

FINAL MINUTES

Board of Agriculture and Consumer Services
Virginia State Capitol, Senate Room 3
Richmond, Virginia
March 19, 2015

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9 a.m. on Thursday, March 19, 2015, in the Virginia State Capitol in Richmond, Virginia. President Sturgis called the meeting to order. At the President’s request, Mr. Mills gave the invocation.

GREETING FROM SECRETARY HAYMORE

President Sturgis introduced Secretary of Agriculture and Forestry Todd Haymore, who addressed the group. Secretary Haymore thanked the Board for its service and discussed Governor McAuliffe’s support of the Virginia agricultural industry.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Steve Sturgis
Shelley Barlow
William B. Bain
Robert J. Mills, Jr.
Rosalea R. Potter
L. Wayne Kirby
Kay Johnson Smith
John R. Marker
Elizabeth L. White
Kevin J. Kordek
Dr. Pamela V. Hammond
Lonnie Johnson

DISTRICT

2nd
3rd
4th
5th
6th
7th
8th
10th
Pesticides – Commercial Agricultural
Pesticides – Commercial Structural
President, Virginia State University
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Stephen Ellis 1st
Dr. Mark A. McCann 9th
L. Kirk Wiles, III 11th

STAFF PRESENT

Sandra J. Adams, Commissioner
Kevin E. Schmidt, Board Secretary

APPROVAL OF MINUTES

Mr. Mills moved that the draft minutes of the meeting on December 11, 2014, be approved as distributed. Ms. Potter seconded the motion, and it was passed by a unanimous vote.

REPORT FROM BOARD MEMBERS

Dr. Pamela Hammond

Dr. Hammond reported that Virginia State University (VSU) recently celebrated its Founder’s Day, which marks 133 years of VSU serving the Commonwealth and the nation. She was recently appointed President due to a change in administration, and the university is striving to improve its

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brand, financial stability, and enrollment stability after some difficulties last fall. Dr. Hammond stated that VSU is well on its way and that enrollment at the College of Agriculture is rising, which is helping VSU's overall enrollment. She mentioned that both Secretary Haymore and Governor McAuliffe attended the opening of a new microbrewery in Petersburg last week. The VSU College of Agriculture is involved in hops research, which has interested growers and microbrewers. She especially appreciated the Governor and Secretary mentioning VSU's hops research at the opening of the microbrewery. VSU staff, in consultation with the College of Agriculture, put together a documentary on food deserts that features First Lady McAuliffe. The documentary points out the problems that exist in the state and the nation regarding food deserts and how we all can get involved with solving some of the hunger issues within the Commonwealth. She shared that VSU is also currently celebrating the 125th anniversary of the second Morrill Land-Grant Act in 1890.

Lonnie Johnson

Mr. Johnson reported that Virginia Tech (VT) had two funding requests during the 2015 Session of the General Assembly. The first was a request to support changes in fringe benefit rates for employees, and the second was a request to fund the research facilities at the dairy once it was moved to Kentland Farm. He announced that both requests were funded and thanked VT's partners who helped with the approval of these requests. Mr. Johnson stated that the Virginia Cooperative Extension held its winter conference in Blacksburg during the first week of March. It is the only opportunity each year to get all of the extension staff together, including the specialists from the Agricultural Research and Extension Centers and campus faculty members from VT and VSU. The conference is an opportunity to get all the participants on the VT campus and facilitate interaction between the two universities, the specialists, and the extension agents in the field. He shared that one highlight of the conference was when VT's Extension Director, Dr. Jones, was awarded the Virginia Agribusiness Council Land Grant University Award. He reported that there are currently 240 extension agents across the state, which is about where the program is capped. He added that things are very good overall.

