

BOARD OF AGRICULTURE AND CONSUMER SERVICES
Electronic meeting held during state of emergency due to novel coronavirus
(COVID-19)
Thursday, May 20, 2021

AGENDA

9 A.M.

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from March 25, 2021
4. Election of officers
5. Board member reports
6. Commissioner's Report to Board – Charles Green, Deputy Commissioner, Virginia Department of Agriculture and Consumer Services
7. Notice of Intended Regulatory Action – 2 VAC 5-317 (Regulations for the Enforcement of the Noxious Weeds Law) – David Gianino, Program Manager, Office of Plant Industry Services
8. Proposed appointments of Virginia Winery Distribution Company board members
9. Overview of Office of Charitable and Regulatory Programs – Michael Menefee, Program Manager, Office of Charitable and Regulatory Programs
10. New business
11. Future board meetings
12. Public comment period
13. Adjourn

PUBLIC PARTICIPATION

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DRAFT MINUTES

Thursday, March 25, 2021

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m. on Thursday, March 25, 2021. The meeting was held by electronic communications means due to the state of emergency issued by Governor Northam as a result of the novel coronavirus (COVID-19). The meeting was held using Cisco WebEx Events. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

O. Bryan Taliaferro, Jr.
Donald Horsley
Shelley Barlow
Cecil Shell
Margaret Ann Smith
L. Wayne Kirby
Kay Johnson Smith
James S. Huffard, III
John R. Marker
Richard Sellers
Neil Houff
Charles Church
Lonnie Johnson

Dr. M. Ray McKinnie

CONGRESSIONAL DISTRICT

1st
2nd
4th
5th
6th
7th
8th
9th
10th
11th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
Representing Dr. Timothy D. Sands, President,
Virginia Tech
Representing Dr. Makola Abdullah, President,
Virginia State University

ABSENT

Clifton A. Slade

3rd

STAFF PRESENT

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

APPROVAL OF MINUTES

Mr. Marker moved that the draft minutes of the meeting on December 11, 2020, be approved as distributed. Mr. Shell seconded the motion. The motion was approved by a unanimous roll call vote.

APPROVE: Barlow, Shell, M. Smith, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Church, Horsley, L. Johnson

OPPOSE: None

REPORT FROM BOARD MEMBERS

A full recording of Board Member reports can be found at the following link:

<https://www.vdacs.virginia.gov/boards-agriculture-and-consumer-services.shtml>

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Don Horsley

Mr. Horsley provided an update on the weather and reported on the progress of the truck and wheat crops in his district. He stated that they are gearing up for the corn and soybean season and hope to start planting next week if the weather holds up. He said that there was excitement about the market situation, and he hoped everyone was able to take advantage.

Cecil Shell

Mr. Shell reported on the weather and the ice storm damage in his district. He provided updates on the status of the timber and vegetable markets; grain prices; and the wheat, soybean, and corn crops and planting. He stated that they have had record exports and are hoping that the prices go up. China has come back into the tobacco market, and some of the increases have gone up 80 percent. He added that the dark-fired tobacco market is doing well. He looks forward to a good crop year.

Margaret Ann Smith

Ms. Smith reported that it was a wet winter in her district. All the moisture resulted in many cattle not being able to be brought to market. She provided an overview of the winter damage to and the current state of pastures. She said the market is looking optimistic and livestock prices are currently robust. She added that labor issues continue to be a challenge for everyone in the industry in her district.

L. Wayne Kirby

Mr. Kirby stated that he agreed with what other Board members were reporting. He said that 2020 was a depressing year but 2021 is bringing optimism. He reported that the small grain crop is behind. Much of it got a late start because of the wet weather in the fall. He provided an update on the vegetable growers in his district. He concluded his report by stating that prices have improved and that has caused optimism.

Kay Johnson Smith

Ms. Johnson Smith reported on the farmers' market operations in her district. She noted that the Virginia Cooperative Extension (VCE) is advertising for a 4-H agent in Alexandria. She announced that the Animal Ag Alliance is hosting its 20th Annual Stakeholder Summit on May 5-6. It will be virtual due to the pandemic and will include a week of webinars the week prior to the summit. They are running a photo contest for ranchers and farmers to win a complimentary registration to the summit to encourage participation. She concluded her report by inviting the Board to Northern Virginia to see the blooming cherry blossoms, which will peak in April.

James Huffard

Mr. Huffard reported on the weather and the ice storm damage in his district. He stated that dairy farmers are continuing to leave the industry and many of them are now raising beef cows instead. Duchess Dairy has recently added new customers, and sales of its pints are starting to pick up in convenience stores along the interstate. He noted that Duchess Dairy is sponsoring a minor league baseball team mascot. He concluded his report by requesting that the Board receive a summary of agriculture legislation that passed during the 2021 Session of the General Assembly. President Barlow responded that Secretary Schmidt would be giving a legislative report later in the meeting.

John Marker

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Mr. Marker reported on the weather, the small grains crop, and the status of fruit trees in his district. He stated that it was tough finding labor this winter and they did not get enough pruning done. He noted that spring camping season is in full swing in his district. He concluded by reporting on COVID-19 vaccination efforts in the farm community in his county.

Richard Sellers

Mr. Sellers reported on the urban markets and gardens in his area. He stated that he was contacted recently by the Fairfax County Department of Planning about a public hearing on the definition of and qualifications to be considered agritourism in the county. He has shared the information he received with the Virginia Farm Bureau Federation and is interested to see how the public hearing proceeds.

Neil Houff

Mr. Houff reported that the Virginia Crop Association hosted its first virtual meeting on January 20. The meeting was successful and attracted over 200 attendees. He gave an update on fertilizer pricing. He concluded his report by discussing challenges resulting from recent downgrades to weight restrictions on certain bridges by the Virginia Department of Transportation (VDOT), which has impacted the transportation of products. Stakeholders are working with VDOT on solutions.

Charles Church

Mr. Church reported that in the first quarter, the Virginia Pest Management Association (VPMA) has been focusing on testing and recertification to deal with the backlog created by the pandemic. VPMA has worked with the VDACS Office of Pesticide Services to host in-person testing events for new applicators. VPMA is providing four different virtual recertification opportunities this spring and has also created an online library of recertification modules that it hopes to have up and running by mid-June. He announced that VPMA plans to host an in-person state technical meeting on December 8-9 in Virginia Beach. He reported that termites will start swarm as it gets warm, which may be more noticeable than usual because so many people are working from home. He concluded by stating that there may be more mosquitoes this year due to the mild winter.

