

Minutes

February 13, 2008

N. C. Board of Agriculture

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Maurice K. Berry, Jr.

Roger D. Oxendine

Brent Fleming

Elbert R. Pitt, Jr.

William E. Holliday

Douglas I. Torn

C. Osmond Kearney, Jr.

Jeffery B. Turner

Kirk Mathis

Hyman Young, Jr.

Steve Troxler, Chairman

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Call to Order

Approval of Minutes

Veterinary - Euthanasia Standards for Animal Shelters

Veterinary - Importation Requirements for Sheep and Goats; Scrapie Disease

Plant Industry - Methyl Bromide Fumigation of Plant Pests

Update on Agricultural Development/Farmland Preservation Grant Process

Other Business:

(1) State Fair Update

(2) Drought Relief Update

Adjournment

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The February 13, 2008 meeting of the Board of Agriculture was held beginning at 10:00 a.m. at the Gov. James G. Martin Building on the North Carolina State Fairgrounds, 1025 Blue Ridge Boulevard, Raleigh, North Carolina. Commissioner of Agriculture Steve Troxler called the meeting to order. The following Board members were in attendance: Maurice K. Berry, Jr., William E. Holliday, C. Osmond Kearney, Jr., Kirk Mathis, Roger D. Oxendine, Elbert R. Pitt, Jr., Doug Torn, and Hyman Young, Jr. Special Deputy Attorney General Lars Nance was also in attendance.

Agricultural Programs Administrator Zane Hedgecock opened the meeting with prayer.

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Upon MOTION by Mr. Oxendine, seconded by Mr. Pitt, the minutes of the September 7, 2007 meeting were approved.

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Before proceeding with the agenda items, Mr. Nance introduced Ann Brown, who will replace Tom Meacham as the Attorney General's representative for the Department of Agriculture and Consumer Services. Assistant Commissioner David McLeod announced that Gail Rothstein, the Department's court reporter, will be retiring at the end of the month.

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The next order of business was the adoption of rules regarding euthanasia standards for animal shelters. Mr. McLeod gave the Board a brief history of the rule-making process, stating that after the rules were initially published in the state *Register*, a public hearing was held in July of 2007. After consideration of numerous comments heard at the public hearing, a second version of the rules was published and comments were received again. Mr. McLeod reviewed the differences between the two versions.

Options before the Board include the adoption of either published version of the rules or any combination of the two. The rules can be adopted with changes, provided the changes are not substantially different from the published versions. The Board can opt to hold another public hearing, but was reminded that that would require 15 days notice.

Upon inquiry from Commissioner Troxler, it was the consensus of the Board that another public hearing was not necessary.

Dr. Scott Helms, the president of the North Carolina Veterinary Medical Association (NCVMA), was recognized to explain the position of the Association. Dr. Helms stated that the Association endorses and accepts the American Veterinary Medical Association's (AVMA) stance on guidelines for euthanasia. AVMA is of the opinion that the use of carbon monoxide is a humane method of euthanasia, with the stipulation that it must be used "appropriately." NCVMA supports that method as well and supports the guidelines that have been established in the proposed rules.

Dr. Lee Hunter, the director of the Animal Welfare Section of the Veterinary Division, entertained questions from Board members. Comments were heard on requirements for certified carbon monoxide euthanasia technicians.

MOTION was made and seconded, by Mr. Holliday and Mr. Mathis, respectively, that the Board adopt the second version of the rules (those published in the November 1, 2007 *Register*), with the exception of 02 NCAC 52J .0601. The motion carried by a unanimous vote.

A copy of these rules, deleting 02 NCAC 52J .0601, Carbon Monoxide Sunset, has been entered into the record as Exhibit A. The approved rules are cited as 02 NCAC 52J .0203, Outdoor Facilities; 52J .0210, Veterinary Care; 52J .0302, Primary Enclosures Used in Transporting Dogs and Cats; 52J .0400, Euthanasia Standards; 52J .0500, Euthanasia by Injection; 52J .0600, Euthanasia by Carbon Monoxide; 52J .0700, Extraordinary Circumstances; and 52J .0800, Policy and Procedure Manual.

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The Chair recognized Dr. Tom Ray, with the Veterinary Division, to present the proposed changes to importation requirements for sheep and goats, and scrapie disease.