Robert Mills

Mr. Mills reported that it has been wet in Southside, which has resulted in major delays in crop fertilization. He spoke with several local farmers who shared that they were three weeks behind on getting fertilizer down on hay, pasture, and small grains. There are many herbicides that are supposed to be applied early for small grains and that window has already passed. He stated that it is time for second application of nitrogen, and farmers have not been able to apply the first one yet. He also stated that every truck and sprayer in the area, including his own, was out in the last few days trying to apply nitrogen during the window of opportunity. He shared that he was stuck four times while applying the nitrogen to his fields. Mr. Mills stated that there have been recent challenges in the Southside tobacco industry. Some contractors are cutting back on contracts. However, he mentioned that a new company, Chinese Tobacco International, entered the Virginia market a few weeks ago and contracted about 5 million pounds, which is good for the tobacco industry and Southside. He stated that the biggest development in Southside is that the region is trying to attract a poultry integrator. Pittsylvania County contracted with a third party firm to conduct an environmental and economic impact study to assess the resources, manpower, and potential number of producers. He reported that the study came back with very favorable results and that some surrounding counties such as Franklin and Bedford recently changed their zoning ordinances to be friendlier to the poultry industry. He stated that this project is much bigger than just a Pittsylvania County project. It would be a regional facility that the supporters want to attract a processor, a hatchery, a feed mill, parent stock producers, and broiler producers. Mr. Mills shared that he attended the recent

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Pittsylvania County Board of Supervisors meeting where a resolution passed in support of a poultry integrator. Pittsylvania County is mailing out information to poultry companies, and contacts are being made with poultry integrators to inform them that Southside is open and ready for business. He thinks these developments are a bright spot in the region. Mr. Mills has been speaking with people around the Southside region, and with the decline of manufacturing, especially in the Martinsville and Danville area, and some of the tobacco companies moving out, citizens in Southside have realized the importance of agriculture and recognized that agriculture is and will continue to be the number one industry in Southside. He said citizens have rallied support for attracting a poultry integrator and that it has created unification between the citizens and farmers in the area. He hopes that in the next year, he will be reporting that a poultry integrator is coming to the area.

John Marker

Mr. Marker reported that it has been a long, cold winter in his region. Although there has not been as much snow as last year in the northern valley, it has still taken a lot of feed from the livestock producers. He said that most livestock producers are calving, which is going well even though some of this cold weather has been rough on them. He predicted that spring is going to be late and work will have to be quickly consolidated. He said that, as Mr. Mills mentioned, the trucks were able to get out a few days this week, but they still have to watch where they are going. He shared that small grains are looking pretty good in his region. The region did not have as much snow as usual this year, but the snow they had stuck around. Regarding the fruit crop, pruning is coming along very well on apples, and growers are now pruning peaches. The cold weather does not appear to have damaged the fruit because it stayed dormant during the cold period. Mr. Marker reported that everything is looking pretty good and that it will be a busy spring.

Kay Johnson Smith

Ms. Johnson Smith reported that her local paper (The Arlington Citizen) recently had a front-page story promoting Arlington's eight farmers' markets. She stated that there are four additional farmers' markets in the City of Alexandria and that, while not everyone will get their groceries at a farmers' market, for those that do, the markets are great conversation starters about agriculture and food. She feels that the markets help to bring home the point to citizens who live in Arlington, Alexandria, and that region that food comes from farms and not just from the grocery store. Since the last meeting, she reached out to the Mayor and members of the City Council of Alexandria and Arlington County's Board of Supervisors to let them know that she is serving on the Board of Agriculture and Consumer Services and would welcome their input, ideas, and any messages they would like to convey to the Board. So far, she said she only has received congratulatory responses, but at least they know there is a representative from that region on the Board now. She hopes to hear more back before the next meeting.

Rosalea Potter

Ms. Potter reported that between the snow, ice, and mud in the valley, it has been really tough for most of the livestock producers. Hay stocks are either depleted or getting very low for most producers. She stated that they are all looking forward to spring. She shared that in celebration of National Agriculture Week, she read at Providence Preschool in Lexington. The kids were excited and learned a little bit about the scope of agriculture. She added that there were a few tears when she left because she had brought a baby lamb with her and the kids were hoping to take it home with them. Ms. Potter stated that she currently is serving on the Commonwealth Council for Bridging the Nutritional Divide, which is being implemented by the First Lady. The

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council would like to utilize the Virginia agricultural industry to combat childhood hunger in the Commonwealth. She said that if they can get this initiative off the ground, it will be a feather in the hat for agriculture across the state. She thinks it will give producers a chance to participate in helping to feed everyone across the Commonwealth and hopes they can figure out a way to make it all come together.