Lonnie Johnson

Mr. Johnson reported that Virginia Tech (VT) is beginning to offer more face-to-face instruction. He discussed VT's plans to safely host residential 4-H camps this summer. He reported on their unit offices' activities to educate the farm community about COVID-19 vaccinations through partnerships with local governments and the Virginia Department of Health, a training, newsletters, social media, and direct contacts. He reported on a voluntary BMP survey that was conducted to learn what farmers are doing to prevent runoff into the Chesapeake Bay. He concluded by stating that VT is looking forward to transitioning back to fully in-person courses next fall and providing a report on VCE's budget.

Dr. M. Ray McKinnie

Dr. McKinnie reported that Virginia State University (VSU) increased in-person learning for the spring semester, which included a reduction in campus residency and a combination of in-person and virtual classes. Students have adapted, and COVID-19 testing numbers are staying below the state average. VSU intends to return fully to face-to-face instruction in fall. He stated that the Provost is currently experimenting with a one-year registration for students. He reported on the College of Agriculture's research plots and the activities of VCE specialist programs,

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including the build out of their mobile education unit. He concluded his report by expressing gratitude to the General Assembly for its support of the VSU College of Agriculture.

O. Bryan Taliaferro

Mr. Taliaferro reported on the difficulties caused by excess rain in his district throughout the year. He discussed with the Board the upsurge in grain prices and the concerns that come with that upsurge. He warned that major price increases are followed by periods of lower prices and that producers should price ahead.

Shelley Butler Barlow

Ms. Barlow began her report by thanking VDACS staff and leadership for their work to ensure the continuity of operations. She congratulated Commissioner Bronaugh on her nomination by President Biden to be Deputy Secretary of the U.S. Department of Agriculture. She reported on the weather and field work in her district. She stated that they are cautiously optimistic about the higher prices. She concluded her report by discussing solar energy, carbon credits, carbon sequestration, and climate change. She stated that the Board should be tuned into these issues because they are points of conversation in many of her professional associations.

COMMISSIONER'S REPORT

Commissioner Bronaugh delivered her report to the Board. During the presentation of this report, she briefed the Board on personnel changes, recent events, and other matters relating to VDACS and the COVID-19 state of emergency. A copy of the written report on which her presentation was based was included in the Board meeting agenda and materials.

2021 SESSION OF THE GENERAL ASSEMBLY – LEGISLATIVE REPORT

President Barlow called on Kevin Schmidt, Director, Office of Policy, Planning, and Research. Mr. Schmidt provided a brief overview of legislation tracked by VDACS during the 2021 Session of the General Assembly.

2021 SESSION OF THE GENERAL ASSEMBLY – BUDGET REPORT

President Barlow called on Kendra Shifflett, Director of Administrative and Financial Services. Ms. Shifflett provided a brief overview of agency budget issues related to the 2021 Session of the General Assembly and responded to Board member questions.

FAST-TRACK ACTION TO AMEND 2 VAC 5-560 (RULES AND REGULATIONS PERTAINING TO LABELING AND SALE OF INFANT FORMULA)

President Barlow called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis briefed the Board on the proposed fast-track regulatory action to repeal 2 VAC 5-560.

Following Mr. Davis' presentation, Mr. Shell moved that the Board of Agriculture and Consumer Services amend 2 VAC 5-560, Rules and Regulations Pertaining to Labeling and Sale of Infant Formula, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to amend this regulation through a fast-track regulatory action

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

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APPROVE: Barlow, Shell, M. Smith, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Church, Horsley, McKinnie, L. Johnson.

OPPOSE: None

REPORT ON EXPANSION OF SPOTTED LANTERNFLY QUARANTINE (2 VAC 5-336) – DAVID GIANINO, PROGRAM MANAGER, OFFICE OF PLANT INDUSTRY SERVICES

President Barlow called on David Gianino, Program Manager, Office of Plant Industry Services. Mr. Gianino presented the Board with a brief report on the expansion of 2 VAC 5-336.

REPORT FROM RECORDS SUBCOMMITTEE REGARDING RELEASE OF RECORDS

President Barlow called on Mr. Sellers to give a brief overview of the work of the Records Subcommittee. Mr. Sellers provided an overview of the record request, the subcommittee's February 5, 2021, meeting, and the subcommittee's final recommendation. As Interflex rescinded its previous request during the discussion at the December 11, 2020, meeting of the Board, there was no pending request to the Board to release records. Therefore, no Board motion was needed.

NEW BUSINESS

Mr. Huffard relayed a question from a hemp grower in his district. Secretary Schmidt recommended that Mr. Huffard or the hemp grower speak directly with agency staff to receive detailed information to address his questions. Mr. Huffard also commented that he wanted to affirm Ms. Barlow's comments about solar power.

Ms. Margaret Ann Smith stated that farm equipment theft is a growing problem in her district. She suggested that VDACS spread awareness of the problem through social media. Dr. Bronaugh asked that Ms. Smith follow up with her and suggested that there may be an opportunity to meet with the VDACS Office of Communications about raising awareness of this issue.

FUTURE BOARD MEETINGS

President Barlow announced that the remaining Board meeting dates for 2021 will be May 20 and December 10 in Richmond. A summer meeting will be added at a later date.

PUBLIC COMMENT PERIOD

Mr. David Sacks, a resident of Henrico County, addressed the Board about his concerns regarding home service contract providers. He requested that the Board develop and adopt regulations, as authorized by Va. Code § 59.1-434.4, in order to provide consumer protection to Virginia citizens. He shared his own experience with a home service contract provider, in which, after a drawn out and confusing process, the home service contract provider denied his claim based on "bizarre and nonsensical interpretation of the contract language." There was no process to question or appeal that interpretation, and the company never responded to his

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multiple written requests for information about an appeals process. He noted that several online reviews mirrored his experiences.

Mr. Sacks stated that the guidance on the VDACS website provides cautions before purchasing a home service contract. However, he noted that home service contracts are typically purchased by a home seller and the contract holder is the purchaser of the house. Therefore, the individual who holds the contract with the home service company rarely has the opportunity to do standard due diligence before entering into such contract.

Ms. Barlow thanked Mr. Sacks for bringing his concern before the Board. Justin Bell, Assistant Attorney General and Counsel to the Board, encouraged Mr. Sacks to submit a consumer complaint through the Office of the Attorney General.

