

FINAL MINUTES

Friday, December 10, 2021

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:10 a.m. on Friday, December 10, 2021, at the James Monroe Building in Richmond. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Shelley Barlow
Margaret Ann Smith
Jacquelin Easter
Kay Johnson Smith
Tyler Wegmeyer
Richard Sellers
Neil Houff
Charles Church
Alan Grant

CONGRESSIONAL DISTRICT

1st
4th
6th
7th
8th
10th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Donald Horsley
Clifton A. Slade
Cecil Shell
James S. Huffard, III
Dr. M. Ray McKinnie

2nd
3rd
5th
9th
Representing Dr. Makola Abdullah, President,
Virginia State University

STAFF PRESENT

Bradley Copenhaver, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Katherine Coates, Administrative Assistant, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on July 20, 2021, be approved as distributed. Mr. Houff seconded the motion. The motion was unanimously approved.

REPORT FROM BOARD MEMBERS

Margaret Ann Smith

Ms. Smith reported that her district is in need of rain. Farmers are wrapping up combining and harvesting the crops in her area. Fall applications of fertilizer are going down. She stated that cattle runs have been tremendous for the last five weeks and prices are steadier than they were previously. She concluded her report by discussing the exemptions to hours of service on electronic logging devices for cattle. These exemptions will help move the cattle safely, more efficiently, and humanely across the country.

O. Bryan Taliaferro

Mr. Taliaferro reminded the Board that he had retired from farming as of January 1, 2021, but stated that he retired a year too early because the corn and soybean crops in his district have resulted in good yields and high prices. However, he stated that he is enjoying seeing his successors' success. He shared his thoughts about increases in input prices for farmers. He concluded by sharing his concerns about how dry it is for this time of year, which could result in forest fires.

Neil Houff

Mr. Houff reported that there have been some low corn and soybean yields in the Shenandoah Valley. He stated that there will be upcoming challenges with high fertilizer and herbicide prices and ongoing supply chain issues going into 2022. Distributors are allocating product to avoid panic buying, but there may still be some spot shortages. He concluded by stating that the product will be there but the prices will be high and producers will have to balance fertilizer and commodity prices.

Charles Church

Mr. Church reported that the Virginia Pest Management Association (VPMA) held its master tech school for bed bugs and occasional invaders in conjunction with Virginia Tech and the Richmond Public Housing Authority in October. This week, VPMA held its state technical meetings in Virginia Beach. It was conducted as a hybrid meeting. For in-person participants, they had 205 attendees, 41 exhibitors, and 49 speakers. He concluded by sharing that VPMA is now preparing for the state and federal legislative seasons.

Alan Grant

Dr. Grant reported that Virginia Tech is finishing up its fall semester. Commencement will be held next week. He reported on several personnel changes and recruitment efforts at Virginia Cooperative Extension (VCE) and the Agricultural Research and Extension Centers, including the retirement of Dr. Ed Jones, the current director of VCE.

Richard Sellers

Mr. Sellers reported that he is looking forward to inviting Commissioner Copenhaver to visit Fairfax County to discuss urban agriculture and meet with the Fairfax Food Council and local VCE staff. He reported that Fairfax County is currently discussing the possible conversion of a large warehouse into urban indoor agriculture that will allow people to raise their own food. He concluded his report with an update on community gardens in his area and an agritourism ordinance that was recently approved.

Tyler Wegmeyer

Mr. Wegmeyer introduced himself to the Board. He owns and operates three U-Pick strawberry farms and two U-Pick pumpkin farms and also grows corn, wheat, and soybeans. He operates a large agritourism operation in Berryville and farms in three different counties. He is the current president of the Virginia Strawberry Growers Association. He stated that his business is primarily agritourism and educating people on modern agriculture practices and what it takes to feed the world. He reported that, in his district, the demand for Christmas trees is outstripping the supply. In general, all agritourism businesses are doing very well. He reported that corn and soybeans crops have been a mixed bag depending on location. There was a four week period of drought in some areas. He stated that the labor situation has been dire. For his operation, it's

been challenging to staff both his retail and harvest crews with quality workers. For his retail operation, they have had to pass the high costs of labor on to their customers. He concluded his report discussing the inaccessibility of high speed internet for rural businesses.