Kevin Kordek

Mr. Kordek thanked Katie Frazier and the Virginia Agribusiness Council for hosting their annual legislative reception and stated that is the first year in memory that the Virginia Pest Management Association (VPMA) has sponsored a table. The VPMA has not had any legislative issues in recent memory, but this session it had three bills that would have affected the pest management industry. He said that the reception enabled it to make personal contact with the legislators, and he was pleased to report that everything worked out in favor of the positions of the VPMA. One bill would have required that homeowners provide 48 hours written notice to the neighbors of any property that was a half acre or less if they were applying pesticides. He felt this would have been very burdensome to the industry. He stated that the VPMA is very grateful to the Virginia Department of Agriculture and Consumer Services (VDACS) and to Ms. Frazier for helping to guide them through the process. He said that he asked Delegate Simon if his wife would stand for notifying the neighbors before she could get her ants treated and that Delegate Simon said no. Mr. Kordek shared that he was recently in Washington, D.C., for the National Pest Management Association's Legislative Conference and that the pollinator issue is going to come to a head. Dr. Rick Fell gave a compelling presentation to 250 people at the conference and shared a lot of interesting information. He reported that the Bed Bug Survey from 2014 is in, and it shows that bed bugs are spreading. The problem is starting to mushroom and is a national problem. He shared that he discussed an incident with Liza Fleeson of the Office of Pesticide Services that involved imported phosphine from Pakistan and that resulted in the death of a child. He thinks that as the bed bug problem gets worse, people are starting to self-medicate, which will likely result in more accidents if it is not handled correctly. There has been a study released that states there is the potential for bed bugs to be a vector for the plague, which is going to change the status of the insect from one of a nuisance pest to one of a very serious medical vector. The pest management industry is trying to get a handle on where the spread is happening. He said that it is not just an issue in low-end multi-family dwellings but that it is a problem everywhere. He shared that, while in Washington, D.C., he ended up getting a bed bug bite even though he had thoroughly inspected his hotel room before even unpacking his suitcase and did not detect any bed bugs.

Elizabeth White

Ms. White reported that the Office of Pesticide Services (OPS) remains very busy. As of March 9, 2015, OPS had 22,755 certified applicators; 3,011 licensed pesticide businesses; and 14,536 pesticide products registered in the state of Virginia. She said that the Pesticide Disposal Program remains high on OPS's list. In 2014, OPS received 155,245 pounds of canceled, banned, or unwanted agricultural and commercial pesticides. The program has received a total of 1.3 million pounds of pesticides since its inception. OPS is still also heavily involved in the Plastic Pesticide Container Recycling Program that receives the empty pesticide containers. In 2014, 128,266 pounds of properly rinsed, empty plastic pesticide containers were recycled. The program has received approximately 1.5 million pounds of plastic pesticide containers since its inception.

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Shelley Barlow

Ms. Barlow reported that in her district, they are still waiting for the water to recede. They have only had a couple of days where they have been able to get out in the field so far. She stated that small grain crops are looking pretty good after the snow. They have had more snow than normal, and it hung around a lot longer than they are used to. She shared that it is difficult figuring out how to get all the spring work done with the fields as wet as they are, but that they always figure out a way to get it done. She said that while they are waiting for the water to recede, there are plenty of meetings to go to, and she has had some great experiences and attended several excellent presentations. She attended the Governor's Conference on Agricultural Trade and enjoyed that very much. She reported that she is staying busy with her VALOR responsibilities and encouraged the Board to follow the activities of the VALOR program. She said VALOR has been a great experience for her so far. In Ms. Barlow's area, the bigger concerns are the commodity prices. She said that yesterday the stock market, including grain and cotton prices, took a big jump, which was nice to finally see. She shared her concerns about the Farm Bill and stated that the local U.S. Department of Agriculture – Farm Services Agency offices are working hard to get everyone signed up before the March 31, 2015, deadline. She said that everyone is trying to figure out the insurance implications of the new Farm Bill and that a lot of office management tasks are getting done while farmers are waiting to do their field work.