In response to a question from President Barlow, Commissioner Bronaugh indicated that Larry Nichols, Director of the Division of Consumer Protection, is the staff member in charge of the agency division that registers home service contract providers. Mr. Nichols then provided Mr. Sacks with his direct phone number to further discuss the issue.

Secretary Schmidt requested that Mr. Sacks email him the documents that he has requested for review and so that Secretary Schmidt can provide to him information on the procedure to submit a formal petition for rulemaking to the Board.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 11:30 a.m.

Respectfully submitted,

Shelley Barlow
Board President

Kevin Schmidt
Board Secretary

BOARD OF AGRICULTURE AND CONSUMER SERVICES (BACS)

APPOINTED BOARD MEMBER TERMS

As of May 5, 2021

Elected Officers

For the term July 1, 2020 – June 30, 2021

President – Shelley Butler Barlow

Vice- President – Neil Houff

Secretary – Kevin Schmidt

<i>MEMBER'S NAME</i>	<i>DISTRICT</i>	<i>TERM EXPIRES</i>
O. Bryan Taliaferro, Jr.	1st	June 30, 2023 (2nd term)
Don Horsley	2nd	June 30, 2021 (1st term)
Shelley S. Butler Barlow	3rd	June 30, 2023 (2nd term)
Clifton A. Slade	4th	June 30, 2021 (1st term)
Cecil Shell	5th	June 30, 2021 (unexpired term)
Margaret Ann Smith	6th	June 30, 2023 (1st term)
L. Wayne Kirby	7th	June 30, 2021 (2nd term)
Kay Johnson Smith	8th	June 30, 2023 (2nd term)
James S. Huffard, III	9th	June 30, 2021 (1st term)
John R. Marker	10th	June 30, 2021 (2nd term)
Richard Sellers	11th	June 30, 2021 (1st term)
Neil A. Houff	Pesticide – Commercial - Agricultural	June 30, 2024 (2nd term)
Charles Church	Pesticide – Commercial - Structural	June 30, 2024 (1st term)

COMMISSIONER'S REPORT TO
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May 20, 2021

PERSONNEL NEWS

Dr. Jessica Walters was selected as the new Program Manager of the Office of Laboratory Services (OLS). Jessica began her new role on April 10. Jessica has been with VDACS since May 2016 and previously served as the OLS Poultry Diagnostician and Harrisonburg Animal Health Laboratory Director. Jessica earned her Doctor of Veterinary Medicine and a Ph.D. in Biomedical and Veterinary Sciences from Virginia Maryland College of Veterinary Medicine. She is board certified by the American College of Poultry Veterinarians. OLS operates a lab system with four Regional Animal Health Laboratories that provide regulatory and diagnostic testing for veterinarians, food manufacturers, agricultural animal producers, pet owners, and other government program areas. Laboratory employees work daily to diagnose livestock and poultry diseases. These services are vital to maintaining surveillance and control of infectious and contagious animal diseases in the Commonwealth.

In April, Tyhisha Pittman was promoted to the position of Finance Director in the Office of Administrative and Financial Services. Prior to her promotion, Tyhisha served as VDACS's Assistant Finance Director. Tyhisha has 18 years of governmental accounting experience with a variety of state agencies, including the Department of Labor and Industry, Department of Fire Programs, and Indigent Defense Commission. Tyhisha is a graduate of Kean University and is active in the Richmond Chapter of the Association of Governmental Accountants.

GOVERNOR'S PRIORITIES

Since March 2021, Governor Northam has announced three new Agriculture and Forestry Industries Development (AFID) Fund facility grants totaling \$190,000. These projects represent \$11,298,800 in new capital investment, 34 new jobs (31 full-time and three full-time equivalent positions (FTEs)), and commitments for the purchase of \$26,503,020 of Virginia-grown agriculture and forestry products. The grants were awarded to (i) Rockingham County for Overlook Produce & Farm Adventures, (ii) the City of Virginia Beach for Sunny Farms, and (iii) Wythe County for Traeger Grills. To date, 103 AFID Fund Facility Grants have been successfully awarded to 64 localities across Virginia.

In April, Office of Agriculture and Forestry Development (OAFD) staff visited the new cold storage and blast freezing facility constructed in Rockingham County by InterChange Cold Storage, LLC. InterChange was awarded a facility grant from the Governor's AFID Fund for the nearly \$42 million, 88 job project in August 2018. The grant was awarded on a performance basis, requiring the company to install blast freezing capacity to service the poultry industry before grant payout.

In March, Commissioner Bronaugh, Deputy Commissioner Green, and various VDACS staff including the agency's international trade representatives, participated in the 13th Annual Virginia Governor's Conference on Agricultural Trade. The event was co-hosted by VDACS, the Virginia Farm Bureau

Federation (VFBF), The Port of Virginia, and the Virginia Tech Department of Agricultural and Applied Economics. Featured speakers included U.S. Department of Agriculture (USDA) Secretary Vilsack, Governor Northam, Secretary of Agriculture and Forestry Ring, and other distinguished guests. Office of International Marketing (OIM) staff and VDACS's Canada, Europe, and China trade representatives presented during the conference. The trade representatives' presentations discussed the current state of their respective markets as well as past, present, and upcoming trade activities. OIM staff participated in breakout sessions following the conference with the three trade representatives to answer questions from conference attendees.

The VFBF and Tamarack Media, a web developer, continue to work with VDACS staff on an update to the Virginia Farm Link website. The site is under development and will be launched this spring. In April, VDACS and VFBF staff presented a preview of the new logo and site to attendees at the Virginia United Land Trusts annual Land Conservation and Greenways Conference. Following the presentation, staff asked the conservation community for its help in promoting the Virginia Farm Link website and requested feedback on what expanded program offerings would be useful to their constituencies.

In December, VDACS staff worked with the Virginia Department of Forestry (DOF) to execute a Memorandum of Understanding with American Farmland Trust (AFT) to acquire its "Farms Under Threat" data. In April, VDACS staff worked with Secretary Ring to convene a listening session with conservation and agricultural stakeholders to discuss whether the AFT data provided an accurate representation of viable agricultural land in Virginia. Secretary Ring intends to convene this group and other stakeholders before incorporating the AFT data into a map of conservation priorities for the Secretariat. Additionally, this data may be used to inform the ConserveVirginia database.