Dr. Ray addressed the proposed repeal of 02 NCAC 52B .0208, Importation Requirements: Goats, and the amendment of 02 NCAC 52B .0209, Importation Requirements: Sheep and Goats. Due to a nation-wide (yet not complete) eradication of brucellosis and tuberculosis, industry members, livestock producers and regulatory officials have requested that North Carolina consider changes in testing requirements for sheep and goats entering the state. Following extensive review and consultation with various interests, proposed rules were drafted that would eliminate testing requirements, with two exceptions, as follows: "All sheep and goats intended to be used for dairy purposes will still be required to be Brucellosis and Tuberculosis tested. Also, any sheep and goats coming from states not listed as 'Free' status by the USDA on either/or Brucellosis or Tuberculosis will be required to have the necessary test(s) prior to entry into North Carolina, unless they come from a USDA Certified Brucellosis-Free, or Accredited Tuberculosis-Free herds."

The adoption of rules cited as 02 NCAC 52B .0701 through .0707, Scrapie Disease, was requested by USDA. "Public comment from presentations and discussions at industry programs, meetings, and fairs has resulted in support, with no negative comments heard." The adoption of these rules will provide consistency with national standards.

Mr. Mathis made the MOTION to approve the rules as presented. The motion, being seconded by Mr. Oxendine, carried by a unanimous vote.

A copy of these rules has been entered into the record as Exhibit B.

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The final rule for consideration pertained to methyl bromide fumigation of plant pests and is cited as 02 NCAC 48A .1706, Issuance of Certificates and Limited Permits. The director of the Plant Industry Division, Gene Cross, was recognized for comments.

Mr. Cross stated that the Department was approached by other state agencies to amend rules to allow for the use of methyl bromide for plant pest purposes. He reminded the Board that methyl bromide is being phased out, but can be utilized for quarantine and pre-shipment uses. The proposal before the Board would allow nurseries growing seedlings for afforestation or reforestation purposes and sod farms producing sod for the establishment of ornamental turf to fumigate or treat with a registered fumigant (such as methyl bromide) or registered pesticide to ensure pest-free premises. The Federal Plant Protection Act allows for the interstate movement of materials treated with these fumigants, but leaves the decision up to each state regarding how it deals with the situation. Mr. Cross made general remarks on mandatory recordkeeping.

Mr. Cross noted that the Department has consulted with various agencies in reviewing and drafting the proposal. These agencies include the North Carolina Forest Service; Southern Forest Nursery Management Cooperative, based out of Auburn University-School of Forestry and Wildlife Sciences; North Carolina Forestry Association; Weyerhaeuser Company; North Carolina Sod Producers; and Hendrix and Dail, a custom soil fumigator. These agencies support the proposal. Letters of endorsement have been received from Weyerhaeuser, Southern Forest Nursery Management Cooperative, and the North Carolina Forestry Association, copies of which have been entered into the record as Exhibits C, D, and E, respectively.

Mr. Oxendine made the MOTION to approve the rule as presented. The motion was seconded by Mr. Torn and unanimously carried.

A copy of this rule has been entered into the record as Exhibit F.

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The last agenda item was an update on the Agricultural Development/Farmland Preservation Grant process. Environmental Programs Manager Dewitt Hardee was recognized for comments.

Mr. Hardee reported that since the last meeting, the Department conducted a fall education program of workshops, and applications were due December 14, 2007. Grant award recipients for the 2008 grant cycle will be announced this summer. The total funding available is \$7.6 million. A breakdown of these requests is reflected in the document that was distributed to the Board and entered into the record as Exhibit G (entitled "2008 Agricultural Development &

Farmland Preservation Trust Fund Grant Cycle). The Trust Fund received applications from 27 counties and 22 non-profit organizations. The map on the second page of Exhibit G provides more detail on the applications. There were seven regional projects and one statewide project not reflected on the map.

Mr. Hardee reported that his staff has increased by four temporary employees and explained what these individuals will be doing. A report should be available by June of this year.

Following general comments by Mr. Hardee, Commissioner Troxler encouraged the Board to assist with the education process, particularly with boards of county commissioners.

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The floor was opened for miscellaneous business.

