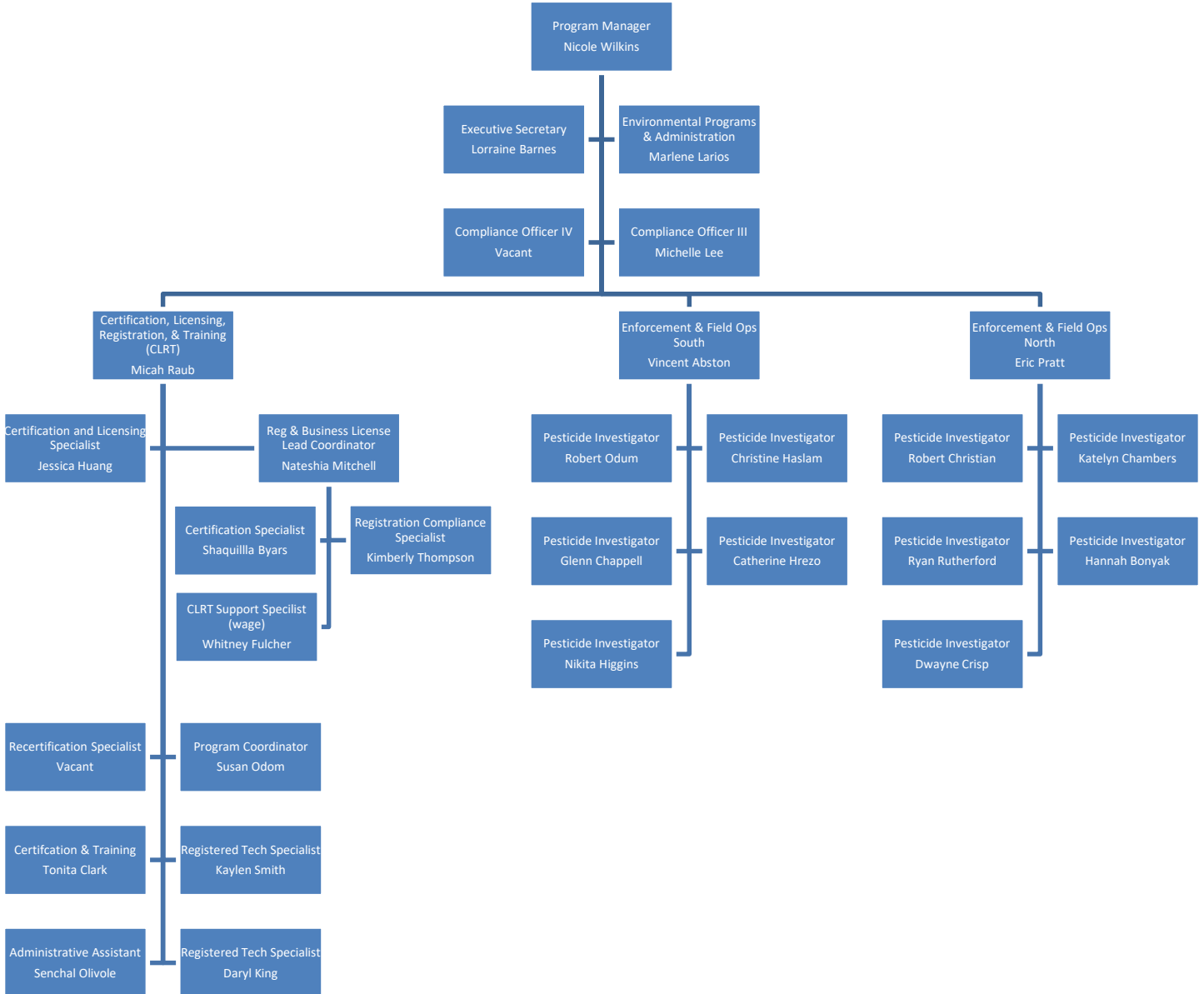
Expenditure Category	2020	2021	2022	2023	2024
Projects*	\$427,181.06	\$401,627.97	\$360,606.56	\$474,723.60	\$709,557.44
Salaries	\$997,666	\$1,103,705.65	\$1,112,168.11	\$1,142,280.43	\$1,400,809.47
Fringe Benefits	\$460,338.33	\$505,810.55	\$491,372.50	\$457,786.09	\$557,229.07
Administrative Overhead	\$525,747	\$591,002	\$581,552.00	\$546,560.00	\$554,668.00
Information Technology	\$332,984.80	\$585,538	\$1,178,310.93	\$184,932.67	\$854,627.83
Laboratory Services	\$178,646.91	\$87,843.93	\$140,185.21	\$152,237.67	\$200,761.54
Rent	\$91,625.56	\$91,127.81	\$91,071.76	\$89,518.68	\$89,708.32
Equipment	\$1,830.02	\$110,186.20	\$24,603.25	\$12,193.66	\$270,909.36
Supplies	\$32,724.48	\$30,651.92	\$35,336.65	\$39,068.17	\$30,625.56
Travel	\$8,921.22	\$1,790.85	\$2,515.14	\$9,079.34	\$23,108.10
Testing Services (DMV)	\$17,870	\$6,020	\$19,662.00	\$18,660.00	\$23,110.00
Other**	\$378,343.99	\$141,949	\$109,465.00	\$131,747.78	\$125,120.52
Revenue	\$4,416,464.54	\$4,609,809.34	\$4,588,565.73	\$4,286,043.38	\$4,377,610.80
June 30 Cash Balance	\$1,916,139.43	\$2,868,695.69	3,310,412.18	\$4,337,667.47	\$3,875,043.06