The Virginia Food Access Investment Fund (VFAIF) inaugural grant application process closed on April 30, 2021. The VFAIF Program was established by the General Assembly in 2020 and focuses on equity in local food systems by investing in new or expanding existing food retailers to address food access issues in the Commonwealth. The VFAIF will provide grants for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, or innovative food retail projects in underserved communities. The program will receive \$1.25 million in nonreverting funds as of July 1, 2021. Staff received more than 45 pre-proposals from prospective applicants across the Commonwealth, totaling approximately \$2 million in initial funding requests. Project proposals include mobile markets, farm stores, SNAP/EBT-eligible food boxes, and other innovative food access solutions. A diverse evaluation committee was assembled in April to score applications and recommend projects for funding. The committee includes VDACS staff; representatives from Chesapeake Regional Healthcare, CASA, Virginia State University, and the Foodbank of Southeastern Virginia and the Eastern Shore; and staff from Virginia Community Capital. The review process will take place throughout May. Funding decisions will be announced in June, and the awarded funds will be made available in July. The VFAIF review committee hopes to fund approximately \$500,000 in food access projects in this inaugural round.

In March, Virginia Community Capital (VCC) was selected to act as the Community Development Financial Institution (CDFI) for the VFAIF Program. Chapters 956 and 957 of the 2020 Acts of Assembly, which established the VFAIF, require that VDACS select and work in collaboration with a CDFI to assist in administering the VFAIF Program and carrying out the purposes of the VFAIF. VCC's role includes providing technical assistance, acting as a consultant on grant management, and

acting as a convening body for organizations working on food systems and food insecurity. OAFD staff meets with VCC each week to discuss funding opportunities and resources and provide feedback and guidance for applicants and partners.

Governor Northam has proclaimed June 13 - 19 as Virginia Agriculture Week to encourage the public to recognize the essential contributions of farmers and agribusinesses. VDACS is encouraging the public to join in celebrating Virginia farmers by participating in the Virginia Agriculture Week Photo Contest. The photo contest is open to amateur photographers ages 18 and up through May 31. Photographers should submit images that best depict agriculture in Virginia. In addition to prizes, the winning photo will be prominently featured in the 2022 edition of Virginia Agriculture magazine. Please contact the VDACS Communications office for entry information and contest rules.

Total number of active industrial hemp registrations, as of May 17, 2021:	
Industrial Hemp Grower Registrations	862
Industrial Hemp Processor Registrations	271
Industrial Hemp Dealer Registrations	134

The VDACS Food Safety Program has completed the inspections of 19 Registered Industrial Hemp Processors who are now manufacturing industrial hemp-derived extracts intended for human consumption. Four additional Registered Industrial Hemp Processors currently have pending applications to be inspected as manufacturers of industrial hemp-derived extracts intended for human consumption.

In April, Office of Plant Industry Services (OPIS) staff participated in the observance of Garden Day at the Executive Mansion. Attendance was limited compared to previous Garden Day events at the Executive Mansion due to COVID-19 restrictions. Attendees included state employees and private citizens as well as local preschool children. OPIS staff presented information on honey bee management, pollinator habitats, and plant pests, including efforts to suppress the spotted lanternfly.

AGENCY OPERATIONS

Commissioner's Office

The 2021 edition of *Virginia Agriculture* magazine, VDACS signature publication, includes a line-up of articles that provide a snapshot into several agricultural sectors that reflect the challenges of the last year. Virginia farmers and agribusinesses are accustomed to dealing with market volatility and extreme weather. However, the novel coronavirus presented an additional and unique set of challenges, including economic shutdowns, capacity restrictions, social distancing, and more. Virginia's agricultural community is meeting the challenge by implementing measures to protect the health of consumers and their employees, maintaining the food supply chain, and modifying business models to continue operations and reach new audiences. Articles include profiles on livestock farmers, produce safety, poultry farmers, small-scale agriculture, farmers markets, the seafood industry, craft distilleries,

and wineries. Additional articles include a look at efforts to reduce food insecurity and address farmer stress. *Virginia Agriculture* is available digitally, or you can contact Michael Wallace by email or at (804) 786-1904 to request additional hard copies.

In March, OAFD staff hosted a virtual meeting of the Virginia Agriculture Development Officers (VADO) group to discuss the agency’s and administration’s priorities for agriculture and forestry as they relate to local, regional, and statewide economic development. Presenters during the meeting included Secretary Ring, Deputy Secretary of Agriculture and Forestry Copenhaver, Assistant Secretary of Agriculture and Forestry Hertz, the Director of the Division of Marketing and Development (DMD), and the new VFAIF Coordinator. Speakers covered a variety of topics, including new legislation that was approved during the 2021 General Assembly, such as food access programs, the legalization of marijuana, and new hardwood reforestation efforts; updates from VDACS’s Commissioner’s Office; the introduction of VDACS’s new DMD Director and his priorities for DMD; and an overview of VFAIF. The meeting was attended by more than 40 economic development professionals from across the Commonwealth.

Division of Marketing and Development (DMD)

Market News reports that most major agricultural commodities have recovered from the initial price losses from the COVID-19 pandemic. Prices for many commodities are now significantly higher than before the pandemic began in February 2020. Grain prices have reached their highest levels since 2014. The price advances are primarily a result of high export sales to China (soybean and corn exports have been near record highs), good domestic demand, and low domestic supplies. Looking forward, large acreage increases were expected this spring because of the high prices, but the USDA Prospective Plantings report released March 31 showed less of an increase than expected by trade analysts. Virginia feeder cattle sales have been very active this spring. Over 28,000 head of state-graded feeder cattle were sold in March. Prices are now very close to the five-year average for many weight classes and are up 13 percent for the year. Finally, poultry prices were relatively slow to recover but have gotten off to a good start in 2021. Demand has improved recently, primarily at the retail level, as many consumers are eating more meals at home and see poultry as a good value in the protein markets.

Below is a summary of prices as of April 16 compared to late February 2020:

Percentage of Price Increase from February 2020 to April 2021	
Feeder Cattle	3 percent
Slaughter Cattle	6 percent
Corn	57 percent
Soybeans	64 percent
Wheat	24 percent
Hogs	107 percent
Cotton	39 percent
Broilers	30 percent

Market News reports that African Swine Fever (ASF) continues to impact hog market conditions as Russia, Poland, and China have joined Germany in reporting cases of the disease. Russia culled over a

half million pigs over the winter in an attempt to control the disease. The culled pigs represent approximately two percent of the total pig inventory in Russia. Poland reported over 3,000 cases in January. China is working to rebuild its pig herd after devastating losses from African Swine Fever in 2018-2019 but has recently reported losses in several provinces due to African Swine Fever and other diseases. As of April 16, hog prices in the U.S. have increased 128 percent since ASF was found in Germany in September and are 107 percent higher than before the pandemic hit in February 2020.

