

Board of Agriculture and Consumer Service

December 11, 2025

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DRAFT MINUTES

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

Thursday, December 11, 2025

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:05 a.m. on Thursday, December 11, 2025, at the Patrick Henry Building. President Smith called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Keith Harris
William Gwaltney
Raymond Keating
Brittany Jones
Margaret Ann Smith
Dr. Amanda Weakley-Scott
Brantley Ivey
Tyler Wegmeyer
Renee Munasifi
Ginny Barnes
Charles Church
Dr. Mary Burrows

Dr. Jewel Bronaugh

ABSENT

Cecil Shell
Kailee M. Tkacz Buller

CONGRESSIONAL DISTRICT

1st
2nd
3rd
4th
6th
7th
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

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. Harris moved that the draft minutes of the August 5, 2025, meeting be approved. Dr. Weakley-Scott seconded the motion. The Board voted unanimously to approve the motion.

COMMISSIONER'S REPORT

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.

Following his report, Commissioner Guthrie responded to a question from Mr. Harris regarding VDACS's preparedness to administer a similarly-sized emergency block grant from the U.S. Department of Agriculture (USDA) in the future. Commissioner Guthrie responded that, while the recent USDA block grant required significant upfront creativity and staff effort, VDACS now has a template to adapt to a similar program in the future.

REPORTS FROM BOARD MEMBERS

Charles Church

Mr. Church reported that the Virginia Pest Management Association (VPMA) concluded a strong year, highlighted by its rebranded annual conference and collaboration with the Office of Pesticide Services on a Category 8 preparatory course and exam, through which more than 820 individuals were trained at 14 events. He noted that VPMA leadership established 2026 priorities focused on educational growth and legislative relationships and informed the Board that VPMA submitted a petition for rulemaking seeking creation of a separate public health pesticide certification category to distinguish public and private sector applications.

Virginia Barnes

Ms. Barnes reported ongoing uncertainty within the agricultural community, particularly among retailers, due to the lack of a final decision from the U.S. Environmental Protection Agency on dicamba. She also noted that, by far, the most pressing issue is low commodity prices and that small- and medium-sized farm operations are facing challenges related to succession planning. She highlighted severe processing capacity shortages in Virginia, especially limited availability for meat processing appointments, which she indicated is driving interest among farmers in diversification while also creating barriers for new and transitioning producers. Ms. Barnes further conveyed feedback from farmers requesting that the Board consider opportunities to streamline or provide flexibility within inspection and regulatory processes to better support farm viability and access to processing infrastructure.

Keith Harris

Mr. Harris reported on challenging growing conditions across parts of the Commonwealth, noting significant variability due to hot and dry weather and the resulting impacts on crop performance. He expressed concern regarding high input costs. Mr. Harris also expressed concern that some government assistance programs may contribute to higher input prices and encouraged consideration of whether the Commonwealth could explore options to help mitigate input cost pressures for farmers.

William Gwaltney

Mr. Gwaltney thanked VDACS for its good work inspecting peanuts during the harvest season. He echoed the concerns on high inputs costs and mentioned that the U.S. produced the biggest peanut crop ever this year and that two big new players, Argentina and Brazil, are also now producing peanuts for the global market.

Raymond Keating

Mr. Keating reported that rail and truck shipments into Norfolk have remained strong since late summer, despite earlier uncertainty related to international trade and tariff conditions. He noted price volatility in key commodities, including soybeans and corn, and explained that shifts in global demand have resulted in redistribution of export markets, with countries such as Argentina and Brazil capturing a larger share of sales to China. Mr. Keating emphasized that containerized exports through the Port of Virginia continue to perform well, highlighting the port's ample container availability and its reputation as the best place in the country to load containers and export.

Brittany Jones

Ms. Jones reported significant variability in crop yields and noted that dairy prices and replacement heifer prices have declined slightly but remain at satisfactory levels. She highlighted a recent Dairy Alliance initiative to install milk dispensers in local schools that has increased milk consumption and reduced waste and mentioned that additional planned installations are being supported by private donations. Ms. Jones also relayed constituent feedback regarding challenges in obtaining pesticide license documentation and raised concerns about inconsistent soybean grading practices across locations, particularly related to color-related discounts, prompting discussion regarding contract terms and grading standards.

