

**MINUTES**  
**BOARD OF AGRICULTURE AND CONSUMER SERVICES**  
Randolph Farm, Virginia State University  
Chesterfield County, Virginia  
October 10, 2002

The meeting convened at 9:00 a.m. on Thursday, October 10, 2002 in Chesterfield County, Virginia. President Wampler called the meeting to order and asked for a moment of silence. The Board Secretary called the roll:

**PRESENT**

L. Bruce Holland  
Gatewood Stoneman  
Joseph W. Wampler  
Jennifer P. Nolen  
Gary B. Brown  
Mary Campbell  
Warren H. McConnell  
Dr. Lorenzo Lyons

Dr. David Barrett

**DISTRICT**

1<sup>st</sup>  
3<sup>rd</sup>  
6<sup>th</sup>  
7<sup>th</sup>  
9<sup>th</sup>  
10<sup>th</sup>  
11<sup>th</sup>  
Representing Virginia State  
University  
Representing Virginia Tech

**ABSENT**

Herbert A. Culpeper  
Robert H. Pope  
Clarence D. Bryant, III  
Alexandra Liddy Bourne

2<sup>nd</sup>  
4<sup>th</sup>  
5<sup>th</sup>  
8<sup>th</sup>

**STAFF PRESENT**

J. Carlton Courter, III, Commissioner  
Donald G. Blankenship, Deputy Commissioner  
Roy E. Seward, Secretary & Director of Policy, Planning and Research

**APPROVAL OF MINUTES**

The minutes of the meeting of May 16, 2002 were approved as distributed.

**REPORT FROM BOARD MEMBERS**

Mrs. Stoneman reported that her area has been very dry and that Henrico--her home county--has passed a resolution requesting primary disaster area designation due to drought. She also mentioned the upcoming National 4-H Week.

Mrs. Nolen reported that the 7<sup>th</sup> district has been hit very hard by the drought and some of the counties in her district have been designated primary disaster areas.

Mr. Holland indicated in his report that the Eastern Shore has been having drought problems, thereby significantly reducing the yields in corn and soybean crops on the Shore. He added that those farmers who could irrigate their fields were able to save their vegetables and other crops. He reported that potato growers had a very good year. He noted that corn and soybean prices are significantly better than last year--a small consolation to farmers who have reduced production.

Mr. McConnell reported on the impact of the drought in his district and shared a newspaper clipping with the Commissioner regarding a farmer in Missouri who created a maze on his farm. He added that farmers in western states are creating mazes in their corn fields that people pay to walk through. He talked about an article that was in the Washington Post regarding organic foods that mentioned organic food production in Virginia and Maryland.

Ms. Campbell mentioned that she spoke with Congressman Wolf about issues concerning the 10<sup>th</sup> congressional district and reported on the drought's impact on Fauquier, Page, and Rappahannock counties. She also reported on concerns about the health threat of West Nile Virus to humans and the animal population including horses. She advised the Board of the value of the VDACS "Consumer Portal" as a source of consumer information for individual consumers, families, and consumer science teachers.

Dr. Lyons thanked the Board for allowing Virginia State University to host our meeting at Virginia State University and a tour of the Randolph Farm and the University. He advised the Board that President Moore deeply regretted being unable to attend the Board meeting or participate in the tour because he had to attend a legislative committee meeting in Richmond concerning the state budget. He noted that anticipated budget reductions will have an adverse impact on the university. Dr. Lyons invited the Board to attend Virginia State's Aquaculture Field Day on October 22, 2002 at Randolph Farm. He noted that Commissioner Courter will be the guest speaker for this event.

Mr. Brown reported that it is extremely dry in his area. He added that burley tobacco and the corn crop have been reduced significantly because of weather conditions.

Dr. Barrett reported that Virginia Cooperative Extension is anticipating additional budget cuts. He noted that Extension has lost 68 agents because of retirement. He added that local governments are partnering with Extension to fill 21 of those positions with 100 percent local government funding.

President Wampler reported that the 6<sup>th</sup> congressional district has received spotty rain, but the rest of the area has been very dry. He noted that streams, wells, and springs are low and mentioned the great demand for drilling replacement wells. He also talked about the local water supply problems facing Charlottesville and the town of Orange. In his report, he also noted that poultry farmers impacted by avian influenza losses desperately need help with these losses and they are waiting on action by the federal government to release indemnity funds.

## **COMMISSIONER'S REPORT**

The Commissioner reported on the following matters:

- \*Personnel Changes
- \*Drought Situation
- \*Virginia Wine Study
- \*Governor's Strategic Plan for Economic Development
- \*New Agribusiness Development Projects
- \*Avian Influenza Update

- \*Cuban Trade Show
- \*Report on NASDA Annual Meeting
- \*Budget Update

### **REPORT ON AGRIBUSINESS SECURITY FORUM**

Dr. Don Butts, Acting Director, Division of Animal Industry Services, reported on the Agribusiness Security Forum held in September and briefed the Board on related agency initiatives.