In April, the Office of Promotions (OP) hosted the second round of the Virginia's Finest Virtual Trade Show Series, which highlighted Virginia's Finest products to food and beverage buyers across the Mid-Atlantic Region. At the April 15 session, seven Virginia's Finest companies (Rodgers Pudding, Edwards Virginia Smokehouse, Joy E Bells, Birdie's Pimento Cheese, Locksley Farmstead Cheese, The Perfect Pita, and Honeycakes) participated in the dairy, deli, and baked goods session. At the April 22 session, there were seven Virginia's Finest companies (Jody's Popcorn, Don't Forget The Cake, PIZOOTZ, Bakefully Yours, PastryBase, Clean Conscience Chocolates, and Belmont Peanuts) presenting their products to buyers and guests interested in the category of sweets and snacks. Both events were well received by the 46 total participating. Product samples were provided to registered buyers in advance of the show dates to facilitate the tastings. The virtual trade show was well received, with some companies making sales and having orders placed with distributors while the show was still in progress.

In April, OP, in cooperation with The Good Food Foundation, hosted a Virtual Road trip event that featured Virginia as the spotlight state. During this event, 10 participating Virginia's Finest companies had the opportunity to present their products to 40 buyers from across the country. Participation in this event is only offered to states that have well respected and represented trademark programs.

The Office of Food Distribution has ordered a total of \$32 million of USDA foods for schools participating in the National School Lunch Program for the 2021—2022 school year. Of the \$32 million, \$10 million was ordered from a USDA list of products such as fruits, grains, meats, and vegetables. Another \$9 million of the total was raw product diverted to 39 different processors. These foods are sent to processors to make finished products such as chicken nuggets, hamburgers, and pizzas. Another \$13 million has been set aside for the U.S. Department of Defense Fresh Fruit and Vegetable Program. Schools will use those funds to order fresh produce that is delivered direct to the schools.

In March, Office of Domestic Marketing (ODM) staff participated in a virtual grower appreciation event hosted by Food City. Food City is a retail chain grocery business headquartered in Abingdon that operates 134 retail stores in Virginia, Tennessee, Kentucky, and Northern Georgia. Company management reported that Food City purchased \$4.7 million dollars of fruits and vegetables from growers in 2020. Also during the event, Food City presented its 2020 Grower of the Year Award to David Mann of Mann Farms (Scott County), who grows strawberries, tomatoes, peppers, and cucumbers for Food City. Mann Farms has partnered with Food City for more than 20 years and is the only two-time recipient of the award.

In March, ODM and Office of Policy, Planning, and Research (OPPR) staff participated in the 2021 Hemp Producer Meeting hosted virtually by Virginia Tech and Virginia Cooperative Extension (VCE). During the event, OPPR staff provided a legislative update and an overview of the agency's

expectations for the 2021 hemp growing season. ODM staff reviewed Virginia's 2020 regional and total production, variety numbers, and the production forecast for 2021. ODM staff expects a significant decrease in hemp production this year due to a backlog of crop from 2019 and 2020 that some producers have yet to sell, contract terms, continued low prices for biomass and bulk hemp-derived extracts, and increases in acreage of other commodities. The session was attended by 54 participants.

In March, ODM staff participated in the Restaurant Association of Metropolitan Washington (RAMW) Annual Meeting. Speakers provided an overview of the current state of the restaurant industry and COVID-related impacts in addition to short- and long-term measures needed to assist in the industry's recovery. The meeting also included guest speaker Gerry A. Fernandez, President and Founder of The Multicultural Foodservice and Hospitality Alliance. ODM staff is in the process of renewing VDACS's membership with RAMW.

In March, ODM staff compiled information on cotton seed lots being delivered in Virginia. Staff contacted the four seed companies that represent more than 90 percent of the cotton seed market share to learn the numbers of lots sent into Virginia over the last two years. Growers have expressed support for increased seed sampling by VDACS due to germination concerns experienced by growers in the region. To date, OPIS staff has collected over 80 cotton seed samples this year to test the germination rate. This represents a 40 percent increase in the number of cotton seed samples collected compared to 2020.

In April, ODM staff participated virtually in the Southeast Produce Council (SEPC) Southern Exposure produce trade show. The Southern Exposure Show is hosted annually by SEPC in order to promote the consumption of fresh fruits and vegetables among its more than 2,500 members by providing networking, innovative, community, and educational opportunities. The 2021 Southern Exposure Show had both a virtual web-based component and an in-person event, with VDACS sponsoring and hosting both an in-person and a virtual booth at the hybrid event. Because of travel restrictions for state workers, VDACS staff did not attend the in-person event. Virginia producers Old Dominion Organics and Crown Orchard Company exhibited and staffed the in-person booth, and another Virginia producer, Parker Farms, exhibited in its own booth space. Fresh2OGrowers and ODM staff participated virtually. During the week, staff worked to address several logistical issues, assisting both virtual and in-person attendees. More than 1,300 virtual and in-person attendees from across the U.S. and Canada were registered for the event. The Virginia participants, both virtual and in-person, reported that they were able to make contacts and set meetings with several new buyers and retailers during the event.

In April, ODM staff participated in the Sussex-Surry Early Childhood Food Insecurity Collaborative (Collaborative) virtual meeting. The Collaborative has been awarded a \$50,000 No Kid Hungry (NKH) grant for one year to support a Farmacy program and has submitted an application for a second NKH grant. The Collaborative also applied for an Obici Healthcare Foundation (OHF) grant for \$100,000 for three years, and OHF requested that the group provide more support from impacted families to make the application stronger. In response, the Collaborative conducted a survey, obtaining responses from more than 260 low-income families who indicated a great need for access to low-cost food. The Collaborative hopes the survey results will strengthen its application. VDACS staff serves on the committee as a resource representing agriculture, farmers, and farmers' markets.

In April, ODM staff continued its work with a first-time strawberry grower who recently decided to wholesale berries instead of offering a pick-your-own location. ODM staff introduced the grower to a pick-your-own strawberry farm that also grows strawberries but never has enough to meet the demands of its customers. The two parties came to an agreement, and the first delivery was made in April. The estimated value of sales for the next six weeks is \$30,000.