William Bain

Mr. Bain reported that it has been wet and cold in the 4th district. The cattle had a tough winter, producers cannot put out enough hay, and the pastures are muck. He said that they have been very short on hay in most cases, and people in the horse business are looking for quality hay. He would love to have 10,000 square bales of horse hay to sell because that would be a good situation. Cattle prices are respectable. They have occasionally been off three or four dollars but are still one of the better outlooks in agriculture. He stated that his tobacco neighbors are a little bit down and out because of cuts in their poundage and prices. Tobacco farmers are greatly concerned because many of them have made major investments in curing and handling systems for their tobacco. Some of them have another year or two left on their three-year contract. One of his neighbors did not have a contract at one point because his contract expired, but he was eventually able to get some pounds. Mr. Bain said that the only bright spot is to hope that they will not have to irrigate and that liquid petroleum prices do not rise before the summer. He reports that peanut growers' reports depend on which state they are in. In Virginia, the contract price is \$425 a ton, where it was \$525 a ton last year, which is a concern. He said the new Farm Bill is the talk of the country store, with farmers wondering what else Congress could have done to make it any more confusing, and added that there is no safety net whatsoever as far as they are concerned. The Farm Bill was written so that the government will pay the market price up to \$535 per ton, but the government will not determine what the market price was until 18 months after the beginning of the crop season, which will make it difficult for farmers to obtain loans. He stated that as already mentioned by others, commodity prices are off a good 30-35 percent, which is not the best way to start out this year. He said the wheat looks very respectable in his region at the moment. He asked Mr. Johnson to work on hiring a bee specialist for the Piedmont and Blackstone research station and a district extension agent for farm management if possible. He also congratulated Mr. Mills on his recent accomplishments and mentioned that he saw him featured on the news.

L. Wayne Kirby

Mr. Kirby reported that the new Farm Bill has created challenges for farmers who are trying to choose their insurance program. He said that there is not much of a safety net and, just when you

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think you have it figured out, the crop insurance agent comes along and informs you that the program you picked was wrong. He pointed out that it is difficult to choose the correct program because the decision you make today is the decision you make until 2018 and a lot can happen in three years. He mentioned the low commodity prices, which has resulted in farmers cutting their budgets to the point that if they take away anything else, it is going to cost them yield, and they still cannot make the numbers work. He said that fact accounts for all the pessimism in the room. But, he still guaranteed that despite all the wet weather, next week there will still be corn planted in a field somewhere in Virginia. He stated that Virginia farmers will do what they always do because they are resilient and will figure out a way to get it done. Mr. Kirby said that farmers will plant the crops and there will be products to export.

Steve Sturgis

Mr. Sturgis thanked everyone who attended the 26th Eastern Shore Agricultural Conference. He said they are looking forward to the 27th conference next year and hopes that everyone can attend. The conference is free and was attended by more than 300 growers and individuals. There were 50 vendors and it was a very nice venue. He stated that he hoped the participants enjoyed it and that they appreciated those who attended, including the Secretary and Commissioner. He shared that the big issue on the Eastern Shore right now is potatoes. The Eastern Shore is the largest potato growing area in the state. He shared that a friend of his just started planting his potatoes yesterday and normally would have finished planting last week. He said that everybody is just getting started and that they are a couple weeks behind where they are most years. He said that with warm weather on the shore, they will get close to catching up, even if they are a little late, and they will still have potatoes to sell. He reported that the wheat crop looks good, which he thought was helped by the snow. The snow kept the crop covered when the temperatures were at their lowest. He said that when the snow melted and they had their first warm days, you could watch the fields green up by the hour. Producers are now waiting to get nitrogen on the fields, and he has heard that several machines have been stuck during application. He stated that it will dry up one of these days because every wet spell ends with a dry one.

COMMISSIONER'S REPORT

Commissioner Adams delivered her report to the Board. During the presentation of this report, she briefed the Board on personnel changes, recent and future events, and other matters relating to VDACS. A copy of the written report on which her presentation was based was included in the Board meeting folder.

