

BOARD OF AGRICULTURE AND CONSUMER SERVICES
Virginia Beach City Hall
2401 Courthouse Drive
Virginia Beach, Virginia 23456

Friday, August 4, 2023

9 A.M.

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from May 18, 2023
4. Board member reports
5. Commissioner's report to Board – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
6. Notice of Intended Regulatory Action – 2 VAC 5-455 (Regulation for Tradespersons Installing Invasive Plant Species) – David Gianino, Program Manager, Office of Plant Industry Services
7. Budget update – Dewey Jennings, Director, Administration and Finance
8. New business
9. Future Board meetings
10. Public comment period
11. Adjourn

DRAFT MINUTES

Board of Agriculture and Consumer Services
Patrick Henry Building
East Reading Room
1111 E. Broad Street
Richmond, Virginia

Thursday, May 18, 2023

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:02 a.m. on Thursday, May 18, 2023, at the Patrick Henry Building in Richmond. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Clifton A. Slade
Shelley Barlow
Cecil Shell
Margaret Ann Smith
Jacquelin Easter
Kailee Tkacz Buller
James S. Huffard, III
Richard Sellers
Neil Houff
Charles Church
Dr. Janine Woods

Lonnie Johnson

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Makola Abdullah, President,
Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech.

ABSENT

Tyler Wegmeyer 10th

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Erin Williams, Senior Policy Analyst, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Shell moved that the draft minutes of the meeting on March 23, 2023, be approved as distributed. Ms. Smith seconded the motion. The Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Barlow opened the floor for nominations for Board President. Mr. Church nominated Donald Horsley for President. There being no other nominations, President Barlow closed the

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nomination and called for a vote on the nominee. The Board elected Mr. Horsley as President by a unanimous vote.

President Barlow opened the floor for nominations for Vice President. Mr. Shell nominated Jacquelin Easter. Mr. Houff nominated Margaret Ann Smith. Ms. Easter requested to withdraw. President Barlow closed the nominations and called for a vote on the nominee, Ms. Smith. The Board elected Ms. Smith as Vice President by a unanimous vote.

President Barlow then called for nominations for Secretary. Mr. Sellers nominated Kevin Schmidt. There being no other nominations, President Barlow closed the nomination and called for a vote on the nominee. The Board elected Mr. Schmidt as Secretary by a unanimous vote.

All three officer positions become effective July 1, 2023, and run through June 30, 2024.

REPORT FROM BOARD MEMBERS

Charles Church

Mr. Church reported on recent and upcoming Virginia Pest Management Association (VPMA) trainings. Since the start of this year, the VPMA has provided recertification trainings for registered technicians and certified applicators through five training events. He mentioned that VPMA staff at the Virginia Tech campus is working under Dr. Dini Miller and the Dodson Pest Management Lab to provide specialized master technician training on cockroaches and pest management techniques. He added that there are two final training events in June, with a combined registration of 125 applicators. He stated that the VPMA is providing two free webinars in partnership with the Office of Pesticide Services (OPS) on how to access the online portal for pesticide business licenses, applicator licensees, and for general training on the new system. He concluded his report by sharing how pleased VPMA is to see the progress of the online portal for the compliance needs of small businesses in the pest management industry.

Neil Houff

Mr. Houff concurred with Mr. Church's comments on the efficacy and progress of services available through the online portal. He also reported that there has been a decrease this year in the Northern Valley in demand for the services offered by the custom applicators, fertilizer dealers, and retailers, and he attributed this to the weather so far. He reported that an unusual drop in fertilizer and glyphosate prices occurred early this spring, which surprised some retailers. He concluded by sharing an observation that the national pesticide retailers' group that he is a member of made that insecticide sales are down substantially, particularly in the southeastern U.S. Whether the cause of that is genetically modified crops or lesser insect pressure is undetermined.

O. Bryan Taliaferro

Mr. Taliaferro began his report by mentioning that this may be his last meeting, as his term has ended, but he will continue to serve until the Governor replaces or reappoints him. He reported that in his district, they have a wide array of crop production, nurseries, vineyards, wineries, and aquaculture. However, one area of concern is the threat to blue crab population from blue catfish. He concluded with a report on how excellent weather conditions have led to an early planting schedule.

Don Horsley

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Mr. Horsley reported that the relatively dry and cold spring weather this year has slowed the germination of plants. He stated that planting is ahead of schedule for almost everyone in his district and that the crops are growing well. However, he was discouraged by the prices of grains lately, as the demand for exports has slowed so the price has dropped drastically for corn, wheat, and soybean. He reported that the potato crop on the Eastern Shore got off to a good start, the drought conditions in the southeast have passed, and the wheat harvest will be early this year, with harvest in the next two weeks. He also appreciated the decline in fertilizer, fuel, and glyphosate prices given that inflation and interest rates are high right now and affecting farmers. Mr. Horsley concluded by sharing with the Board and VDACS an appreciation letter from his colleagues on the Youth Development Board at the State Fair of Virginia for the \$25,000 that VDACS provides each year.

Clifton Slade

Mr. Slade reported that things look good but the vegetable industry is about 10-14 days behind. He shared that one of the area strawberry growers is approaching a \$70,000 per acre sale of strawberries. He reported that he is selling sweet potato plants now in addition to selling sweet potatoes. He mentioned that he missed the last Board meeting because he was attending the National AgrAbility Conference and that there are a lot of new products for farmers with disabilities. He also mentioned the importance of farm safety. Mr. Slade concluded by mentioning that he was approached by Virginia State University with a grant to grow foraged hemp for a company in North Carolina. He mentioned that the grant has been tabled for a year because of some grower concerns and that the company is looking for 1,500 acres of foraged hemp to be grown in Virginia.

Cecil Shell

Mr. Shell reported that conditions were dry a month ago but that they have started getting rain. The wheat crop looks good, and they have planted corn, soybeans, and tobacco. He shared that the timber industry in his district is rolling and there is tremendous demand. Much of the timber is being cut when the trees are still small because of the demand, especially by electrical companies. The same holds true for wood chips. He concluded by saying he was glad to see the drop in fertilizer prices, especially because they were high the previous year.

Margaret Ann Smith

Ms. Smith began by offering a report on the weather, which varies depending on where you are in her district. She reported that producers have been delayed in planting crops because of the fluctuations in the weather. Producers are wrapping up harvesting small grain for silage, which went well because of the good winter. She also reported that cattle prices are holding and that they have seen their seasonal highs but there may be a bounce over the next two weeks. She mentioned concerns in some parts of western states about the lack of hay because they have not received rain over the past year. She reported that there is much misinformation and miscommunication about the changes to accessing vaccinations and antibiotics for cattle and that Dr. Broaddus is working hard to communicate accurate information about these changes. She concluded by sharing that beef exports are down three percent, which is likely attributed to cattle prices.

Jacquelin Easter

Ms. Easter reported that the closure of the Tyson plant in her district will have significant ripple effects, not unlike the tobacco buyout. She shared that many producers in her district were not prepared and will be thinking through decisions they made and that producers have cut out corn

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acreage since most do not have enough area to harvest and store. She reported that producers in her district are just beginning to plant corn and soybean because of the weather fluctuations earlier in the month but the outlook in the agriculture community is positive. She also echoed Mr. Slade's comments on the importance of farm safety. She concluded on a personal note regarding the loss of her husband.

Kailee Tkacz Buller

Ms. Buller began her report with mention of the excitement around spring agritourism activities in her district. She reported that lobbying is happening in D.C. right now in preparation for the 2023 federal Farm Bill and that there is much postering currently over the debt ceiling. She concluded with a warning about the sophistication of scams targeting the agricultural community due to artificial intelligence.