Kay Johnson Smith

Ms. Smith reported that October was urban agriculture month. She hopes to engage more with the local organization Friends of Urban Agriculture. She reported that the National Association of State Departments of Agriculture (NASDA) has a new president and CEO and she looks forward to meeting with him. In September, the organization she works for, the Animal Agriculture Alliance, led the U.S. animal agriculture industry's input and engagement to the United Nations Food Systems Summit. She concluded her report by stating that she was looking forward to hearing the FBI's presentation, as her organization monitors extremist groups that threaten animal agriculture.

Jacquelin Easter

Ms. Easter introduced herself to the Board and gave an overview of her work and family history. She and her family own and operate Easter Design. They also raise beef cattle and grow corn and wheat in four counties. She reported that the dry weather in her district has helped with the harvest. She stated that they have had multiple combine fires in her county. The elevators at the grain company are full, and people have been turned away. That has been an issue for some farmers who don't have their own trucks or whose bins are not big enough to accommodate their harvest. She concluded her report by noting her their struggles with fuel prices.

Shelley Butler Barlow

Ms. Barlow reported that her district had excellent crop yields and prices. Her farm planted peanuts for the first time in 18 years and had good yields. She has had conversations with VDACS about universal labor shortages, which are having broad impacts. She noted that there has been a shortage of inspectors available for grading as crops are coming in. To follow up on Mr. Wegmeyer's comments, she reported on her own challenges with rural broadband. She is optimistic that the issue has been brought to the attention of state and federal government and stated that there is funding available to get all their rural areas up to speed on broadband. She shared some high level concerns about what agriculture's role will be in the climate change crisis. She noted that agriculture is doing a lot of climate friendly things and they need to figure out how to put a value on it. She concluded by sharing that, in her district, they are having a surge of community gardens and they finally have funding for school gardens.

COMMISSIONER'S REPORT

Commissioner Copenhagen delivered his report to the Board. During the presentation of this 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.

NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-390, RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW

President Barlow called on Larry Nichols, Director, Division of Consumer Protection. Mr. Nichols briefed the Board on the Notice of Intended Regulatory Action for 2 VAC 5-390.

Following Mr. Nichol's presentation and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary

Board of Agriculture and Consumer Services

December 10, 2021

Page 4

to file a Notice of Intended Regulatory Action to amend 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, for public comment.

Mr. Taliaferro seconded the motion. The Board voted unanimously to approve the motion.

PROPOSED STAGE – 2 VAC 5-317, REGULATIONS FOR ENFORCEMENT OF THE NOXIOUS WEEDS LAW

Mr. Nichols briefed the Board on the proposed action to amend 2 VAC 5-317.

Following Mr. Nichol's presentation, questions, and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-317, Regulations for Enforcement of the Noxious Weeds Law, as presented by staff and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment.

Mr. Houff seconded the motion. The Board voted unanimously to approve the motion.

PESTICIDE CONTROL FUND UPDATE

President Barlow called again on Mr. Nichols. Mr. Nichols presented the Board with an update on the Pesticide Control Fund.

PROPOSED ELECTRONIC MEETING POLICY DISCUSSION AND APPROVAL

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research. Mr. Schmidt briefed the Board on the proposed electronic meeting policy.

Following questions and Board member discussion, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt the electronic meeting policy as presented by staff, effective December 10, 2021.

Ms. Johnson Smith seconded the motion. The Board voted unanimously to approve the motion.

AGRICULTURAL ECONOMIC ESPIONAGE

President Barlow called on Mr. Cameron Fricks, Special Agent, Federal Bureau of Investigation (FBI), Richmond Division. Mr. Fricks introduced Mr. Barton Plant, Special Agent, FBI, Richmond Division. Mr. Plant delivered a presentation to the Board on the FBI's concerns related to agricultural economic espionage and how to be vigilant in its detection.

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Barlow announced that the Board meeting dates for 2022 will be March 24, May 19, and December 9 in Richmond. President Barlow also stated that the Board intends to hold its summer meeting and tour in July.

PUBLIC COMMENT PERIOD

There was no public comment.

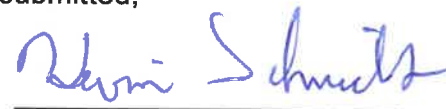
ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:07 p.m.

Respectfully submitted,



Shelley Barlow
Board President



Kevin Schmidt
Board Secretary