State Fair Manager Wesley Wyatt was recognized to report on upcoming events at the Fairgrounds. There will be a "Got to be NC Festival" in June, which will focus on agricultural heritage. Mr. Wyatt commented on some of the highlights of the festival, including the multitudes of tractors that will be showcased, carnival rides, entertainment, food concessions and expos. Jim Knight, with the Department's Marketing Division, referenced a pamphlet which depicts the festival (a copy of which has been entered into the record as Exhibit H). Mr. Wyatt spoke on the recent farm show, a fund-raising event benefiting the Tobacco Farm Life Museum in Kenly, and the RV and camper show.

Fair management is working with an architectural firm to oversee a master plan study of the overall operation of the fair. They are continuing to develop ideas in terms of layout, structure placement, gate entrances, traffic flow, finance, etc.

General remarks were heard on the possibility of extending the fair by an additional day, preferably the Thursday before the traditional opening on Friday. Mr. Wyatt stated that the current midway provider has assured him that he will be able to accommodate an additional day. Also under consideration is the use of "pay one price" wrist bands for fair patrons.

Mr. Wyatt addressed Raleigh's water restrictions and their impact on the overall operation of the fairgrounds. Comments were also heard on the effects of water restrictions on the green industry, which has been particularly devastating in Raleigh and Charlotte.

Commissioner Troxler introduced the new director of the Research Stations Division, Eddie Pitzer.

The Department's general counsel, Ray Starling, was asked to give the Board an update on hay relief efforts. Mr. Starling commented on federal assistance provided to the southeast. Previously the President and Congress had approved relief for crops planted up through February 28, 2007. They have now approved disaster relief for crop, feed and livestock loss. There is an extension of the Dairy Disaster Assistance Program, which provides assistance to

dairy producers for production losses suffered as a result of natural disasters since January 1, 2005.

The GOLDEN Hay program, which was created with funds from the grant that was provided by the GOLDEN Leaf Foundation, is nearing completion. Mr. Starling reported that all applications for reimbursement of transportation costs have been reviewed and entered into a data base, even though many applications didn't contain the appropriate information. Checks should be written by the end of February, and this relief effort has resulted in over 290,000 "hay miles" (hay moved within the state). Over 500 applications have been qualified for over 1,000 loads of hay, and over 30,000 bales have moved within the state. The Department has received positive feedback on its Hay Relief Hotline.

The Partners Program, which is geared towards out-of-state hay, is complete. Approximately \$49,000 was paid to producers for hay moved prior to December 4. We are now working through the \$250,000 that the Council of State allocated for movement of hay post December 4. Ingles stores donated \$7,000 towards hay movement from the western part of the state, and that program was also completed in December.

The Council of State approved funds for the purchase of "emergency hay," that would be located at research stations across the state. Any money that is spent has to be replaced. Hay is being ordered, and the state is being reimbursed.

Mr. Starling commented on the recent "round table" discussion regarding drought, which was hosted by Commissioner Troxler. He was able to update commodity representatives regarding the overall agricultural industry, including drought-related relief efforts, legislation, rules and laws.

The Environmental Review Commission is in the middle of a water allocation study. Mr. Starling spoke on the effects that this commission's work will have on agriculture. He also commented on the Joint Select Committee on the Agricultural Drought Response, whose mission is to recommend changes in policy and laws. The Food Safety and Defense Task Force is hosting a drought conference for food manufacturers and processors in February. Farm Bureau met to discuss water resources and how agriculture compares to other water users across the state, and comments were heard on plans for a technical water loss symposium.

Mr. Oxendine inquired about price gouging, particularly as it relates to fertilizer, nitrogen, and fuel. Commissioner Troxler responded that we are receiving complaints and comments, but that the Department does not have authority over prices. The Department does investigate some of these complaints, especially relating to fertilizer, and has found that fertilizer costs are rising daily, as a result of supply and demand.

Commissioner Troxler thanked his staff and the Board for their efforts regarding the euthanasia rules.

Commissioner Troxler introduced the new director of Meat and Poultry Inspection, Don Delozier. He also announced the retirement of his executive assistant, Kathy Scott.

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Mr. Mathis made the MOTION, which was seconded by Mr. Oxendine, that the meeting be adjourned. The motion carried by a unanimous vote.

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THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 11:10 A.M.

Recorded & Prepared by:  
Gail S. Rothstein, Court Reporter

Adopted by the Board this 5<sup>th</sup> day  
of September, 2008.



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Steven W. Troxler  
Commissioner of Agriculture  
Chairman



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David S. McLeod  
Secretary