James Huffard

Mr. Huffard reported that the weather has been favorable for planting corn but the cold wave stunted the pastures and grass. He also reported that dairy prices are falling rapidly, so milk revenues are lower, but the decrease in corn and fuel prices have also offset some of the costs. He stated that his milk business is stable and the production of milk is holding steady. He concluded by sharing that additional high school and university football teams in his district want chocolate milk as a recovery drink, so he has expanded sales.

Richard Sellers

Mr. Sellers reported that farmers markets in Northern Virginia are in full swing and that spring vegetables are doing well. He mentioned the Virginia Agriculture magazine's focus on urban and small agriculture and shared that Governor Youngkin visited a large controlled environment agriculture operation in Herndon that allows produce to be sold to consumers without a lag period due to transportation. He also mentioned that Fairfax County possesses many private warehouse buildings and the county is interested in creating similar urban agriculture projects for people who are food insecure. He concluded by sharing that the church gardens have been planted and are doing well.

Dr. Janine Woods

Dr. Woods began her report by sharing that U.S. Representative McClellan visited the VSU campus the previous week to meet with producers and tour Randolph Farm. Dr. Woods shared that producers expressed concern during the meeting about the availability of "televet" services in the future, the timing of pesticide applicator certification, and the impact inflation is having on inputs and profit margins. She concluded with an update on recent and future VSU events, including the Virginia Farm Festival, Small Farm Outreach Program field days, general farmer field day at Randolph Farm on June 14, and 1890 Center of Excellence for Student Success and Workforce Development National Symposium June 5-7.

Lonnie Johnson

Mr. Johnson began his report by sharing that Dr. Saied Mostaghimi is retiring and the search for his replacement is ongoing. He reported that the hiring committee had a good applicant pool and narrowed the field down to three candidates: Dr. Mary Burrows from Montana State University, Dr. Troy Ott from Penn State University, and Dr. Margie Lee from Virginia Tech. He also shared that Dr. Mike Gutter is the new Director of the Virginia Cooperative Extension (VCE) program. He concluded by highlighting the partnership between Virginia Tech and Virginia State University with respect to VCE, stating that even though the two are separate universities, VCE

is one system that works together. For the first time in history, the two universities jointly funded, along with the city of Petersburg, a VCE agent position.

Shelley S. Butler Barlow

Ms. Barlow began her report by expressing how wonderful an experience serving as President of the Board was for her. She was also appreciative of everyone's condolences when her father-in-law, who also served as President of the Board, recently passed away. She reported that she is still in the beginning of her planting for the season and that the conditions, which had fluctuated and caused her to wait, are now perfect. She reported that the corn is planted and looking good. Peanuts and cotton are almost in the ground and coming up. She shared that many producers in her district planted soybeans early, pick-your-own farms are in full-swing, and strawberry season has been great. She shared that they have a grower trying pick-your-own lettuce and zucchini days as well. She also shared that community gardens are beginning to be planted and up and running. She reported that the local Soil and Water Conservation District held a farm day and that all second graders in Isle of Wight County participated, and she expressed how important it is to get kids thinking about agriculture at a young age. Finally, she mentioned that Virginia agriculture is incredibly diverse in terms of types of products and production and that it is done by only a few people to create the largest industry in the Commonwealth. She also expressed her gratitude for being able to serve on the Virginia Tech Board of Visitors as President of the Board.

COMMISSIONER'S REPORT

Commissioner Joseph Guthrie 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.

FINAL STAGE – 2 VAC 5-105 (REGULATIONS FOR THE INSPECTION OF PET SHOPS SELLING DOGS AND CATS)

President Barlow called on Dr. Broaddus, State Veterinarian and Director, Division of Animal and Food Industry Services. Dr. Broaddus briefed the Board on the proposed stage for 2 VAC 5-105. Following Dr. Broaddus's presentation and questions from the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-105, Regulations for the Inspection of Pet Shops Selling Dogs or Cats, as presented by staff, and that the Board authorize staff to take any and all steps necessary to have this regulation become a final regulation of the Board.

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

APPOINTMENT OF REGULATORY ADVISORY PANEL FOR 2 VAC 5-675 (REGULATIONS GOVERNING PESTICIDE FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES)

President Barlow called on Lisa Fleeson Trossbach, Program Manager, Office of Pesticide Services. Ms. Trossbach briefed the Board on the proposed appointment of the regulatory advisory panel for 2 VAC 5-675. Following Ms. Trossbach's presentation and questions from the Board, Ms. Smith moved that the Board of Agriculture and Consumer Services approve the creation of a regulatory advisory panel for the purpose of assisting the Board in reviewing the fee amounts established in 2 VAC 5-675, Regulations Governing the Pesticide Fees Charged By the Department of Agriculture and Consumer Services. The regulatory advisory panel consists of the following members:

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- Neil Houff
- Charles Church
- Shelley S. Butler Barlow
- Representative from Virginia Agribusiness Council
- Representative from Virginia Farm Bureau Federation
- Representative from Virginia Pest Management Association
- Representative from Virginia Crop Production Association
- Representative from CropLife America/Responsible Industry for Sound Environment

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

Following the motion, Ms. Trossbach provided a brief presentation about the status of the OPS online certification system for pesticide applicators, pesticide businesses, and pesticide product registration.

UPDATE ON VDACS AUDITS OF APPLICATORS, APPLYING FERTILIZER TO NON-AGRICULTURAL LAND

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino provided an update on VDACS's audits of applicators applying fertilizer to non-agricultural land.

VIRGINIA WINERY DISTRIBUTION COMPANY BOARD APPOINTEE

President Barlow called on Commissioner Guthrie, who brought to the Board's attention the expiration on June 30, 2023, of Stan Joynes's term on the board of directors of the Virginia Winery Distribution Company (VWDC) as an owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board of directors of the VWDC. Commissioner Guthrie indicated that he received a letter dated April 27, 2023, from George Hodson, President, Virginia Wineries Association, recommending that Mr. Joynes be reappointed to the VWDC board of directors.

This request to the Board is made pursuant to subdivision (B)(2) of Va. Code § 3.2-102, which (i) requires the Commissioner to establish and operate a nonprofit, nonstock corporation to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries and (ii) authorizes the Board to appoint the four members to this board of directors who serve with the Commissioner.

Following Commissioner Guthrie's comments to the Board, Mr. Sellers moved that the Board of Agriculture and Consumer Services reappoint Stan Joynes, Chief Executive Officer and owner of Valley Roads Vineyards, LLC, to fill a term from July 1, 2023, through June 30, 2027, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board of directors of the VWDC.

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

LEGISLATIVE UPDATE

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research to provide a legislative update to the Board. Mr. Schmidt provided an overview of legislation

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tracked by VDACS during the 2023 Session of the General Assembly. Stephanie Taillon, Virginia Farm Bureau Federation, also answered legislative questions from the Board.

NEW BUSINESS

There was no new business brought before the Board.

FUTURE BOARD MEETINGS

President Barlow announced that the remaining Board meeting date for 2023 in Richmond will be December 7. Mr. Horsley announced that he will be hosting the summer meeting and tour August 3 and August 4 in Virginia Beach in conjunction with the 2023 Virginia Ag Expo, which will be held at his farm on August 3.

PUBLIC COMMENT PERIOD

Herman Ellison, State Statistician, U.S. Department of Agriculture National Agricultural Statistics Service, reported that the response rate for the U.S. Census of Agriculture for Virginia is currently three percent behind, an improvement from the six percent such rate was behind in the past Census of Agriculture five years ago. Mr. Ellison said that USDA NASS is still working on collecting responses, and he thanked everyone for their cooperation with the collection effort.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:00 p.m.