In March and April, ODM staff conducted five board meetings for the following Virginia commodity boards: the Virginia Tobacco Board, Soybean Board, Wine Board, Marine Products Board, and Peanut Board. In accordance with the Governor's Executive Order, all board meetings were held with enhanced safeguards for social distancing, personal protective equipment, and offered hybrid and virtual options. The boards considered proposals for research, education, and promotional proposals for funding. The Fiscal Year 2020 Annual Reports for all Commodity Boards are available for review on VDACS's webpage: <https://www.vdacs.virginia.gov/boards-virginias-agricultural-commodity-boards.shtml>

In April, OIM staff traveled to Rockbridge, Waynesboro, and Shelby with staff from the U.S. Agency for International Development (USAID), a Virginia livestock exporter, and a videographer to film a promotional livestock video intended for use in Azerbaijan and Georgia. This promotional video is funded by a USAID grant that provides funding to assist U.S. agribusinesses and farmers with the expansion of exports to Central Asia. The footage from the farm visits will highlight Virginia beef and dairy cattle and include discussions of herd health, management practices, genetics, nutrition, and the advantages of buying U.S. livestock. USAID is an independent federal agency that is primarily responsible for administering civilian foreign aid and development assistance. OIM staff will also use the video to promote Virginia livestock genetics in neighboring countries.

The United Kingdom trade representative continues to conduct outreach to the European cannabidiol (CBD) customer base. As a direct result of these activities, the trade representative has secured a serious request for price quotes and supply for CBD materials and distillates for a European CBD oil products manufacturer. This is a major breakthrough, and the trade representative is very encouraged by this development. Pricing and supply details are required as soon as possible from Virginia producers to be able to move forward with this opportunity.

Division of Commodity Services (DCS)

Since March 25, 2021, Division of Commodity Services (DCS) staff:

- Inspected and certified grain commodities, including soybeans, corn, wheat, soybean meal, and soybean hull pellets, with a total value of more than \$218 million destined for 24 countries;
- Conducted four Grain Law compliance visits;
- Conducted General Market and Shipping Point Inspections on 647,683 pounds of fresh fruits and vegetables and Processed Food Inspections on 615,930 pounds of processed products;
- Performed three Good Agricultural Practice (GAP) Audits for Virginia fruit and vegetable growers;

- Inspected and certified approximately 52,293,087 pounds of Farmers' Stock peanuts and regrades, approximately 25,756,131 pounds of shelled and in-shell milled peanuts, and 1,702,895 pounds of imported peanuts from Argentina;
- Analyzed approximately 708 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption;
- Certified 937,021 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products;
- Graded via contracted full-time grading services 26,063,088 pounds of chicken and 12,649,859 pounds of turkey for the Virginia poultry and egg industry;
- Provided non-contract fee grading and certification services for 22,920 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry;
- Provided evaluation services to producers for approximately 22,860 cattle, 378 lambs and goats, and 183 beef carcasses;
- Performed two USDA Food Defense Audits at two poultry plants to ensure that plants producing commodity and school lunch poultry products have measures in place to ensure a safe product. With the approval of their audits, these facilities are now eligible to bid on and produce products offered by the USDA Procurement Program.

The Peanut Services Office (PSO) continues to struggle with staffing shortages. Many of the agency's grading and inspection programs remain critically short-staffed and face difficulties in recruiting and retaining both wage employees and entry-level full-time employees. Inspectors from other DCS programs have assisted the PSO in order to cover all necessary shifts.

DCS staff has worked in cooperation with industry partners, the Virginia Cattlemen's Association, and VCE to grade, evaluate, and assist in the marketing and promotion of Virginia feeder cattle throughout Virginia. Staff have compiled load lot descriptions, provided marketing guidance to producers, and assisted during the loading of trailer load lots. Staff also worked in conjunction with the Central Virginia Cattlemen's Association, which held a sale for heavy weight non-breeding open heifers for area producers.

DCS staff helped coordinate and support educational opportunities within the livestock and poultry and egg industries. DCS, working closely with Virginia Tech, coordinated the Virginia Poultry Federation Youth Judging Contest, which serves as the 4-H and FFA poultry judging contests for the state. The winning teams go on to a national contest to represent Virginia. Youth Day is made possible by the Virginia Poultry Federation, local poultry companies, VDACS, and 4-H volunteers.

In April, DCS staff participated in the Rockingham Market Animal Boot Camp at the Rockingham County Fairgrounds. This is an educational event for 4-H and FFA members in which participants have the opportunity to learn about each market animal species, the characteristics that livestock graders and

judges look for when evaluating animals, and show techniques. Due to COVID-19, the event was set up differently than in the past, with stations that the youth participants rotated through in order to comply with COVID mandates. The Office of Veterinary Services staff also routinely assists with checking the health requirements for animals being exhibited at youth livestock events.

Division of Animal and Food Industry Services (AFIS)

In July 2020, the VDACS Food Safety Program (FSP) began responding to alleged violations of the Governors Executive Orders (EOs) to the food establishments that it regulates through the Virginia Department of Health's RedCap system. Since then, VDACS has responded to approximately 11,256 complaints. FSP staff responded to these complaints with letters and emails to the firms and corporate contacts. Staff is spending a considerable amount of time fielding follow-up calls from these firms to discuss these complaints, related questions, the importance of compliance with the EOs, and repeated offenses. Food Safety Specialists also visited firms that had repeated EO-related complaints and wrote up any EO violations that they observed on inspection reports. While at the firms, staff provided education on EO requirements.

From February through March, FSP performed the inspections necessary to open 124 new food businesses. A total of 246 hours were spent working with vendors to open these firms. FSP has an inventory of 13,153 firms under inspection. Twenty-five Food Safety Specialists, three Food Safety Technical Specialists, and three Field Supervisors are responsible for the regulatory oversight of these firms. From February through March, FSP conducted 1,574 inspections of food establishments (which include retail food stores, food manufacturers, and food warehouses), investigated 47 non COVID-19 consumer complaints, and collected 152 food samples.

