

FINAL MINUTES

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

Thursday, May 22, 2025

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:01 a.m. on Thursday, May 22, 2025, at the Patrick Henry Building. President Horsley called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Keith Harris
Donald Horsley
Raymond Keating
Brittany Jones
Cecil Shell
Margaret Ann Smith
Jacquelin Easter Link
James S. Huffard, III
Richard Sellers
Ginny Barnes
Charles Church
Dr. Tom Thompson

CONGRESSIONAL DISTRICT

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

ABSENT

Kailee M. Tkacz Buller
Tyler Wegmeyer
Dr. Derrick Scott

8th
10th
Representing Dr. Makola Abdullah, President,
Virginia State University

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Nicolas Robichaud, Policy Assistant, VDACS

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the March 20, 2025, all-virtual meeting be approved. Mr. Shell seconded the motion. The Board voted unanimously to approve the motion.

ELECTION OF OFFICERS

President Horsley called for nominations for President from the Board. Jacquelin Easter Link nominated Margaret Ann Smith. There being no other nominations, President Horsley closed

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

President Horsley opened the floor for nominations for Vice President. Raymond Keating nominated Charles Church. There being no other nominations, President Horsley closed the nomination and called for a vote on the nominee. The Board elected Mr. Church as Vice President by a unanimous vote.

President Horsley then called for nominations for Secretary. Richard Sellers nominated Kevin Schmidt. There being no other nominations, President Horsley 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, 2025, and run through June 30, 2026.

REPORTS FROM BOARD MEMBERS

Richard Sellers

Mr. Sellers reported the recent and unfortunate passing of Congressman Gerry Connolly. Mr. Sellers reflected on Congressman Connolly's extensive career in public service, praising his dedication and presence in the community. He also commented on local farmers markets, noting that many vendors come from Pennsylvania and West Virginia. He concluded by noting that the current congressional district is now fully contained within Fairfax County, including Fairfax City and parts of Alexandria.

James S. Huffard, III

Mr. Huffard reported that a cool spring has delayed planting in Southwest Virginia, though some early corn has been planted. He raised concerns about falling milk prices and market instability but noted that his operation has resumed with over 600 cows. The expansion of Duchess Dairy is set to begin next month, and while earlier funding freezes affected agricultural grants, some have now been reinstated. He concluded that, overall, things are going well in the region following recent natural disasters.

Jacquelin Easter Link

Ms. Easter Link reported on a turbulent planting season marked by unpredictable weather patterns that have delayed planting efforts and led to thin hay yields. She noted that local poultry growers are coming to terms with Tyson Foods' permanent departure and expressed concern over the high costs of alternative ventures, which she and her son are still evaluating. She highlighted broader issues in agriculture, including an aging farming population, succession challenges, and the growing inaccessibility of farming for younger generations. Ms. Link also raised concerns about the burdensome requirements for obtaining a Commercial Driver's License (CDL), warning that without changes, rural communities may soon face a shortage of qualified drivers.

Margaret Ann Smith

Ms. Smith reported that rain has finally reached the 6th Congressional District, though hay yields remain low. Corn planting is progressing well in the Valley, and cattle prices remain exceptionally high, though future volatility is a concern. She warned of the reemergence of the New World Screwworm, now 700 miles from the U.S.-Mexico border, which prompted a halt in live cattle imports from Mexico. The pest poses risks not just to livestock, but also to humans

and pets, and she urged public awareness. Smith concluded by encouraging nominations from Virginia for the National Beef Quality Assurance Awards, which honor producers, processors, and retailers for excellence in implementing quality standards.

Cecil Shell

Mr. Shell reported on erratic weather in his region that has complicated agricultural production. Tobacco, corn, and soybean planting are progressing, with most tobacco already in the ground. He also highlighted changes in timber activity, noting a shift from harvesting large timber to smaller timber and chips. He expressed concern over the Georgia Pacific plant closure in Emporia, which caused job losses and marketing challenges for large timber. He also highlighted growing interest in solar energy, with both small and large projects emerging in the area.

Brittany Jones

Ms. Jones echoed reports of volatile weather conditions. Her district experienced a dry April followed by intense rainfall in May. Corn, cotton, and peanuts are mostly planted, but soybean work continues, with some fields requiring replanting due to poor emergence. Her district currently has an abundance of hay, though its quality is subpar. Fieldwork has been slow in the southern part of the district due to excess moisture, prompting some to consider aerial spraying as a workaround. There are also concerns about poor crop emergence due to wet conditions, which may require soybean replanting. Wet pastures are creating livestock challenges, and dairy farmers are facing falling milk prices, though activity in the cull and replacement markets offers some relief.

Raymond Keating

Mr. Keating provided an update on the grain market, noting that while global prices have shown slight improvement, there is still significant uncertainty. Much of the market remains focused on short-term transactions due to widespread confusion about international buyers and shipping logistics. This unpredictability, compounded by concerns over potential reciprocal tariffs from countries like China, Italy, or Mexico, has limited planning and long-term sales confidence. Mr. Keating reported favorable weather in eastern Virginia, where timely rainfall has supported a strong start to corn planting and early crop development.