Respectfully submitted,

Shelley Barlow
Board President

Kevin Schmidt
Board Secretary

COMMISSIONER'S REPORT TO
BOARD OF AGRICULTURE AND CONSUMER SERVICES
August 4, 2023

PERSONNEL NEWS

Rachel Myers joined the VDACS Marketing and Development team on June 25 as the new Program Manager of the Office of Agriculture and Forestry Development (OAFD). OAFD provides economic development assistance to businesses and administers the Agriculture and Forestry Industry Development (AFID) grants and the Office of Farmland Preservation. Rachel has nearly 13 years of experience at Produce Source Partners, most recently as Chief Operating Officer. Rachel holds dual degrees in Agricultural Economics and German.

Shelby Crouch joined the VDACS Communications Office as Assistant Director on May 25. Shelby was Communications Coordinator with the Virginia Department of Environmental Quality and, prior to that, a Public Relations Coordinator, a civilian position, with Virginia State Police and Senior Public Relations and Marketing Specialist at the Virginia Department of Conservation and Recreation (DCR). Prior to joining state service, she worked in the Office of the Press Secretary to the Mayor of Richmond in the administrations of Dwight Jones and former Governor Doug Wilder.

GOVERNOR'S PRIORITIES

On June 27, Governor Youngkin announced that Wythe County family-owned Musser Biomass and Wood Products will invest \$7.5 million and create 10 new, high-paying jobs to more than double production of dried hardwood chips and sawdust the company supplies to composite decking manufacturers, plastic extrusion companies, and BBQ and heating wood pellet companies. It will also significantly increase its purchases of hardwood residuals from regional sawmills, creating a new market for that byproduct. Governor Youngkin approved a \$75,000 grant from the AFID Fund, which Wythe County will match with local funds.

AGENCY OPERATIONS

Commissioner's Office

Governor Youngkin visited the Wytheville Regional Animal Health Laboratory to proclaim June 11–17 as Virginia Agriculture Week. Throughout Virginia Agriculture Week, the Governor, Secretary of Agriculture and Forestry Lohr, Commissioner Guthrie, and VDACS staff visited a variety of sites to highlight the economic impact of the Commonwealth's agricultural industry. Site visits included the farm of Board member Cliff Slade, controlled environment agriculture operations, Virginia State University's Small Farm Field Day, and Cub Run Dairy. In recognition of the week, VDACS held its annual Virginia Agriculture Week Photo Contest. The agency set a record of entries this year, as more than 400 entries were submitted.

At the Southern Association of State Departments of Agriculture (SASDA) 2023 annual meeting in June in Montgomery, Alabama, Commissioner Guthrie was elected President of SASDA. As such, Virginia will host SASDA 2024 June 16-18 in Williamsburg.

Division of Marketing

In May, Division of Marketing (DM) staff, Virginia Economic Development Partnership (VEDP) staff, and the Virginia Employment Commission Commissioner joined Secretary Lohr for a regional meeting in Charlotte County regarding the Tyson Glen Allen poultry facility closure. The meeting provided discussion between the localities, producers, and state representatives to identify how to address this situation and locate a new integrator in the region. VDACS and VEDP staff are continuing to work with the Secretariat and regional partners to find poultry integrators to fill grower contracts and potentially develop a poultry complex in the South-Central Virginia region.

In June, the DM Deputy Director and the OAFD Manager participated in the Virginia Farm Bureau Federation's Virginia Foundation for Agriculture Innovation and Rural Sustainability (VA FAIRS) Board of Directors meeting and strategic planning session in Lynchburg. The OAFD Manager serves as ex-officio for the FAIRS Board, as does the Virginia State University Agriculture Program and Virginia Tech Department of Agricultural and Applied Economics.

OAFD and ODMP staff participated in and exhibited at the 2023 AgBio Conference at the Institute for Advanced Learning and Research in Danville. The conference brought together agricultural bioscience, technology, industry partners, farmers, policy makers, agribusiness stakeholders, universities, and public health representatives from Virginia and North Carolina. Attendees heard regulatory updates from the Virginia and North Carolina Farm Bureau Federations, updates from Controlled Environment Agriculture companies, and information on financing and bio-control. OAFD staff participated as a speaker for the Ag Bioscience Financing Session and provided information on the AFID program. Approximately 100 participants were in attendance.

In May and June, the Office of Domestic Marketing and Promotions (ODMP) staff participated in several agriculture promotional, marketing, and educational events, including the Southern Piedmont AREC Leadership Council Meet & Greet, Fourth District Agricultural Roundtable at VSU's Randolph Farm, "Virginia is for Strawberry Lovers" media event at Wegmeyer Farms in Hamilton, and the Virginia State Horticulture Society Annual Meeting in Madison.

In May and June, ODMP staff worked with the Virginia Department of the Aging and Rehabilitative Services and Virginia farmers supporting the 2023 Senior Farmers' Market Nutrition Program WIC Nutrition Program. Staff has worked with 250 growers that will be attending 154 farmers markets across Virginia.

In June, ODMP staff hosted 13 Virginia companies at the 2023 Fancy Food Show in New York City. VDACS hosted a Virginia State Pavilion to highlight these Virginia's Finest companies. VDACS staff coordinated networking opportunities with domestic and international industry buyers for the companies. Commissioner Guthrie, the DM Director, and ODMP staff represented

VDACS. For more than 50 years, the Specialty Food Association has honored the best in the trade through the prestigious soft™ Award. This year, Clark + Hopkins, a Virginia based artisan pepper sauce business, received a 2023 soft™ Award gold winner in the hot sauce category.

VDACS Office of International Marketing (OIM) participated at the Interzum Wood Show in Cologne, Germany, in May. This is one of Europe's premier forest products and furniture tradeshows, attended by 100,000 buyers and industry professionals and over 4,000 exhibitors. Participation helps establish Virginia as a key player and expert in quality and sustainably managed forests as well as a premier export partner for Europe and the world. Additionally, it attracted the attention of U.S. hardwood and forestry associations, setting the foundation for future forest product and industry collaborations both domestically and abroad.

As a result of the show, in June, a Virginia lumber company that participated reported it has closed several export orders of lumber valued at \$103,000 and is now working to close five additional deals with new customers, with a potential value of \$252,000. This company expressed its belief that these sales will lead to long-term partnerships with regular trade activity.

Virginia Exporter Commercial Lynks continues to activate new contracts and sales from exhibiting at Gulfood Dubai in February. Four new contracts are expected to be finalized in July.

OIM's network of international representatives continues to discover opportunities from sales leads to promotional campaigns to support sales of Virginia brands in overseas markets.

OIM has the following trade events planned for late summer and early fall:

- France/Canadian Inbound Food & Beverage Mission (VA Beach/Williamsburg/Charlottesville) - August 27-September 1
- Canada/Middle East Inbound Lumber Mission (Crewe/Charlottesville/Blacksburg/Richmond) - August 27-31
- IFMAC WoodShow, Jakarta, September 20-23
- Anuga Specialty Food Show, Cologne, October 7-11

In May, the Office of Food Distribution (Food Distribution) awarded \$175,000 in four grants for the Virginia Food Access Investment Fund program to two non-profits and two businesses to increase retail access to fresh foods in underserved communities. The awardees were Deerhaven Farm in Surry (\$25,000), John Henry General Store in New Market (\$50,000), Market Central and Bread & Roses in Charlottesville (\$50,000), and River Street Education Petersburg (\$50,000).