During the months of February and March, the Office of Dairy and Foods (ODF) Dairy Services Program conducted 285 inspections of Grade "A" and manufactured-grade dairy farms and 42 cheese and ice cream manufacturing plant inspections. To ensure compliance with Virginia's regulatory standards, program staff collected 853 milk samples from Virginia Grade "A" dairy farms. One hundred ninety-eight (198) cheese and frozen dessert samples were also collected to determine compliance with current dairy laws and regulations. Inspectors also made 804 farm visits to review construction of dairy facilities, review the installation of milking equipment and other related items, and offer advice and assistance to dairy farmers and manufactured milk processors.

At the end of March, the exemptions provided to ODF Dairy Services for the majority of Grade "A" regulatory duties from the U.S. Food and Drug Administration (FDA) due to the ongoing COVID-19 pandemic expired. Throughout the COVID-19 pandemic, ODF Dairy Inspectors have voluntarily chosen to continue to work as normal with no major disruptions in work duties or program requirements, despite having FDA exemptions in place. VDACS does not intend to apply for any future exemptions related to Grade "A" farm related duties.

Throughout March and April, the AFIS Deputy Director, AFIS staff, and the Department of Social Services State Shelter Coordinator participated in in-person site visits at Richard Bland College, James Madison University, and Virginia Military Institute to determine their suitability to serve as a State Managed Shelter or State Managed Pet Shelter (SMPS) in the event of an emergency. If the Governor were to declare an emergency and mandate the establishment of a SMPS, a Pet Sheltering Team

composed of veterinary professionals from VDACS would be responsible for oversight and would work together with other state agencies to ensure successful operation.

In March, the Harrisonburg Laboratory Director received an urgent request from a commercial poultry company to test for Avian Influenza due to significantly increased mortality in its chickens. In addition to the increased death loss, the clinical presentation of the birds was consistent with a highly pathogenic respiratory disease. The laboratory analyst on-call came into the lab on short notice, tested the samples, and obtained negative test results within three hours of receipt. Positive results would have likely resulted in the depopulation of the flock.

In April, Office of Veterinary Services staff met with the manager of the Pulaski Livestock Market to discuss the possibility of placing RFID (radio frequency identification) panel readers in the market. Feeder cattle consigned to the market by the Dublin Feeder Cattle Association would be identified with RFID tags, and placement of the panel readers will allow for the electronic capture of the tag numbers without the cattle being restrained. The panel readers will also allow for the correlation of the RFID numbers with a back tag and consignor name. Plans are being made for the installation and testing of the readers in the near future.

On July 1, 2020, the Produce Safety Program (PSP) entered into the final year of the five year federal/state Cooperative Agreement Program (CAP) to enforce the federal Produce Safety Rule on covered produce farms in Virginia. This program is supported entirely by an FDA grant. A new federal funding announcement (PAR-21-174) has been issued to continue the federal/state CAP. VDACS has submitted the grant paperwork and applied to continue the CAP for an additional five years with a requested budget of \$925,000 per year. Awards are expected to be received by states from FDA at the end of June.

As of April 15, the PSP has conducted 110 inspections of covered farms and 48 voluntary on-farm readiness reviews (OFRRs). These OFRRs for very small farms were provided upon request until required inspections began for very small farms on May 1, 2021. These OFFR visits were conducted jointly by PSP staff and VCE agents and were designed to assist and educate farmers. It is anticipated that VCE will take over the OFRR program from VDACS. PSP continues to offer outreach to industry stakeholders and associations.

Division of Consumer Protection (DCP)

In March, USDA Animal and Plant Health Inspection Service (APHIS) notified the Office of Plant Industry Services (OPIS) that \$712,339 has been allocated from the federal Plant Protection Act Section 7721 Rapid Response funds for management of the spotted lanternfly in Virginia for the upcoming year. In March, Virginia's Spotted Lanternfly Quarantine (established in 2 VAC 5-336) was expanded to include Clarke and Warren counties. Data from surveys conducted in 2020 indicated that significant reproducing populations of the spotted lanternfly (SLF) are now established in Clarke and Warren counties. In an effort to slow the spread of this invasive pest, the quarantine's regulated area was expanded to include these two localities. The quarantine now covers the counties of Frederick, Clarke, and Warren and the city of Winchester. The quarantine requires businesses located in these counties to obtain a SLF permit and conduct inspections of regulated articles prior to moving the regulated articles out of the quarantined areas. SLF feeds on more than 70 plant species, including

grapes, apples, stone fruits, and hops and poses a threat to Virginia's peach, apple, grape, and wine industries.

In April, OPIS staff met with Prince William County government staff to survey and discuss management strategies for an isolated spotted lanternfly infestation. This population was first found by VCE master gardeners through a visual survey of the Virginia Railway Exchange (VRE) in March. The location is primarily wetlands with a high water table and standing water in some spots, which limits the use of contact and systemic insecticide typically used for SLF control. The infestation is isolated and localized to a two-acre area along the railroads adjacent to the VRE. More than 300 egg masses were found at this location, and efforts to suppress this infestation are underway. In April, USDA confirmed that the egg masses were spotted lanternfly, making Prince William County a new county record for detection of SLF. OPIS staff will conduct a delimiting survey and treatments at this site. In March, USDA-APHIS issued an Emergency Action Notification for the destruction of tomato plants grown in a greenhouse due to the detection of Tomato Brown Rugose Fruit Virus (ToBRFV). OPIS and USDA-APHIS are monitoring the destruction of the tomato plants and the implementation of proper sanitation methods in response to the detection of ToBRFV. As of April 20, all plant material and growing media had been destroyed. OPIS and USDA-APHIS will continue to work with the grower on sanitation of the greenhouse, equipment, and future mitigation practices to ensure that this virus does not lead to reinfection at a future date. ToBRFV is a newly identified virus that causes premature fruit abortion; reduces fruit yield; negatively impacts fruit quality; and can lead to whole plant death in tomato, pepper, eggplant, and other solanaceous crops. The virus is highly virulent and spreads easily through mechanical transmission.

In April, OPIS and DMD staff participated in a virtual meeting with representatives of Michigan State University (MSU) to discuss MSU's Heroes to Hives program, which supports veterans who are interested in getting involved in beekeeping programs. Participants in the meeting discussed details of MSU's program in an effort to glean information that might assist VDACS and the Virginia Department of Veterans Services (DVS) as they develop a beekeeping program for Virginia veterans. VDACS staff initially met with DVS in March to discuss the development of a beekeeping program for veterans who suffer from Post-Traumatic Stress Disorder. The development of a veteran beekeeping program is in response to Delegate Robert Bell's request that VDACS and DVS collaborate to develop such a program in Virginia.