Keith Harris

Mr. Harris reported weather-related setbacks, including high winds and dry conditions, though the malting barley crop is performing well. He raised concerns about tariffs and criticized restrictive Virginia ABC regulations hurting small craft beverage businesses. Mr. Harris thanked Commissioner Guthrie for his proactive efforts in addressing grain transport issues at the Cargill facility in Harrisonburg, helping secure a temporary parking solution to ease congestion and support local producers. He emphasized the broader economic strain following the Tyson plant closure, which forced farmers to haul grain much farther at greater cost. Mr. Harris closed by sharing noting praise from a Virginia Tech professor for Commissioner Guthrie's student engagement.

Ginny Barnes

Ms. Barnes reported good planting progress in Eastern Virginia despite persistent wind challenges. She raised concerns about rising shipping costs, CDL driver shortages, and delays in farm input distribution. Ms. Barnes highlighted legal and regulatory uncertainty surrounding glyphosate (Roundup), warning its potential discontinuation could sharply raise costs, increase

use of more harmful alternatives, and reverse decades of no-till farming progress, which would risk millions of tons of carbon emissions. She stressed the urgency and complexity of the issue and invited attendees to the Virginia Crop Production Association's summit in January 2026 for further discussion.

Charles Church

Mr. Church reported that the Virginia Pest Management Association (VPMA) has offered 10 new training opportunities this year, with growing participation from non-member companies. VPMA has trained 230 technicians this quarter, with four more sessions planned before the June 30 recertification deadline. Virtual training remains popular, and the final in-person recertification course will be held in Richmond this June. VPMA has also secured the Omni Richmond Hotel for its 2025 state conference, scheduled for November 11-13, 2025.

Dr. Tom Thompson

Dr. Thompson reported on behalf of Dean Mario Ferruzzi, noting the graduation of 800 new College of Agriculture and Life Sciences students. He highlighted concerns over federal budget cuts impacting agricultural research and extension, with \$16 million in grants already canceled. Dr. Thompson provided an update on the U.S. Department of Agriculture (USDA) -Natural Resources Conservation Service Partnerships for Climate-Smart Commodities program, a \$3 billion initiative to support conservation practices among farmers. Of 146 funded projects, only 19, including Virginia Tech's \$80 million Alliance to Advance Climate-Smart Agriculture, met all federal criteria and are moving forward. Implementation is underway in several Virginia conservation districts. While administrative delays previously halted payments to enrolled farmers, Dr. Thompson was pleased to report that reimbursements and new enrollments are set to resume within weeks.

Donald Horsley

Mr. Horsley reported an unusual winter and spring in the 2nd Congressional District, where heavy snowfall helped offset what could have been a record-dry start to the year. He echoed concerns about farm succession, not for his own operation, but for land they own, which may be sold when passed to heirs, threatening future access to farmland. He praised Virginia Beach's successful use of its Agricultural Reserve Program to protect land from development. Corn and soybean planting are progressing despite earlier dry conditions, and wheat harvest is expected soon, though yields may be down. His show pig and research operations remain stable.

COMMISSIONER'S REPORT

Before Commissioner Guthrie's report, he highlighted the distribution of *Virginia Agriculture* magazine, funded by sponsors and showcasing the state's farms and craft beverages. He also addressed several items from Board member's reports. He credited VDACS staff for helping address grain transport issues and identifying future facility sites for Cargill and George's. Commissioner Guthrie emphasized youth engagement and career opportunities in agriculture, noting a recent student visit to VDACS labs. He also acknowledged the department is closely monitoring the glyphosate issue.

During Commissioner Guthrie's presentation of his report, he briefed the Board on 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.

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Concluding his report, Commissioner Guthrie remarked on the expiring terms of Mr. Horsley, Mr. Huffard, and Mr. Sellers from the Board. Secretary Schmidt presented them with plaques commemorating their service.

LEGISLATIVE UPDATE

President Horsley called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, to deliver an update on bills that VDACS tracked during the 2025 Session of the General Assembly.

Mr. Sellers asked VDACS staff if there are any baby food facilities currently operating in Virginia. Dr. Broaddus clarified that there are no major facilities, though there are some smaller operations.

BUDGET UPDATE

President Horsley called on Dr. Dewey Jennings, Director, Administration and Finance, to deliver an update on VDACS's budget for fiscal year 2026.

Mr. Harris asked for clarification regarding the nature of corn and soybean commodity board funds, which Dr. Jennings and Deputy Commissioner Charles Green addressed. Mr. Harris also asked whether money in the commodity board budget can be moved by the General Assembly, which Deputy Commissioner Green addressed. Ms. Smith asked if USDA has a similar level of involvement in the checkoff process in these boards as they are in other commodity boards, which Commissioner Guthrie addressed.