In June, Food Distribution received approval on the second round of funding for the U.S. Department of Agriculture (USDA) Local Food Purchase Assistance grant program. This will provide an additional \$7.4 million to purchase local foods for distribution to food insecure Virginia residents. The program focuses on purchasing local foods from socially disadvantaged farmers and vendors. Total funding for the program is now \$13.7 million.

On July 6, Food Distribution ordered \$7.5 million of protein foods from USDA for the seven Virginia Food Banks for distribution through the Emergency Food Assistance Program. These

were part of a bonus offering purchased with funds provided by USDA's Commodity Credit Corporation. These foods will be distributed to food insecure Virginians through the many partner agencies that work with the Virginia Food Banks.

The Office of Market News Virginia Retail Farmers' Markets reports on produce and meat prices is a valuable source of price information for Virginia producers and helps promote the availability of locally-grown produce and meat to potential buyers. Many market managers and vendors have stated that the historical prices are helpful in determining their current pricing.

Market News resumed vegetable price reporting. Staff also resumed reporting shipping point and wholesale terminal market fruit and vegetable prices on the Market News Hotline. Market News published the *Cattle & Crops* newsletter on a weekly basis. Market News published *Virginia Ag Brief* on a weekly basis. Market News published the *Hay Clearing House* newsletter quarterly. Market News reports that feeder cattle prices continue to be high. June monthly average prices for Virginia state-graded feeder cattle were 37 to 45 percent higher than last year and 57 to 64 percent higher than the five-year average. Over 100,000 head of feeder cattle have been sold at Virginia state-graded sales so far in 2023.

Division of Commodity Services

Since May 19, Division of Commodity Services (DCS) staff:

- Conducted Terminal Market and Shipping Point Inspections on 205,336 pounds of fresh fruits and vegetables, conducted Processed Food Inspections on 4,281,158 pounds of processed apples and products, inspected 3,200,000 pounds of potatoes to Canada, and completed eight Good Agricultural Practices Audits;
- Inspected and certified grain commodities including soybeans, corn, wheat, soybean meal, and soybean hull pellets valued at more than \$44 million destined for 17 countries;
- Conducted a wheat damage class with one grain dealer who had 12 staff attend; visited 13 grain dealer/handler sites, ensuring compliance with Virginia Grain Laws; and attended Virginia Farm Bureau's Wheat Tour of the Northern Neck;
- Provided livestock evaluation services on approximately 25,092 cattle and 1,146 lambs/goats and graded 101 beef carcasses;
- Inspected and certified approximately 79,065,778 pounds of Farmers' Stock peanuts and regrades, approximately 66,121,665 pounds of shelled and in-shell milled peanuts, and 5,546,389 pounds of imported peanuts from Argentina and Paraguay;
- Analyzed approximately 1,892 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption;
- Certified 517,744 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products;
- Graded, via contracted full-time grading services, 55,654,837 pounds of chicken and 22,847,102 pounds of turkey for the Virginia poultry and egg industry;
- Provided non-contract fee grading and certification services for 299,457 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry; and
- Performed one USDA Food Defense Audit.

DCS participated in the following events this summer:

- Peanut Equipment Training (Georgia) – May 30 – June 2
- National Peanut Supervisors Conference (Fort Worth, Texas) – June 5-8
- VDACS Livestock Staff Grading Correlation (Mt. Solon) – June 13
- Peanut Computer Training (Georgia) – June 26-30
- USDA Regional Livestock Correlation (Huttonsville, West Virginia) – June 27
- Virginia Cattle Industry Board Meeting (Blacksburg) – July 20
- VCIB/VT “Beef It Up” Workshop (Blacksburg) – July 27-28
- Market Animal Shows (Livestock Educational Activities) – Various

Division of Consumer Protection (DCP)

Office of Pesticide Services (OPS) staff proctored the Spanish Registered Technician Exam for 20 prospective applicators with limited English proficiency on June 21 in Fairfax. The prospective applicators were seeking certification to apply pesticides as part of job duties in the lawncare/landscape industry. OPS made the registered technician exam available in Spanish in 2023 to improve services to Spanish speaking clients seeking certification. The exam is available via remote testing as well as in person and will be made available via DMV.

OPS has confirmed seven collection sites for the 2023 Pesticide Collection (Disposal) Program:

- September 26 - Lynchburg Livestock Market, Rustburg;
- September 27 - Southern States-Farmers’ Cooperative, Farmville;
- September 28 - Meherrin Ag & Chemical, Charlotte Court House;
- October 3 - Nutrien Ag (Fertilizer Warehouse), South Hill;
- October 4 - Halifax County Agriculture Marketing Center, Scottsburg;
- October 5 - Piedmont Farmers Cooperative (formerly Southern State), Chatham; and
- October 11 - National Guard Armory, Martinsville.

OPS staff participated in the U.S. Environmental Protection Agency (EPA) Bilingual Pesticide Labeling Webinar in July. The 175 attendees included state lead agencies for pesticide regulation and staff from EPA’s Offices of Pesticide Programs and Enforcement and Compliance Assurance. Under the Pesticide Registration Improvement Act (PRIA), the Federal Insecticide, Fungicide, and Rodenticide Act now requires Spanish language translation for sections of the end-use pesticide product labels where translation is available in the EPA Spanish Translation Guide. This requirement does not apply to the complete label, but only to portions related to human health. PRIA also contains specific deadlines for each phase of implementation from 3 to 8 years.

Memorandums of Agreement for the 2023 Plastic Pesticide Container Recycling Program were fully executed. Historically, VDACS has reimbursed each participating locality up to \$1,875 to assist in administering the program. Beginning in 2023, VDACS increased that to \$2,500. Since its inception in 1993, this program has recycled over 2.1 million pounds of plastic pesticide containers. Containers are collected by a contractor with assistance from VDACS and local personnel and subsequently granulated. Granulated chips are transported to recycling facilities and fabricated into items such as pallets, fence posts, field drain tiles, and parking stops.

On April 27, Office of Plant Industry Services (OPIS) staff attended the Invasive Snail and Slug Virtual Workshop hosted by Washington State University. The workshop provided a review of existing snail and slug eradication programs, the risk associated with invasive snails and slugs, the control program, and specific verification documents as well as strategies employed by various states to control invasive snails and slugs. The workshop also provided information related to the regulation and quarantine of snails and slugs. Over 100 people participated in the virtual workshop, representing state departments of agriculture and the USDA Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ).

OPIS was notified by USDA Agricultural Marketing Service that a Federal Seed Act (FSA) case against an Oregon seed company had been settled. Company officials agreed to a settlement of \$3,575. This represents a successful FSA action resulting from official seed inspections and analysis conducted by the Agricultural Commodities Program and the Virginia Seed Lab.

On May 11, OPIS staff attended the initial government stakeholder meeting for the Department of Wildlife Resources (DWR) workgroup, which is charged with updating DWR's Virginia Wildlife Action Plan. The meeting focused on providing state agency stakeholders with background on the Wildlife Action Plan, DWR's required revision of the current plan, and deadlines for completion of the revision by 2025. Approximately 25 people attended the meeting, representing DWR, Virginia Department of Forestry, Virginia Department of Transportation, DCR, and USDA-Natural Resources and Conservation Service.