2015 SESSION OF THE GENERAL ASSEMBLY – LEGISLATIVE REPORT

President Sturgis called on Deputy Commissioner Charles Green, who provided a brief overview of legislation tracked by VDACS during the 2015 Session of the General Assembly.

MEETING RECESS FOR PUBLIC HEARING

At approximately 9:52 a.m., President Sturgis called for a recess to allow the Board and staff to prepare for a public hearing on the proposed regulations for 2 VAC 5-61 and the proposed repeal of 2 VAC 5-60 and 2 VAC 5-120.

SUMMARY OF PUBLIC HEARING FOR 2 VAC 5-61 (RULES AND REGULATIONS GOVERNING LIVESTOCK DEALERS AND MARKETING FACILITIES FOR THE PURPOSE OF CONTROLLING AND ERADICATING INFECTIOUS AND CONTAGIOUS DISEASES OF LIVESTOCK) AND THE PROPOSED REPEAL OF 2 VAC 5-60 (RULES AND REGULATIONS GOVERNING THE OPERATION OF LIVESTOCK MARKETS) AND 2 VAC 5-120 (RULES

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AND REGULATIONS GOVERNING THE RECORDKEEPING BY VIRGINIA CATTLE DEALERS FOR THE CONTROL OR ERADICATION OF BRUCELLOSIS OF CATTLE).

At 10:07 a.m., President Sturgis opened the public hearing on the proposed regulations for 2 VAC 5-61 (Rules and Regulations Governing Livestock Dealers and Marketing Facilities for the Purpose of Controlling and Eradicating Infectious and Contagious Diseases of Livestock) and the proposed repeal of 2 VAC 5-60 (Rules and Regulations Governing the Operation of Livestock Markets) and 2 VAC 5-120 (Rules and Regulations Governing the Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle). A court reporter was present to make a record of the hearing, which will be included with the regulatory case file.

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services. Dr. Wilkes called on Dr. Charles Broaddus, Program Manager, Office of Veterinary Services, to brief the Board concerning the proposed regulations for 2 VAC 5-61 and the proposed repeal of 2 VAC 5-60 and 2 VAC 5-120.

Staff advised the Board that the proposed regulation was filed with the Registrar of Regulations and that the proposed regulation was published in The Virginia Register of Regulations. The Board was advised that the purpose of the hearing is to provide interested parties an opportunity to comment on the proposal.

President Sturgis asked Secretary Schmidt if anyone signed up to speak. President Sturgis also asked if there was anyone in the audience who wished to speak. No one signed up to speak nor wished to speak.

President Sturgis advised the Board that following the end of the public comment period for the proposal, staff will review oral and written comments received and, at a later meeting, present a recommendation on the proposal. President Sturgis then adjourned the public hearing at 10:12 a.m. and returned the Board to its regular business meeting.

2015 SESSION OF THE GENERAL ASSEMBLY – BUDGET REPORT

President Sturgis called on Kendra Shifflett, VDACS Budget Director, who provided a brief overview of relevant budget issues related to the 2015 Session of the General Assembly and VDACS.

PRIVATE ANIMAL SHELTER CIVIL PENALTIES CONSENT AGREEMENT

President Sturgis called on Dr. Richard Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services. Dr. Wilkes then introduced Dr.Carolynn Bissett, Program Manager, Office of Animal Care and Emergency Response, who explained the Virginia Animal Pound and Shelter Civil Penalty Matrix. Dr. Bissett presented a consent agreement from a critical violation of the Comprehensive Animal Care Laws. Dr. Bissett asked the Board to ratify the finding of the State Veterinarian for the following case:

- People for the Ethical Treatment of Animals' Animal Shelter

Following Dr. Bissett's presentation, Mr. Mills moved that the Board approve the proposed consent agreement staff presented concerning the handling of civil penalty assessments for violations of the Comprehensive Animal Care Laws regarding the maintenance of a private animal shelter by the People for the Ethical Treatment of Animals. Mr. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

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PROPOSED FAST TRACK ACTION TO REPEAL – 2 VAC 5-50 (RULES AND REGULATIONS GOVERNING THE PREVENTION, CONTROL AND ERADICATION OF BRUCELLOSIS OF CATTLE IN VIRGINIA)

President Sturgis called on Dr. Wilkes, State Veterinarian and Director, Division of Animal and Food Industry Services, who introduced Dr. Charles Broaddus, Program Manager, Office of Veterinary Services. Dr. Broaddus briefed the Board on the proposed fast-track action to repeal 2 VAC 5-50 (Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia).