MEETING RECESS

At 10:51, President Horsley recessed the meeting.

At 11:02, President Horsley resumed the meeting.

NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-320 (REGULATIONS FOR THE ENFORCEMENT OF THE ENDANGERED PLANT AND INSECT SPECIES ACT)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the Notice of Intended Regulatory Action for 2 VAC 5-320.

Mr. Sellers moved that the Board of Agriculture and Consumer Services authorize staff to take any and all steps necessary to file for public comment a Notice of Intended Regulatory Action to amend the species declared as endangered or threatened in 2 VAC 5-320, Regulations for the Enforcement of the Endangered Plant and Insect Species Act, as presented by staff today. Mr. Shell seconded the motion. The Board voted unanimously in favor of the motion.

FINAL EXEMPT ACTION TO REPEAL 2 VAC 5-380 (RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA DEALERS IN AGRICULTURAL PRODUCTS LAW) FINAL STAGE TO AMEND 2 VAC 5-390 (RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the final exempt action to repeal 2 VAC 5-380.

Mr. Keating asked for clarification regarding the impact of this action, which Commissioner Guthrie addressed. Ms. Smith asked if there would be any impact on the bonding requirements for dealers, which Mr. Gianino addressed.

Mr. Sellers moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-380, Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through an exempt regulatory action as authorized by Section 2.2-4006 of the Virginia Administrative Process Act. Mr. Church seconded the motion. The Board voted unanimously in favor of the motion.

FINAL STAGE TO AMEND 2 VAC 5-390 (RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA SEED LAW)

President Horsley called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed final stage action to amend 2 VAC 5-390.

Mr. Harris asked for clarification regarding the impact of this action on cotton growers, which was addressed by Commissioner Guthrie and Mr. Gianino.

Mr. Shell moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to have this regulation become a final regulation of the Board. Ms. Jones seconded the motion. The Board voted unanimously in favor of the motion.

Mr. Gianino briefly updated the Board on the status of the Spongy Moth stop the spread program.

PROPOSED EXEMPT ACTION TO AMEND 2 VAC 5-595 (REGULATIONS GOVERNING THE MANUFACTURING AND SALE OF PRODUCTS THAT CONTAIN INDUSTRIAL HEMP EXTRACTS INTENDED FOR HUMAN CONSUMPTION)

President Horsley called on Nikeya Thomas, Program Manager, Office of Hemp Enforcement, to brief the Board on the proposed exempt action to amend VAC 5-595.

Mr. Sellers asked for clarification regarding the heavy metal testing requirements, which Ms. Thomas addressed. He suggested looking at National Institute of Health reports on tolerance levels and microbial contaminations. Ms. Barnes asked for clarification on the container instructions, which Ms. Thomas addressed. Mr. Keating asked a request regarding the regulation of oil additives, which Ms. Thomas addressed.

Mr. Sellers moved that the Board of Agriculture and Consumer Services amend 2 VAC 5-595, Regulations Governing the Manufacturing and Sale of Products That Contain Industrial Hemp Extracts Intended for Human Consumption, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to amend this regulation through an exempt regulatory action as authorized by Section 3.2-5145.5 of the Virginia Food and Drink Law and to file this proposed regulation for public comment as required therein. Mr. Huffard seconded the motion. The Board voted unanimously in favor of the motion.

VIRGINIA WINERY DISTRIBUTION COMPANY BOARD APPOINTMENTS

President Horsley called on Commissioner Guthrie to introduce recommendations for appointments to the board of directors of the Virginia Winery Distribution Company.

Mr. Sellers moved that the Board of Agriculture and Consumer Services reappoint David Drillock, Fifty-Third Winery & Vineyard, to fill a term from July 1, 2025, through June 30, 2029, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year. He also moved that the Board of Agriculture and Consumer Services reappoint Jay W. Colston, III, Virginia Imports, to fill a term from July 1, 2025, through June 30, 2029, on the board of directors of the Virginia Winery Distribution Company as an owner or manager of a wine wholesaler licensee. Mr. Huffard seconded the motion. The Board voted unanimously in favor of the motion.

NEW BUSINESS

There was no new business brought before the Board

FUTURE BOARD MEETINGS

President Horsley asked Commissioner Guthrie to provide information regarding the summer meeting and tour to be held August 5-6, 2025, in Fredericksburg.

President Horsley also announced that the last meeting of the year will be held December 11 in Richmond.

PUBLIC COMMENT PERIOD

Joseph Domino commented on the impact of industrial hemp regulations on small businesses and manufacturers.

Before adjourning, Mr. Horsley, Mr. Huffard, and Mr. Sellers each provided final remarks to the Board, voicing appreciation for their time served and for VDACS staff for their support.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:17 p.m.

Respectfully submitted,



Margaret Ann Smith
Board President



Kevin Schmidt
Board Secretary