On May 22-25, OPIS staff attended the Southern Plant Board annual meeting in Gulf Shores, Alabama. The meeting allows 13 member states to participate in regulatory plant pest topics of concern, including citrus pests and quarantines; updates on the *Phytophthora ramorum* program; Asian longhorned beetle program activities and updates; imported fire ant regulations and program updates; and new and emerging plant pests such as vascular streak dieback, cotton seed bug, and the viral pathogen Tomato Brown Rugose Fruit Virus (ToBRFV). Over 90 people attended, representing state departments of agriculture, state plant regulatory universities, research institutions, USDA-APHIS-PPQ, and the U.S. Customs and Border Protection.

OPIS staff participated on a call hosted by the National Plant Board related to a proposal from USDA-APHIS-PPQ to deregulate ToBRFV. It focused on soliciting input from states on the proposed deregulation of the virus and how USDA-APHIS-PPQ should regulate incoming tomato plants from international sources. The decision is related to a trace forward, in which three companies shipped plants and seeds to all 50 states from growing facilities that tested positive for ToBRFV. All 50 National Plant Board representatives attended the call.

During the weeks of June 5 and June 12, aerial mating disruption treatments for the spongy moth Slow the Spread (STS) program were conducted for the 2023 treatment season. Over 39,000 acres were treated with the mating disruption pheromone in 10 treatment blocks in Carroll, Grayson, Halifax, Pittsylvania, Patrick, Russell, Smyth, and Tazewell counties. Mating disruption treatments are a part of the national STS program.

OPIS staff participated in a meeting with USDA Wildlife Services regarding the black vulture depredation program, which was initiated in 2022 as a cooperative program between VDACS and USDA Wildlife Services to assist farmers who have livestock loss due to predation by black vultures. The program required VDACS to obtain a U.S. Fish & Wildlife Services' Migratory Bird Depredation Permit, which then allows farmers who obtain a sub-permit from VDACS to use lethal means to take up to five vultures per year. Preliminary results for the first year indicate 81 sub-permits were issued. Of those 81 permits, 27 farmers took approximately 68 vultures. VDACS's Migratory Bird Depredation Permit authorized the annual taking of 1,000 black vultures. OPIS staff submitted documentation to renew its Migratory Bird Depredation Permit, which, if approved, will allow VDACS to issue sub-permits through August 2024.

As of July 1, 2,030 imported fire ant mounds have been treated by VDACS's contractor to slow the spread of the imported fire ant in Virginia. The contractor uses a baited pesticide to treat mounds found outside the quarantine and within the most recently quarantined localities.

The National Conference on Weights and Measures (NCWM) annual meeting will be held in Norfolk July 30 – August 3. Staff from the Office of Weights and Measures (OWM) will be participating. The NCWM Annual meeting provides an opportunity for member states, weights and measures officials, and industry stakeholders to convene and consider proposed changes to national laws and regulations found in the National Institute of Standards and Technology (NIST) Handbook 44, Handbook 130, and Handbook 133. The Code of Virginia references these handbooks for OWM to use as guidance in the performance of inspection activities.

Division of Animal and Food Industry Services (AFIS)

The Office of Meat and Poultry Services (OMPS) continues to work with facilities throughout Virginia. OMPS receives daily inquiries on the requirements to obtain a grant of inspection. Several custom slaughter facilities have expressed interest in obtaining grants of inspection. Providing inspection at new establishments could be hindered by the difficulties OMPS has experienced in hiring new employees. The industry also continues to report challenges with hiring and retaining employees at its facilities.

OMPS conducted the final walkthrough at Negroni's, aka ALA, LLC, meat processing facility in Harrisonburg on April 27. OMPS sent the Raleigh District Office the recommendation for the conditional grant of inspection to be issued. Operations began in June 2023. Negroni's is one of the largest food processing companies in Italy, producing authentic Italian delicatessen meats. Owners plan on doubling the facility size and adding a second shift for processing cured Italian meats. Once the expansion is complete, an additional inspector will need to be hired. The finished product will be sold in the U.S., with plans to export products in the future.

Monogram Foods in Martinsville secured a loan to proceed with the expansion already in progress that will increase its production capacity at that facility by 80 percent to meet rising demand for ready-to-eat jerky and meat stick snacks. The company expects to add 156 jobs to the 530-employee base, making it the second-largest private employer in Henry County. Once the expansion is completed, an additional inspector position will be needed at this facility.

OMPS is working with a new custom slaughter and processing facility located in Abingdon. OMPS staff has met with the owner of Andersons & Son. Mr. Anderson indicated they would like to start out as a custom exempt operation and gradually move toward inspection.

USDA – AMS accepted applications for the 2023 Local Meat Capacity Grants through July 19. This program supports independently owned meat and poultry processing businesses with grant funds to provide more and better processing options for local livestock producers by modernizing, increasing, diversifying, and decentralizing meat and poultry processing capacity, including support for rendering. Nearly \$75 million is available in the grant program. Processing Expansion Projects will fund grants of \$100,000 to \$5 million to increase processing or rendering capacity. Simplified Equipment-Only Projects offer an application to fund smaller grants between \$10,000 and \$250,000 for equipment purchases. OMPS has disseminated this grant information to the Virginia meat processing industry. Industry continues to report struggling with employees, equipment suppliers, contractors, and local regulations.

The Office of Dairy and Foods (ODF) Food Safety Program (FSP) works to ensure that food and dietary supplements manufactured, processed, stored, and sold in Virginia are safe, wholesome, and properly labeled. In April, May, and June, FSP conducted 2,631 inspections of food establishments, which include retail food stores, food manufacturers, and food warehouses. FSP investigated 157 consumer complaints and collected 205 food samples.

ODF FSP participates in economic development with persons interested in selling food products in Virginia by reviewing new food business proposals and assisting in developing safe food processes. In April, May, and June, FSP performed inspections to open 326 new food businesses. Over 634 hours were spent working with vendors to open these firms. FSP has 13,261 firms under inspection. Thirty-one Food Safety Specialists, four Food Safety Technical Specialists, and four Field Supervisors are responsible for regulatory oversight of these firms.

In June, the ODF FSP program mailed approximately 13,000 annual permits to the firms that it regulates, which includes retail food stores, food manufacturers, and food warehouses.

In June, ODF FSP sent an electronic communication to over 13,000 food manufacturers and retail food establishments in Virginia to inform them that the Virginia General Assembly amended the Code of Virginia to establish new requirements and restrictions for certain hemp-derived products. Beginning July 1, 2023, amendments to the Food and Drink Law will direct the manufacturing and retail sale of certain hemp-derived products. A few of the major amendments to the Code of Virginia impacting hemp products that will take effect on July 1 include:

- When offered for retail sale, a hemp product may not exceed 0.3 percent total tetrahydrocannabinol (THC) and may not have more than two milligrams of total THC per package unless the product's cannabidiol (CBD) to THC ratio is at least 25 parts CBD for every one-part total THC. "Total THC" means all the THC in a product, including delta-8 and delta-9 THC.
- Civil penalties of up to \$10,000 per violation of the Food and Drink Law.

- Edible hemp products must bear a label with specific information and be accompanied by a certificate of analysis produced by an independent, accredited laboratory. Retailers must have the laboratory's certificate of accreditation available for review.
- Any person that intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid must submit an edible hemp disclosure form.

In June, ODF hosted a national conference, the Association of Food and Drug Officials 127th Annual Educational Conference in Norfolk. Commissioner Guthrie provided the welcome address. ODF staff and over 500 attendees from across the country received program updates and initiatives presented by the U.S. Food and Drug Administration (FDA), USDA, and the Centers for Disease Control and Prevention. There were educational sessions on food manufacturing, retail food safety, produce safety, outbreak response, and cannabis. VDACS Produce Safety staff participated on panels and discussed experiences working with the Division of Marketing and with unique types of produce operations, such as controlled environment agriculture.