***Projects** includes expenditures for **Applicator Training, Manuals/Exams and Certification (VCE); Pesticide Safety Education (Telamon) and pesticide disposal and container recycling.**

**** "Other"** includes expenditures for postage, printing, telecommunications, public information, legal and media services, vehicle repair, temporary employee wages, workers compensation, unemployment compensation, liability and tort insurance, employee training, and various operating expenses.

Appendix 3

VDACS - Division of Consumer Protection
Office of Pesticide Services



Effective September 2024

Project 8071

Department of Agriculture And Consumer Services

Update references to ASTM publications

2VAC5-425-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"ASTM ~~D4806-16a~~ D4806-21a" means the Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel published by ASTM International in ~~February 2016~~ October 2021.

"ASTM ~~D4814-16a~~ D4814-24a" means the Standard Specification for Automotive Spark-Ignition Engine Fuel published by ASTM International in ~~February 2016~~ July 2024.

"psi" means pounds per square inch.

"Volatility class A" means fuel with a vapor pressure and distillation designation of "A" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM ~~D4814-16a~~ D4814-24a.

"Volatility class B" means fuel with a vapor pressure and distillation designation of "B" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM ~~D4814-16a~~ D4814-24a.

"Volatility class C" means fuel with a vapor pressure and distillation designation of "C" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM ~~D4814-16a~~ D4814-24a.

"Volatility class D" means fuel with a vapor pressure and distillation designation of "D" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM ~~D4814-16a~~ D4814-24a.

"Volatility class E" means fuel with a vapor pressure and distillation designation of "E" set forth in Table 1 Vapor Pressure and Distillation Class Requirements of ASTM ~~D4814-16a~~ D4814-24a.

2VAC5-425-20. Vapor pressure requirements; exceptions.

When gasoline is blended with ethanol, the ethanol shall meet the requirements of ASTM ~~D4806-16a~~ D4806-21a and the blend shall meet the requirements of ASTM ~~D4814-16a~~ D4814-24a, with following permissible exceptions:

1. For blends containing nine to 10 volume percent ethanol, the maximum vapor pressure shall not exceed the ASTM ~~D4814-16a~~ D4814-24a limits by more than 1.0 psi during the period of June 1 through September 15.
2. For blends containing one or more volume percent ethanol for volatility class A, B, C, or D, the maximum vapor pressure shall not exceed ASTM ~~D4814-16a~~ D4814-24a limits by more than 1.0 psi during the period of September 16 through May 31.
3. For blends containing one or more volume percent ethanol for volatility class E, the maximum vapor pressure shall not exceed ASTM ~~D4814-16a~~ D4814-24a limits by more than 0.5 psi during the period of September 16 through May 31.

Documents Incorporated by Reference (2VAC5-425)

~~Standard Specification for Automotive Spark-Ignition Engine Fuel, ASTM D4814-16a, February 2016, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org~~

Standard Specification for Automotive Spark-Ignition Engine Fuel, ASTM D4814-24a, July 2024, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org

~~Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, ASTM D4806-16a, February 2016, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org~~

Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, ASTM D4806-21a, October 2021, ASTM International, P.O. Box C700, West Conshohocken, PA 19428, www.astm.org

**BOARD OF AGRICULTURE AND CONSUMER SERVICES
Future Meeting Dates**

MARK YOUR CALENDARS

Thursday, March 20, 2025

TBD
Richmond, VA

Thursday, May 22, 2025

TBD
Richmond, VA

Thursday, December 11, 2025

TBD
Richmond, VA