### **BUDGET UPDATE**

Deputy Commissioner Blankenship reviewed with the Board a summary he prepared showing the original agency operating budget for the 2002-2004 biennium and the amount of the reductions the agency would have to achieve at the 7, 11, and 15 percent levels.

### **PETITIONS FOR APPLE TAX REFERENDUM**

Susan Simpson of the Division of Marketing reviewed petitions for an Apple Tax Referendum and advised the Board that the petitions met the requirements of the Apple Board Law. Ms. Campbell moved that the Board accepts the petitions and authorizes a referendum to be conducted entirely by mail on the continuation of the levy of excise tax on apples grown in Virginia, and further authorized the staff to take any and all steps required or authorized by law to implement the referendum or the conduct thereof. Mr. Brown seconded the motion and it was passed by a unanimous vote.

Ms. Simpson advised that the Board now needed to adopt rules for the referendum. She also reviewed the proposed rules for the referendum, the referendum timetable and a referendum notice. Mr. Holland moved that the Board adopts the proposed Rules for Conducting Referendum on Continuation of Levy of Excise Tax on Apples. Mr. McConnell seconded the motion and it was passed by a unanimous vote.

### **DESIGNATION OF STATE VETERINARIAN RE: AVIAN INFLUENZA**

Commissioner Courter reminded the Board that during its March 29 meeting, it took action to authorize its veterinarian, the State Veterinarian, pursuant to Section 3.1-726 of the Code of Virginia, to any and all necessary measures to eradicate and prevent the spread of avian influenza. The Commissioner recommended that the Board take action to continue the authority until the Board decides to rescind it. Ms. Campbell moved that the Board continue the authority (relating to the eradication and prevention of the spread of avian influenza) granted by it to the State Veterinarian at its meeting of March 29, 2002, and that such authority continue until rescinded by the Board, which intends to consider such rescission at its March 2003 board meeting. Ms. Nolen seconded the motion and it was carried by a unanimous vote.

### **ADOPTION OF RECORD OF REGULATION DEVELOPMENT - 2 VAC 5-400**

Dr. Marvin Lawson, Acting Director of the Division of Consumer Protection, presented to the Board the record of regulation development for 2 VAC 5-400 concerning the regulation of fertilizer. Dr. Barrett moved that the Board adopt the record of regulation development for 2 VAC 5-400. Mr. Brown seconded the motion and it was carried by a unanimous vote.

**ADOPTION OF RECORD OF REGULATION DEVELOPMENT - 2 VAC 5-610**

Dr. Lawson presented to the Board the record of regulation development for 2 VAC 5-610 concerning the regulation of the solicitation of contributions. Dr. Lyons moved that the Board adopt the record of regulation development for 2 VAC 5-610. Ms. Campbell seconded the motion and it was carried by a unanimous vote.

**REPORT FROM DIVISION OF CONSUMER PROTECTION**

Dr. Lawson reviewed with the Board the most recent quarterly report on civil penalties assessed under the Virginia Weights and Measures Law. He also briefed the Board on the expected problem with seed peanut germination caused by drought and the anticipated need to suspend to the state's minimum standards for seed peanuts.

**REPORT FROM DIVISION OF MARKETING**

Thomas N. Sleight, Director of the Division of Marketing, presented a report on marketing initiatives being funded by federal block grants to VDACS.

**PROPOSED RESOLUTIONS FOR JOHN PURCELL AND DR. BILL SIMS**

Commissioner Courter presented draft resolutions recognizing the contributions of John B. Purcell, Jr., who retired as Assistant Attorney General after 28 years of working with VDACS and the Board, and Dr. William M. Sims, Jr., who retired after ten years as State Veterinarian and Director of Animal Industry Services. Dr. Barrett moved that the Board adopt both petitions and direct the staff to have the resolutions prepared for presentation to Mr. Purcell and Dr. Sims. Dr. Lyons seconded the motion and it was carried by a unanimous vote.

**PLANS FOR FUTURE MEETINGS**

Mr. Seward advised that future meetings of the Board are scheduled for December 5, 2002, March 13, 2003, and May 15, 2003.

**PUBLIC COMMENT PERIOD**

Christine Solem of Charlottesville commented on state budget cuts and her concern that VDACS focus its weights and measures program resources on the inspection of gasoline pumps rather than checking scales at farmers markets. Ms. Solem also commented on the need to exempt from state regulation, farmer-produced cheese and butter sold on the farm and at local farmers markets.

**ADJOURNMENT**

The meeting adjourned at 11:55 a.m. The next scheduled board meeting is Thursday, December 5, 2002.

Respectfully submitted,

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JOSEPH W. WAMPLER, President

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ROY E. SEWARD, Secretary