In April and May, the ODF Dairy Services Program (DSP) conducted 238 inspections of Grade "A" and manufactured-grade dairy farms and 44 cheese and ice cream manufacturing plant inspections. To ensure compliance with Virginia's regulations, program staff collected 523 milk samples and 61 water samples from Virginia dairy farms. Also, 227 cheese and frozen dessert samples were collected to determine compliance with dairy laws and regulations. To ensure proper and safe transportation and sampling of raw milk, 53 bulk milk haulers and milk transport tankers were inspected. Dairy inspectors performed 1,117 physical on-farm visits and extensive phone discussions with producers to review construction of facilities, installation of equipment, and other related items and to offer advice to dairy farmers and manufactured milk processors.

April 3 through 7, the DSP Program Supervisor and Assistant Program Supervisor attended the National Conference on Interstate Milk Shipments (NCIMS) in Indianapolis. The NCIMS has hundreds of members world-wide, including academia, regulatory professionals, producers, processors, veterinarians, milk haulers, equipment manufacturers, and lab personnel. The NCIMS meets every other year to propose, deliberate, and vote on changes to the Pasteurized Milk Ordinance, which is then adopted into regulation by participating member states and FDA.

The ODF Produce Safety Program (PSP) continues to prioritize three focus areas: regulatory farm inspections, industry education and outreach, and farm inventory development. The FDA enforcement discretion period for harvest and post-harvest agricultural water requirements ended on January 26 for large, covered farms. During the upcoming year of inspections, FDA and the National Association of State Department of Agriculture have advised states to take an "educate while we regulate approach," giving farms a one-year grace period to come into compliance with the new water standards. FDA has not finalized pre-harvest agricultural water requirements.

PSP has conducted 113 inspections and 105 visits from July 1, 2022, through June 30, 2023. Additionally, PSP attended several large small-scale grower events across the state to engage producers about the FDA produce safety rule, online farm registration portal, and new harvest and post-harvest agricultural water requirements. A new Produce Safety Specialist began work in

July, and PSP is now fully staffed. PSP also submitted the annual federal grant report, and FDA provided confirmation that the Year Three funding award 2023-24 has been approved.

In May, the Office of Veterinary Services (OVS) staff provided a presentation on OVS and gave a tour of Rockingham Livestock Market with members of the Department of Planning and Budget, House Appropriations Committee, and Senate Finance Committee to provide an overview of the various responsibilities and duties covered by VDACS.

On May 26, the Richmond Staff Veterinarian certified 29 swine farms for the U.S. Swine Health Improvement Program. The US SHIP ASF-CSF Monitored certification aims to mitigate risks of disease introduction and provide a practical means for demonstrating evidence of freedom of disease in support of ongoing interstate commerce and a pathway towards the resumption of international trade over the course of a trade-impacting disease response and recovery period.

The State Veterinarian hosted the Southern Animal Health Association's (SAHA) annual meeting June 12-14 in Charlottesville. These SAHA meetings, which rotate around 14 southeastern states, provide continuing education and networking opportunities for state veterinarians and USDA veterinarians from the participating states. Disease response plans and policy updates were discussed for avian influenza, African Swine Fever, and many other diseases.

In June, the Harrisonburg Livestock Inspector Senior and Administrative Program Specialist attended the National Veterinary Stockpile (NVS) West Virginia Logistics Plan Tabletop Exercise in Moorefield, West Virginia. The exercise tested the West Virginia NVS plan, which allows the West Virginia State Veterinarian to request assistance from USDA NVS for supplies, personnel, and equipment in the event of a foreign animal disease incident or outbreak such as HPAI, Foot and Mouth Disease, or African Swine Fever.

On June 23, the Harrisonburg Field Veterinarian and the Richmond Staff Veterinarian investigated an outbreak of equine herpesvirus myelencephalopathy at the Virginia Horse Center. Two horses from the same home farm tested positive. Both horses were immediately moved off the grounds when they first exhibited symptoms. Approximately 80 exposed horses that were stabled in the same barn were placed under quarantine and, with permission of the state veterinarians in their states of origin, returned to their home states to finish their quarantine. All exposed horses were monitored twice daily for fever and other clinical signs. No other horses were considered exposed, and the show continued.

The fiscal year began with 156 identified animal shelters subject to inspection and ended with 165, as three private shelters closed during the year and 12 private animal shelters were identified as operating without the required approval from the State Veterinarian's Office. Of these shelters, six have been approved and six are still pending approval or undergoing the enforcement process.

The Office of Laboratory Services (OLS) Program Manager attended the Southeast Laboratory Director's Meeting at the Bronson Animal Diagnostic Laboratory in Kissimmee, FL, in April. This meeting is a collaborative discussion between directors of the large laboratories throughout the states in the Southeast. The meeting included a tour of the new Bronson Laboratory and discussion of hiring/retention issues, the value of diagnosticians, LIMS systems, and other topics.

In May, the Wytheville RAHL diagnostician and senior veterinary clerkship student traveled to Buller Hatchery near Adwolfe to collect trout tissue samples for disease surveillance testing. This is part of DWR’s effort to ensure that fish hatched and raised for stocking are healthy for Virginia’s lakes and streams.

The OLS Program Manager taught two classes on backyard poultry management for the veterinary practitioner at the Virginia Maryland College of Veterinary Medicine. The class focuses on important diseases, management peculiarities, and disease physiology of poultry.

On May 3, the Wytheville RAHL diagnostician/lab director and OVS field veterinarian attended a USDA sponsored “Captive Bolt Train the Trainer” program in Raleigh, North Carolina. This program will certify them to train other VDACS personnel in proper use of the captive bolt gun. Captive bolt euthanasia will be used in a large animal disease event requiring mass depopulation.

The OLS Program Manager and Harrisonburg Laboratory Director/Poultry Diagnostician attended the annual American Association of Avian Pathologists (AAAP) meeting in Jacksonville, Florida, in June. The meeting included hundreds of posters and presentations serving as continuing education in poultry medicine and diseases. Attendees included company veterinarians, researchers, and laboratory diagnosticians. Additionally, the OLS Program Manager attended the annual meeting for the American College of Poultry Veterinarians.

The Harrisonburg Mammalian Diagnostician and Wytheville Director/Diagnostician participated in the annual AgDiscovery Day on June 27 at Virginia State University. This program provides students access to learning about agriculture. Representatives from OLS performed poultry necropsy on donated birds to show the students normal and abnormal anatomy and discuss diseases and biosecurity.

The OLS Program Manager, Harrisonburg Laboratory Director, Regional Veterinary Supervisor, and Livestock Inspector Senior attended the 2023 NPIP Official State Agency and General Conference Committee Meeting in Columbus, Ohio. The OLS Program Manager and Harrisonburg Laboratory Director gave a presentation on laboratory preparedness for the HPAI outbreak and provided details on their designed laboratory-specific tabletop exercise. Details were provided regarding preparedness prior to the first disease detection and how the laboratory system changed expectations upon revisiting the exercise after the outbreak.

Tests Performed at VDACS Regional Animal Health Laboratories Since the end of April 2023	
Bacteriology	2,130
Dairy Microbiology	2,112
Food Safety	1,067
Hematology/Clinical Pathology	221
Mammalian Serology	9,891
Molecular Testing	3,267
Parasitology	802

Pathology	1,296
Poultry Serology	34,491
Virology	40
Water Testing	266
Total Lab Tests Conducted	55,583

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 153

An Act to amend and reenact §§ 3.2-800, 3.2-802, and 3.2-804 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:2, relating to noxious weeds; invasive plant species.