Following Dr. Broaddus's presentation and an opportunity for Board questions and comments, Mr. Kirby moved that the Board of Agriculture and Consumer Services repeal 2 VAC 5-50, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through fast-track regulatory action. Mr. Marker seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED FAST TRACK ACTION TO REPEAL – 2 VAC 5-180 (RULES AND REGULATIONS GOVERNING PSEUDORABIES IN VIRGINIA)

Dr. Broaddus briefed the Board on the proposed fast-track action to repeal 2 VAC 5-180 (Rules and Regulations Governing Pseudorabies in Virginia).

Following Dr. Broaddus's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board repeal 2 VAC 5-180, Rules and Regulations Governing Pseudorabies in Virginia, as presented by staff, and that the Board authorize staff to take any and all steps necessary to repeal this regulation through fast-track regulatory action. Ms. White seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED FAST TRACK ACTION TO AMEND – 2 VAC 5-200 (RULES AND REGULATIONS PERTAINING TO THE DISPOSAL OF ENTIRE FLOCKS OF DEAD POULTRY)

Dr. Broaddus briefed the Board on the proposed fast-track action to amend 2 VAC 5-200 (Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry).

Following Dr. Broaddus's presentation and an opportunity for Board questions and comments, Mr. Marker moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-200, Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry, as presented by staff, and that the Board authorize staff to take any and all steps necessary to have this regulation become final through fast-track regulatory action. Ms. Smith seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-670 (RULES AND REGULATIONS FOR ENFORCEMENT OF THE VIRGINIA PESTICIDE LAW)

President Sturgis called on Andy Alvarez, Director, Division of Consumer Protection, who introduced Laura Hare, Policy Analyst, Division of Consumer Protection. Ms. Hare briefed the Board on the proposed Notice of Intended Regulatory Action for 2 VAC 5-670 (Rules and Regulations for Enforcement of the Virginia Pesticide Law).

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Following Ms. Hare's presentation and an opportunity for Board questions and comments, Ms. Potter moved that the Board of Agriculture and Consumer Services authorize staff to take any and all actions necessary to file a Notice of Intended Regulatory Action for 2 VAC 5-670, Rules and Regulations for Enforcement of the Virginia Pesticide Law, as presented by staff. Mr. Kordek seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED NOTICE OF INTENDED REGULATORY ACTION – 2 VAC 5-680 (REGULATIONS GOVERNING LICENSING OF PESTICIDE BUSINESSES OPERATING UNDER AUTHORITY OF THE VIRGINIA PESTICIDE CONTROL ACT)

Ms. Hare briefed the Board on the proposed Notice of Intended Regulatory Action for 2 VAC 5-680 (Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act).

Following Ms. Hare's presentation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services authorize staff to take any and all actions necessary to file a Notice of Intended Regulatory Action for 2 VAC 5-680, Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Virginia Pesticide Control Act, as presented by staff. Ms. Barlow seconded the motion, and it was carried by a unanimous vote of the Board.

PROPOSED STAGE – 2 VAC 5-685 (REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION UNDER AUTHORITY OF VIRGINIA PESTICIDE CONTROL ACT)

Ms. Hare briefed the Board on the proposed action for 2 VAC 5-685 (Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act).

Following Ms. Hare's presentation and an opportunity for Board questions and comments, Mr. Kordek moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act, as presented by staff, and that the Board authorize staff to take any and all steps necessary to file the proposed regulation for public comment. Mr. Mills seconded the motion, and it was carried by a unanimous vote of the Board.