In April, approximately 1,750 acres in Halifax County and approximately 1,125 acres in the City of Chesapeake were treated with the biological insecticide *Bacillus thuringiensis* var. *Kurstaki* (*Btk*) as a part of the Gypsy Moth Slow-the-Spread (STS) program. The aerial application in Chesapeake was the second of a double application of the insecticide at this site. Application of *Btk* is successful in reducing large populations of the gypsy moth and is an integral strategy in the STS program. As of April 30, approximately 4,000 acres have been treated with *Btk* for the Gypsy Moth.

On April 22, DCP staff participated in an initial meeting with the Department of Conservation and Recreation regarding House Joint Resolution (HJR) 527, which was approved during the 2021 Session of the General Assembly. HJR 527 requires the study of the sale and use of invasive plants in the Commonwealth. The study will focus on sales of invasive plants in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants. To assist in conducting

the study, DCR and VDACS will establish a workgroup to obtain stakeholder input. Initial discussions focused on members of the workgroup for this study.

In April, the Noxious Weed Advisory Committee met virtually. Topics of discussion included general permitting for Tier 3 weeds, an update on alternative seed mixtures in roadway management by the Virginia Department of Transportation, and an update on HJR 527. In addition, the committee reviewed, discussed, and took action on 10 plant species assessments to be considered for addition to the 2 VAC 5-317, *Regulations for the Enforcement of the Noxious Weeds Law*. Approximately 25 people participated in the virtual meeting.

In April, the Office of Pesticide Services (OPS) mailed pesticide applicator renewal notices to approximately 7,000 commercial applicators and registered technicians whose certifications expire June 30, 2021. In addition to submitting their renewal application and applicable fees, pesticide applicators are required to have taken one recertification course during the biennium.

As of April 23, OPS has issued 2,350 new and renewing pesticide business licenses for 2021. Approximately 275 incomplete applications remain pending. Staff is actively working to assist pesticide businesses to submit any outstanding information so licenses can be renewed. All pesticide business licenses expire annually on March 31.

Code of Virginia

Title 3.2. Agriculture, Animal Care, and Food

Subtitle I. General Provisions; Protection and Promotion of Agriculture

Chapter 1. General Provisions

Article 1. Department and Commissioner of Agriculture and Consumer Services

§ 3.2-102. General powers and duties of the Commissioner

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products; and
2. (Effective until July 1, 2021) Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia

wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-207. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one 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; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

2. (Effective July 1, 2021) Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one 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; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section.

Code 1950, §§ 3-7, 3-9, 3-13; 1966, c. 702, §§ 3.1-8, 3.1-10, 3.1-14; 1971, Ex. Sess., c. 34; 1975, c. 260; 1977, c. 186; 1978, cc. 219, 540; 1982, c. 150; 1985, c. 397; 1993, c. 455; 1994, cc. 261, 370; 1995, c. 10; 1996, c. 996; 2005, c. 633; 2007, cc. 352, 870, 932, §§ 3.1-14.4, 3.1-14.01; 2008, c. 860; 2012, cc. 803, 835; 2020, cc. 1113, 1114.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



April 15, 2021

Virginia Department of Agriculture and Consumer Services
Dr. Jewel H. Bronaugh, Commissioner
102 Governor Street
Richmond, VA 23219

Dear Commissioner Bronaugh,

On behalf of the Virginia Wine Wholesalers Association (VWWA) I am writing to endorse, Jay W. Colston, III of Virginia Imports and Doug Zerbst of Republic National Distribution Company as Board members of the Virginia Wineries Distribution Company (VWDC).

Both Jay and Doug are currently serving as members of that Board. I think you will find that they have equated themselves well and tried to represent the best interest of Virginia's wineries, distributors and consumers.

If you have any questions at all with regard to either of them, please feel free to call the VWWA offices.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Farino". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dale Farino
President, VWWA



April 21, 2021

Dear Ms. Hill,

On behalf of Virginia Wineries Association (VWA), a trade association representing Virginia's farm wineries and cideries, VWA would like to submit our support for the reappointment of Courtney Mailey of Blue Bee Cider to the Virginia Wine Distribution Center Board.

Thank you in advance for your consideration.

Respectfully,

A handwritten signature in black ink that reads 'Laurie P. Aldrich'.

Laurie P. Aldrich
Executive Director
Virginia Wineries Association



May 17, 2021

Dear Ms. Hill,

Virginia Wineries Association, a trade association representing Virginia's farm wineries and cideries, would like to nominate Stan Joynes, Chief Executive Officer and an owner of Valley Roads Vineyards, LC. for appointment to the Virginia Wine Distribution Center board. Mr. Joynes uses Virginia Wine Distribution Company, and no other distributors. Valley Road Vineyards produces less at 10,000 cases of wine annually.

Mr. Joynes was the cofounder and Shareholder of LeClairRyan (formerly LeClair & Joynes). Given his legal and winery experience, Virginia Wineries Association whole heartedly endorses and nominates Stan Joynes for the seat of the Virginia Wine Distribution Company vacated by Randy Philips, Cave Ridge Vineyard.

We appreciate the time and consideration of the board. Please feel free to contact us with any questions.

Respectfully,

A handwritten signature in black ink that reads 'Laurie P. Aldrich'.

Laurie P. Aldrich
Executive Director
Virginia Wineries Association

10. If there were any presentations (PowerPoint, etc.), were you able to hear and see them?

Poorly
1 2 3 4 5
Clearly

COMMENT _____

11. Were the members as attentive and did they participate as much as you would have expected?

Less
1 2 3 4 5
More

COMMENT _____

12. Were there differences you noticed in how the members interacted?

With the other members present:

Very Different
1 2 3 4 5
No Difference

With members participating from other locations:

Very Different
1 2 3 4 5
No Difference

With the public:

Very Different
1 2 3 4 5
No Difference

COMMENT _____

13. Did you feel the technology was a help or a hindrance?

Hindered
1 2 3 4 5
Helped

COMMENT _____

14. How would you rate the overall quality of this meeting?

Poor
1 2 3 4 5
Excellent

COMMENT _____

THANK YOU. Please send your completed form by mail, facsimile or electronic mail to the FOIA Council using the following contact information:

Virginia Freedom of Information Advisory Council
General Assembly Building, Second Floor
201 North 9th Street, Richmond, Virginia 23219
foiacouncil@dls.virginia.gov/Fax: 804-371-8705/Tele: 866-448-4100