MEETING RECESS

At 9:54 a.m., President Smith recessed the meeting to hold a public hearing on the Box Tree Moth Quarantine.

PUBLIC HEARING – BOX TREE MOTH QUARANTINE

At 10:03 a.m., President Smith opened the public hearing on the Box Tree Moth Quarantine. She then called on David Gianino, Program Manager, Office of Plant Industry Services, to update the Board on the Commissioner's temporary Box Tree Moth quarantine.

Mr. Gianino briefed the Board on the quarantine, advising the Board that the hearing is being held pursuant to Va. Code § 3.2-703, which requires that a public hearing be held (i) if it appears that a quarantine for more than the 90-day period that the Commissioner is authorized to impose will be necessary to prevent or retard the spread of the pest and (ii) before a quarantine is adopted by the Board.

Becky Hall, Virginia Nursery and Landscape Association, thanked VDACS for working with VNLA to inform VNLA's members about the Box Tree Moth and efforts to slow the moth's spread. There being no public comment or questions, President Smith adjourned the public hearing at 10:07 a.m. and reconvened the Board meeting

Dr. Amanda Weakley-Scott

Dr. Weakley-Scott highlighted recent agricultural outreach and engagement efforts in the 7th Congressional District, including the Virginia Ag Expo, field days, and farm tours involving state and federal officials to increase understanding of agricultural operations and infrastructure as well as participation in community education events such as the Virginia Poultry Federation Centennial celebration. She thanked VDACS staff for their support at the State Fair and acknowledged state leadership for ongoing engagement with the agricultural community. Dr. Weakley-Scott also provided an update regarding preparedness for a potential New World

screwworm outbreak, noting the conditional approval of two products and their associated use limitations and withdrawal requirements.

Brantley Ivey

Mr. Ivey reported that the Virginia Cattlemen's Association has started a new leadership development initiative, the Young Cattlemen's Conference, which is scheduled to begin in January, and noted that the incoming National Cattlemen's Beef Association (NCBA) president, Mr. Gene Copenhaver, will be the first NCBA president from Virginia.

Tyler Wegmeyer

Mr. Wegmeyer reported that Virginia's strawberry industry experienced one of its most challenging seasons due to the emergence of *Neopestalotiopsis*, a disease originating in Canada and for which no solution is yet available, though efforts are underway to develop resistant varieties. He noted that producers have begun planting for the next season and successfully shifted plant sourcing from western states rather than Canada, contributing to cautious optimism for improved outcomes, subject to weather conditions. Mr. Wegmeyer also highlighted strong retail and agritourism performance during the fall as well as above-average Christmas tree sales across the Commonwealth.

Renee Munasifi

Ms. Munasifi reported that, in response to ongoing challenges related to low crop prices and high input costs, the USDA is implementing a bridge payment assistance program totaling approximately \$12 billion to support row crop producers, including those producing rice, soybeans, corn, sunflowers, and peanuts, with \$1 billion reserved for specialty crops. She noted that producers must ensure their 2025 acreage reports are accurate by December 19, with payment rates to be determined by commodity by the end of the month and anticipated distribution of payments by late February 2026.

Dr. Mary Burrows

Dr. Burrows reported highlights from Virginia Tech's College of Agriculture and Life Sciences fiscal year 2025 annual report, noting steady enrollment trends, strong graduation rates, and demand for graduates remains high. She emphasized significant growth in the research enterprise, including a substantial increase in sponsored research expenditures and faculty grant submissions, driven in part by major awards supporting advanced agricultural research. Dr. Burrows also highlighted progress in infrastructure and innovation. Dr. Burrows mentioned upcoming strategic planning efforts to align priorities in graduate education, interdisciplinary research, and workforce development.