[H 2096]

Approved March 22, 2023

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-800, 3.2-802, and 3.2-804 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:2 as follows:

§ 3.2-800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Certificate" means a document issued or authorized by the Commissioner indicating that a regulated article is not contaminated with a noxious weed.

"Infested" means the establishment of a noxious weed or exposure to such weed, which would be reasonable cause to believe that establishment could occur.

"Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise transport, move, or allow to be moved, *except for bona fide agricultural purposes including the management, tilling, planting, or harvesting of agricultural products.*

"Noxious weed" means any living plant, or part thereof, declared by the Board through regulations under this chapter to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia.

"Permit" means a document issued or authorized by the Commissioner to provide for movement of regulated articles to restricted destinations for limited handling, utilization, processing, or for scientific purposes.

"Person" means the term as defined in § 1-230. The term also means any society.

"Quarantine" means a legal declaration by the Board that specifies: (i) the noxious weed; (ii) the articles to be regulated; (iii) conditions governing movement; and (iv) exemptions.

"Regulated article" means any article of any character as described in this chapter or in the quarantine carrying or capable of carrying a noxious weed against which this chapter or the quarantine is directed.

§ 3.2-802. Powers and duties of Board; quarantine.

A. The Board shall establish by regulation, after a public hearing, those weeds deemed to be noxious weeds not otherwise so declared by the terms of this chapter. Prior to designating a living plant or part thereof as a noxious weed, the Board shall review the recommendations of an advisory committee established by the Commissioner to conduct a scientific risk assessment of the proposed plant. The assessment shall include the degree to which the plant is detrimental to crops; surface waters, including lakes; other desirable plants; livestock; land or other property; public health; the environment; and the economy. The advisory committee shall also include in its recommendations to the Board an analysis of the current and potential in-state commercial viability of the specific plant species and the economic impact on industries affected by the designation of the plant as a noxious weed.

B. The Board may establish a statewide quarantine and adopt regulations pertaining to regulated articles and conditions governing movement, under which the Commissioner shall proceed to eradicate or suppress and prevent the dissemination of noxious weeds in the Commonwealth, and shall adopt other regulations as are necessary to carry out the purpose of this chapter. *The Board may adopt regulations governing the conditions under which a permit is required to move, transport, deliver, ship, offer for shipment, sell, or offer for sale into or within the Commonwealth any noxious weed or part thereof.* The Board may adopt regulations governing the movement of regulated articles entering the Commonwealth from without. Following the establishment of a quarantine, no person shall move any noxious weed or any regulated article described in the quarantine from any regulated area without a valid permit or certificate, *if required.*

Subsequent to the declaration of a quarantine by the Board, the Commissioner shall limit the application of the regulations pertinent to such quarantine to the infested portion of the Commonwealth and appropriate environs, which would be known as the regulated area and may, without further hearing, extend the regulated area to include additional portions of the Commonwealth upon publication of a notice to that effect in a newspaper distributed in the extended area or by direct written notice to those

concerned.

C. The Board shall develop and adopt regulations requiring tradespersons involved with proposing or installing plants to provide written notification to property owners for all plants proposed for installation that are included on the list of invasive plants established in § 10.1-104.6:2.

§ 3.2-804. Prohibited acts; noxious weeds.

No person shall violate any provisions of this chapter or any regulation adopted hereunder. No person shall move, transport, deliver, ship, or offer for shipment into or within the Commonwealth any noxious weed, or part thereof, without first obtaining a permit from the Commissioner. If the Board requires a person to obtain a permit pursuant to subsection B of § 3.2-802, such person shall obtain such permit prior to moving, transporting, delivering, shipping, offering for shipment, selling, or offering for sale into or within the Commonwealth a noxious weed or part thereof. Such permit shall be issued only after it has been determined that the noxious weed is generally present already or it is for scientific purposes subject to prescribed safeguards.

§ 10.1-104.6:2. Invasive plant species.

A. The Department shall create a list of invasive plant species no later than January 1, 2024, and shall update such list at least every four years thereafter.

B. No agency of the Commonwealth shall plant, sell, or propagate any plant on the list of invasive plants established in subsection A except when doing so is necessary for scientific or educational purposes or bona fide agricultural purposes including the management, tilling, planting, or harvesting of agricultural products.

2. That the Department of Conservation and Recreation shall convene the Virginia Invasive Species Working Group to develop industry resources and recommendations to be sent to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations and the House Committees on Agriculture, Chesapeake and Natural Resources and Appropriations for the 2024 Regular Session of the General Assembly to support full implementation of the Virginia Invasive Species Working Group's existing Virginia Invasive Species Management Plan.

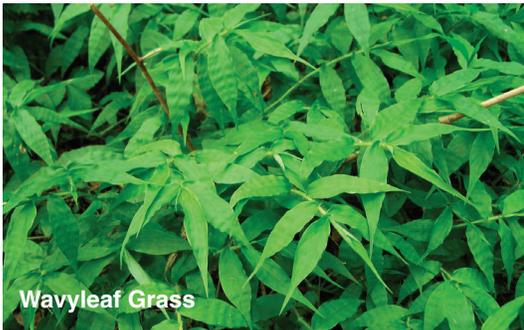
Virginia Invasive Plant Species List



Tree-of-heaven



Phragmites



Wavyleaf Grass

The Virginia Invasive Plant Species List comprises species that are established — or may become established — in Virginia, cause economic and ecological harm, and present ongoing management issues.

The list is for educational purposes only and has no regulatory authority.

To be included on the list, there must be demonstrable evidence that a species poses a threat to Virginia's forests, native grasslands, wetlands or waterways.

The Virginia Department of Conservation and Recreation's Invasive Species Assessment Protocol, approved by the Virginia Invasive Species Working Group, May 2015, was used to conduct a risk assessment for each listed species. Species were ranked as exhibiting **high**, **medium** or **low** levels of invasiveness based on their threat to natural communities and native species.

Scientific Name	Common Name	Virginia Invasiveness Rank	REGION		
			Mountain	Piedmont	Coastal
Ailanthus altissima	Tree-of-heaven	High	•	•	•
Alliaria petiolata	Garlic Mustard	High	•	•	•
Alternanthera philoxeroides	Alligator-weed	High			•
Ampelopsis brevipedunculata	Porcelain-berry	High		•	•
Carex kobomugi	Japanese Sand Sedge	High			•
Celastrus orbiculatus	Oriental Bittersweet	High	•	•	•
Centaurea stoebe ssp. micranthos	Spotted Knapweed	High	•	•	•
Cirsium arvense	Canada Thistle	High	•	•	•
Dioscorea polystachya	Cinnamon Vine	High	•	•	•
Elaeagnus umbellata	Autumn Olive	High	•	•	•
Euonymus alatus	Winged Euonymus	High	•	•	
Ficaria verna	Lesser Celandine	High		•	•
Hydrilla verticillata	Hydrilla	High	•	•	
Iris pseudacorus	Yellow Flag	High	•	•	•
Lespedeza cuneata	Chinese Lespedeza	High	•	•	•
Ligustrum sinense	Chinese Privet	High	•	•	•
Lonicera japonica	Japanese Honeysuckle	High	•	•	•
Lonicera maackii	Amur Honeysuckle	High	•	•	•
Lonicera morrowii	Morrow's Honeysuckle	High	•	•	
Lythrum salicaria	Purple Loosestrife	High	•	•	•
Microstegium vimineum	Japanese Stiltgrass	High	•	•	•
Murdannia keisak	Marsh Dewflower	High	•	•	•
Myriophyllum aquaticum	Parrot Feather	High	•	•	•
Myriophyllum spicatum	Eurasian Water-milfoil	High	•	•	•
Persicaria perfoliata	Mile-a-minute	High	•	•	•
Phragmites australis ssp. australis	Common Reed	High	•	•	•
Pueraria montana var. lobata	Kudzu	High	•	•	•
Reynoutria japonica	Japanese Knotweed	High	•	•	•
Rosa multiflora	Multiflora Rose	High	•	•	•
Rubus phoenicolasius	Wineberry	High	•	•	•
Sorghum halepense	Johnson Grass	High	•	•	•
Urtica dioica	European Stinging Nettle	High	•	•	•
Acer platanoides	Norway Maple	Medium	•	•	•
Agrostis capillaris	Colonial Bent-grass	Medium	•	•	•
Akebia quinata	Five-leaf Akebia	Medium		•	•
Albizia julibrissin	Mimosa	Medium	•	•	•
Arthraxon hispidus var. hispidus	Joint Head Grass	Medium	•	•	•
Berberis thunbergii	Japanese Barberry	Medium	•	•	•
Cirsium vulgare	Bull Thistle	Medium	•	•	•
Dipsacus fullonum	Wild Teasel	Medium	•	•	•
Egeria densa	Brazilian Waterweed	Medium	•	•	•
Euonymus fortunei	Winter Creeper	Medium	•	•	•
Glechoma hederacea	Gill-over-the-ground	Medium	•	•	•
Hedera helix	English Ivy	Medium		•	•