RESPONSE TO NO KILL ADVOCACY CENTER PETITION FOR RULEMAKING

President Sturgis called on Secretary Schmidt, who advised the Board that the Code of Virginia provides specific directions on how an agency responds to a petition for rulemaking. Secretary Schmidt summarized what staff has done in response to receiving the No Kill Advocacy Center petition.

Following the overview of the petition for rulemaking process by Secretary Schmidt, President Sturgis called on Dr. Wilkes, who re-introduced Dr.Carolynn Bissett, Program Manager, Office of Animal Care and Emergency Response. Dr. Bissett presented to the Board the petition requesting that the Board initiate rulemaking to require public and private animal shelters to keep certain records. As part of her presentation, Dr. Bissett explained the records already required to be collected pursuant to the Code of Virginia.

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President Sturgis then called on those persons interested in presenting comments on the petition. The following comments were received:

- Sharon Quillen Adams, Virginia Alliance for Animal Shelters, spoke in opposition to the petition.
- Kathy Strouse, Virginia Animal Control Association, spoke in opposition to the petition.
- Paulette Dean, Danville Area Humane Society, spoke in opposition to the petition.

At the completion of the public comments, President Sturgis called again on Dr. Bissett to make a formal recommendation to the Board for its consideration. Dr. Bissett recommended that the Board deny the petition.

Following Dr. Bissett's formal recommendation and an opportunity for Board questions and comments, Mr. Mills moved that the Board of Agriculture and Consumer Services, after consideration of the petition for rulemaking presented by the No Kill Advocacy Center to require public and private animal shelters to keep certain records as well as public comments received concerning the petition and staff recommendations, deny this petition and authorize staff to take any and all steps necessary to communicate the Board's decision regarding this petition. Mr. Kirby seconded the motion, and it was carried by a unanimous vote of the Board.

PRESENTATION ON THE IMPACT OF PESTICIDES ON THE DECLINE OF HONEY BEES IN VIRGINIA - DR. TROY ANDERSON

President Sturgis called on Andy Alvarez, Director, Division of Consumer Protection. Andy Alvarez called on Dr. Troy Anderson, Virginia Tech, to deliver this presentation.

NEW BUSINESS

President Sturgis called on Dr. Wilkes, who updated the Board on the recent actions by the Board of Game and Inland Fisheries to consider an expansion of the hunting ban for the taking of elk in Virginia west of the Blue Ridge Mountains. Dr. Wilkes provided an update and asked Wilmer Stoneman from the Virginia Farm Bureau Federation to address the Board as well. Mr. Stoneman asked the Board to renew its concern about this potential expansion by once again sending a letter to the Board of Game and Inland Fisheries expressing concern over this expansion. Mr. Stoneman also asked that in such a letter, the Board request that the Board of Game and Inland Fisheries hold off on any expansion of the elk-hunting ban until it adopts an elk management plan developed with stakeholder input.

Following Dr. Wilkes' and Mr. Stoneman's comments and an opportunity for Board questions and comments, Mr. Bain moved that the Board of Agriculture and Consumer Services adamantly oppose the expansion of the elk hunting ban and any further action regarding the expansion of the elk management area west of the Blue Ridge Mountains without local government approval and that the Board request that the Board of Game and Inland Fisheries develop a management plan for elk that includes stakeholder input. Mr. Mills seconded the motion, and it was carried by a unanimous vote of the Board. (Secretary Schmidt will draft a letter for President Sturgis to send to the Board of Game and Inland Fisheries communicating these concerns and request.)

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Mr. Bain asked that VDACS look at the North Carolina Continuously Operating Reference Station Network of Global Navigation Satellite Systems to see if something like this could be adopted in Virginia. Commissioner Adams offered to have the agency investigate and report at the summer meeting.

FUTURE BOARD MEETINGS

President Sturgis announced that the remaining dates for meetings of the Board in 2015 held in the Virginia State Capitol in Richmond are May 21 and December 10. He also announced that the summer Board meeting and tour will be held on the Eastern Shore in July 2015.

PUBLIC COMMENT PERIOD

No public comments were made.

ADJOURNMENT

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

Respectfully submitted,

Steve Sturgis
Board President

Kevin Schmidt
Board Secretary