Dr. Jewel Bronaugh

Dr. Bronaugh reported on significant leadership transitions at Virginia State University's College of Agriculture, including new appointments within college administration, extension leadership, and research, and noted continued stability and strong enrollment outcomes, with high retention rates. She highlighted ongoing efforts to realign academic, research, and extension programs toward a systems-based approach, with increased focus on partnerships, small- and medium-sized farm operations, livestock research, and nutraceutical crop development. Dr. Bronaugh also emphasized emerging research priorities related to food and mental health and expressed appreciation for VDACS's support for disaster relief initiatives benefiting producers across the Commonwealth.

Margaret Ann Smith

President Smith reported on current conditions in the 6th Congressional District, noting recent market volatility in the cattle sector following international trade developments and historically high cattle prices driven by declining herd numbers. She emphasized that elevated prices do not necessarily translate into profitability due to persistently high input costs and interest rates. Ms. Smith also highlighted three successful bovine emergency response plan trainings held across the Commonwealth in collaboration with the Virginia Farm Bureau Federation and other partners.

NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-105 (REGULATIONS PERTAINING TO PET SHOPS SELLING DOGS OR CATS)

President Smith called on Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services, who briefed the Board on the proposed Notice of Intended Regulatory Action to amend 2 VAC 5-105.

President Smith asked about the anticipated administrative timeline for the regulatory process, and VDACS staff responded that the standard three-step regulatory process typically takes approximately two to two-and-a-half years, including multiple levels of review and public comment periods, with the possibility of additional delays due to administrative transitions.

Mr. Church 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 2 VAC 5-105, Regulations Pertaining to Pet Shops Selling Dogs or Cats, as presented by staff. Dr. Bronaugh seconded this motion. The Board voted unanimously in favor of the motion.

PROPOSED EXEMPT ACTION TO AMEND 2 VAC 5-490 (REGULATIONS GOVERNING GRADE “A” MILK)

President Smith called on Hunter Moyer, Program Supervisor, Office of Dairy Services, who briefed the Board on the proposed exempt action to amend 2 VAC 5-490.

Mr. Harris moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-490, Regulations Governing Grade "A" Milk, as presented by staff 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 3.2-5206 of the Virginia Milk, Milk Products, and Dairies Law and to file this proposed regulation for public comment as required therein. Mr. Church seconded the motion. The Board voted unanimously in favor of the motion.

FAST-TRACK ACTION TO AMEND 2 VAC 5-501 (REGULATIONS GOVERNING THE COOLING, STORING, SAMPLING AND TRANSPORTING OF MILK)

President Smith called on Hunter Moyer, Program Supervisor, Office of Dairy Services, who briefed the Board on the fast-track action to amend 2 VAC 5-501.

Mr. Gwaltney moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-501, Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk, as presented by staff and that the Board authorize staff to take any and all steps necessary to amend this regulation through a fast-track regulatory action. Dr. Weakley-Scott seconded the motion. The Board voted unanimously in favor of the motion.

FINAL EXEMPT ACTION TO AMEND 2 VAC 5-600 (REGULATIONS PERTAINING TO FOOD FOR HUMAN CONSUMPTION)

President Smith called on Pam Miles, Program Manager, Office of Dairy and Foods, who briefed the Board on the final exempt action to amend 2 VAC 5-600.

Mr. Church moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-600, Regulations Pertaining to Food for Human Consumption, 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 through an exempt regulatory action as authorized by Section 3.2-5121 of the Virginia Food and Drink Law. Ms. Barnes seconded the motion. The Board voted unanimously in favor of the motion.

MEETING RECESS

At 10:41 a.m., President Smith recessed the meeting until 10:54 a.m. for a break.

FINAL EXEMPT ACTION TO PROMULGATE 2 VAC 5-332 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA TREE AND CROP PESTS LAW – BOX TREE MOTH QUARANTINE)

President Smith called on David Gianino, Program Manager, Office of Plant Industry Services, who briefed the Board on the final exempt action to promulgate 2 VAC 5-332.