Invasiveness rank is higher for species that:

- Alter ecosystem processes, such as succession, hydrology or fire regime.
- Are capable of invading undisturbed natural communities.
- Cause substantial impacts on rare or vulnerable species or natural communities or high-quality examples of more common communities.
- Are found widely distributed and generally abundant where present.
- Disperse readily to new areas.
- Are difficult to control.

Early detection species

The list includes a subcategory of invasive plants that are considered early detection species. These are species not yet established or, if established, are not yet widespread in Virginia but known to be highly invasive in habitats similar to those found here. If discovered in Virginia, these species need to be quickly mapped, photographed and reported to DCR. The management goal for early detection species is eradication, as preventing the establishment and spread of newly arrived species will save valuable natural and economic resources.

INFORMATION

For more information, or to report early detection species, contact Stewardship Biologist Kevin Heffernan with the Virginia Department of Conservation and Recreation at 804-786-9112 or kevin.heffernan@dcr.virginia.gov

Photo credits:

Tree-of-heaven, Chuck Bergeron, University of Georgia, Bugwood.org. *Phragmites*, Jill M. Swearingen, USDI National Park Service, Bugwood.org. *Wavyleaf grass*, Kerrie L. Kyde, Maryland Department of Natural Resources, Bugwood.org.

Citation:

Heffernan, K., E. Engle, C. Richardson. 2014. *Virginia Invasive Plant Species List*. Virginia Department of Conservation and Recreation, Division of Natural Heritage. *Natural Heritage Technical Document 14-11*. Richmond.



Scientific Name	Common Name	Virginia Invasiveness Rank	REGION		
			Mountain	Piedmont	Coastal
<i>Holcus lanatus</i>	Common Velvet Grass	Medium	•	•	•
<i>Humulus japonicus</i>	Japanese Hops	Medium	•	•	•
<i>Ligustrum obtusifolium</i> var. <i>obtusifolium</i>	Border Privet	Medium	•	•	•
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	Medium	•	•	•
<i>Lysimachia nummularia</i>	Moneywort	Medium	•	•	•
<i>Miscanthus sinensis</i>	Chinese Silvergrass	Medium	•	•	•
<i>Najas minor</i>	Brittle Naiad	Medium	•	•	•
<i>Paulownia tomentosa</i>	Royal Paulownia	Medium	•	•	•
<i>Persicaria longiseta</i>	Long-bristled Smartweed	Medium	•	•	•
<i>Phyllostachys aurea</i>	Golden Bamboo	Medium	•	•	•
<i>Poa compressa</i>	Flat-stemmed Bluegrass	Medium	•	•	•
<i>Poa trivialis</i>	Rough Bluegrass	Medium	•	•	•
<i>Pyrus calleryana</i>	Callery Pear	Medium	•	•	•
<i>Rhodotypos scandens</i>	Jethead	Medium	•	•	•
<i>Rumex acetosella</i>	Sheep sorrel	Medium	•	•	•
<i>Spiraea japonica</i>	Japanese Spiraea	Medium	•	•	•
<i>Stellaria media</i>	Common Chickweed	Medium	•	•	•
<i>Veronica hederifolia</i>	Ivy-leaved Speedwell	Medium	•	•	•
<i>Viburnum dilatatum</i>	Linden arrow-wood	Medium		•	
<i>Wisteria sinensis</i>	Chinese Wisteria	Medium	•	•	•
<i>Commelina communis</i>	Asiatic Dayflower	Low	•	•	•
<i>Elaeagnus pungens</i>	Thorny Olive	Low	•	•	•
<i>Lespedeza bicolor</i>	Shrubby Bushclover	Low	•	•	•
<i>Lonicera fragrantissima</i>	Winter Honeysuckle	Low	•	•	•
<i>Melia azedarach</i>	Chinaberry	Low		•	•
<i>Morus alba</i>	White Mulberry	Low	•	•	•
<i>Perilla frutescens</i>	Beefsteak Plant	Low	•	•	•
<i>Phleum pratense</i>	Timothy	Low	•	•	•
<i>Populus alba</i>	Silver Poplar	Low	•	•	•
<i>Rumex crispus</i> ssp. <i>crispus</i>	Curly Dock	Low	•	•	•
<i>Securigera varia</i>	Crown-vetch	Low	•	•	•
<i>Trapa natans</i>	European Water Chestnut	Low			•
<i>Ulmus pumila</i>	Siberian Elm	Low	•	•	
<i>Vinca major</i>	Greater Periwinkle	Low	•	•	•
<i>Vinca minor</i>	Periwinkle	Low	•	•	•
<i>Wisteria floribunda</i>	Japanese Wisteria	Low		•	•
EARLY DETECTION SPECIES - not yet widely established in Virginia					
<i>Aldrovanda vesiculosa</i>	Waterwheel	High			•
<i>Eichhornia crassipes</i>	Water Hyacinth	High			•
<i>Imperata cylindrica</i>	Cogon Grass	High			•
<i>Ludwigia grandiflora</i> ssp. <i>hexapetala</i>	Large Flower Primrose Willow	High	•	•	•
<i>Oplismenus hirtellus</i> ssp. <i>undulatifolius</i>	Wavyleaf Grass	High	•	•	
<i>Vitex rotundifolia</i>	Beach Vitex	High			•
<i>Heracleum mantegazzianum</i>	Giant Hogweed	Medium	•	•	
<i>Ipomoea aquatica</i>	Water Spinach	Medium	•	•	•
<i>Salvinia molesta</i>	Giant Salvinia	Medium	•	•	•
<i>Solanum viarum</i>	Tropical Soda Apple	Medium		•	•

BOARD OF AGRICULTURE AND CONSUMER SERVICES
Future Meeting Dates

MARK YOUR CALENDARS

Thursday, December 7, 2023

Patrick Henry Building
East Reading Room
1111 East Broad Street
Richmond, VA 23219

Thursday, March 21, 2024

TBD
Richmond, VA

Thursday, May 23, 2024

TBD
Richmond, VA

Thursday, December 12, 2024

TBD
Richmond, VA