Following the presentation on the proposed Box Tree Moth Quarantine, Board members asked a series of questions regarding compliance agreements, public outreach, pest behavior, treatment options, and coordination with other states. VDACS staff explained that compliance agreements would require documented training, monitoring, and verification prior to plant movement; outlined plans for public education and outreach, including engagement with historic sites and stakeholders; and noted that the box tree moth spreads relatively slowly through natural movement, allowing for targeted containment efforts. Staff also discussed available treatment options, including registered chemical controls, management plan development for growers, and lessons learned from neighboring and northern states, emphasizing that Virginia's early detection and quarantine approach is intended to improve the likelihood of effective control.

After this discussion, Mr. Harris moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-332, Rules and Regulations for Enforcement of the Virginia Tree and Crop Pests Law - Box Tree Moth Quarantine, as presented by staff and that the Board authorize staff to take any and all steps necessary to promulgate this regulation through an exempt regulatory action as authorized by Section 3.2-703 of the Virginia Tree and Crop Pests Law and to have this regulation become a final regulation of the Board. Dr. Weakley-Scott seconded the motion. The Board voted unanimously in favor of the motion.

RESPONSE TO PETITION FOR RULEMAKING FROM THE VIRGINIA PEST MANAGEMENT ASSOCIATION

President Smith called on Secretary Schmidt, who advised the Board that the Code of Virginia provides specific directions on how an agency responds to a citizen's petition for rulemaking. Secretary Schmidt summarized the agency's actions in response to receiving the Virginia Pest Management Association's (VPMA) Petition for Rulemaking.

Following the overview of the petition for rulemaking process by Secretary Schmidt, President Smith called on VPMA . Shannon Harlow-Ellis, VPMA President, presented to the Board the petition requesting that the Board promulgate regulations that (i) create a new category or subcategory of pesticide certification for commercial applicators who conduct public health pest control measures in non-public applications and (ii) adjust training and examination requirements between this new category or subcategory and the area-wide applications made or directed by public agencies.

President Smith then called on Nicole Wilkins, Program Manager, Office of Pesticide Services, who provided comments on behalf of VDACS regarding implementation considerations, including the anticipated timeframe, training and enforcement impacts, and potential resource implications associated with creating a new certification category.

After discussion, Mr. Harris moved that, having considered the petition, public comments received, and staff recommendations, the Board grant the petition to amend 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification under the Authority of the Virginia Pesticide Control Act, to create a new certification category, and authorize staff to take all necessary steps to effectuate the Board's decision. Mr. Gwaltney seconded the motion. The Board voted unanimously in favor of the motion. Mr. Church abstained.

Mr. Gwaltney moved that the Board authorize staff to take any and all steps necessary to file for public comment a Notice of Intended Regulatory Action to amend 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act, as discussed by the Board. Dr. Weakley-Scott seconded the motion. The Board voted unanimously in favor of the motion. Mr. Church abstained.

PESTICIDE CONTROL FUND REPORT

President Smith called on Nicole Wilkins, Program Manager, Office of Pesticide Services, who delivered the 2025 Pesticide Control Fund report.

NEW BUSINESS

Dr. Weakley-Scott reported declining wine consumption and related market challenges affecting vineyard operators, including unharvested grapes and rising bottling costs, and suggested exploring a grape concentrate facility as a value-added option. Commissioner Guthrie acknowledged broader beverage market trends and indicated VDACS would be open to discussing potential AFID grant support, partnerships, and marketing opportunities to support the industry.

FUTURE BOARD MEETINGS

President Smith announced that the Board meetings for 2026 will be held on March 26, May 21, and December 10 in Richmond and that staff is exploring options for a host and location for the summer meeting and tour. Mr. Wegmeyer offered to host the summer meeting in his district, potentially in conjunction with the Virginia Agricultural Council annual meeting.

President Smith again mentioned that she would like the Board to provide any feedback regarding member reports for future Board meetings.

PUBLIC COMMENT PERIOD

President Smith invited public comment, though none was given.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 12:28 p.m.

Respectfully submitted,

Margaret Ann Smith
Board President

Kevin Schmidt
Board Secretary