

Minutes

August 23, 2017

N. C. Board of Agriculture

Doug Boyd

Ben Shelton

Jose Calderon

Bob Sutter

John William Carter, III

Jeffrey Turner

Anne Faircloth

Scott Tyson

Jim Lambeth

Faylene Whitaker

Steve Troxler, Chairman

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N.C. Board of Agriculture

The August 23, 2017 N.C. Board of Agriculture meeting was held in Raleigh, NC at the Martin Building on the NC State Fairgrounds. Commissioner of Agriculture, Steve Troxler, called the meeting to order at 2:00 p.m. The Commissioner read the Ethics Reminder and a roll call by Tina Hlabse established that there was a quorum. Board members present were: Scott Tyson, Jose Calderon, Billy Carter, Jim Lambeth, Jeff Turner (via telephone), Doug Boyd, Anne Faircloth, Bob Sutter and Faylene Whitaker.

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The first order of business was the approval of the minutes from the May 24<sup>th</sup> Board of Agriculture meeting.

Anne Faircloth made the MOTION to approve the minutes as provided. The MOTION was seconded by Billy Carter. There were no questions or further discussion and the MOTION passed unanimously.

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The next item on the agenda was for Ms. Hlabse to give a refresher course on the re-adoption process. She described the different classifications and explained what is considered substantive and non-substantive changes. She also discussed the process of the “public comment” period. Ms. Hlabse then called on Tien Cheng, an attorney with NCDA&CS to explain the Food & Drug Protection Division’s request for rule-making because of FDA adopting the Produce Safety Rules in their entirety.

Mr. Cheng went on to explain the necessity for the Food & Drug Protection Division to adopt by reference the Current Good Manufacturing Practice rules and the Human “PC” Rules. He explained that the reason for adopting the Human PC Rules is because this would allow NCDA&CS to work under state authority rather than relying on FDA.

A MOTION to approve the initiation of the rule making process for the Food and Drug Protection Division was made by Jim Lambeth. There was a second by Bob Sutter, and there were no further questions or discussion. The MOTION carried by unanimous vote.

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Commissioner Troxler called on Joe Gilroy to provide a summary of the re-adoption process for the Forestry Division. Before calling on Joe, the Commissioner talked about the definition of a state recreational forest. Bob Sutter wanted to know how Dupont is different from other parks. The Commissioner called on Mr. Gilroy to explain. Mr. Gilroy explained that the main difference is recreational versus conservation, and that DuPont's focus was conservation. Scott Bissette, Assistant Commissioner for NCFS, then added that DuPont has over 750 thousand visitors a year.

Joe Gilroy proceeded with explaining the forestry rules before the Board. He talked about the rules that are expired and talked about the minor changes that are needed, for example, the change from NCDENR to NCDA&CS throughout the statutory language. Mr. Gilroy mentioned that there were a lot of technical changes because of the transfer from NCDENR.

A MOTION to approve the initiation of the re-adoption process for the forestry rules was made by Faylene Whitaker. There was a second by Doug Boyd, and there were no further questions or discussion. The MOTION carried by unanimous vote.

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Tina Hlabse proceeded to call on Dr. Colleen Hudak-Wise to discuss and explain the final adoption of the Nematode Advisory Service rule.

Dr. Hudak-Wise presented to the board the reason behind the request for the final adoption of the nematode advisory service rule. She explained why the new fees are necessary and explained the revised rule.

A MOTION to approve the final adoption of the Nematode Advisory Service rule was made by Jim Lambeth. There was a second by Bob Sutter, and there were no further questions or discussion. The MOTION carried by unanimous vote.

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Ms. Hlabse then called on Tien Cheng to address the Board to discuss the final adoption of the rule providing restrictions on dispensing raw milk. He stressed that this was in the interest of food safety.

A MOTION to approve the final adoption of the raw milk rules was made by Anne Faircloth. There was a second by Billy Carter, and there were no further questions or discussion. The MOTION carried by unanimous vote.

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Tina Hlabse, General Counsel for NCDA&CS next explained the animal shelter support fund rules that were before the Board. She briefed the Board on how these rules were dictated by Legislation and would support local governments that must oversee a shelter in case of an emergency and/or the loss of a license. She explained that the temporary rules are still in effect; however it is necessary to proceed with final adoption of permanent rules.

The Commissioner talked about examples of when local governments had to take over shelters. He further added that, "this is a good thing to help support and reimburse local governments with keeping companion animals safe."

A MOTION to approve the final adoption of the animal shelter support fund rules was made by Jim Lambeth. There was a second by Faylene Whitaker, and there were no further questions or discussion. The MOTION carried by unanimous vote.

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The Commissioner then called on Phil Wilson, director of the Plant Industry Division, who explained Plant Industry's request to modify the fertilizer bag sampling procedure. Mr. Wilson explained that the proposed change is consistent with other states sampling procedures. Mr. Wilson also explained that this request allows NCDA&CS to follow the recommendations of the Association of Official Analytical Chemists and the Association of Plant Food Control Officials.

Jose Calderon asked what was the benefit of this request. Mr. Wilson responded that this would allow for more sampling. Mr. Calderon followed up with some concerns about the percentage of samples taken and the possibility of increasing the probe size.

Jim Lambeth also expressed concerns about the labeling. He wanted to make sure NCDA&CS checked for contaminants. Scott Tyson asked if NCDA&CS tests bulk fertilizer. Mr. Wilson responded that he needed to look over the techniques we use for inspecting major facilities. Billy Carter asked what prompts the opportunity to test. Mr. Wilson said that his inspectors work on a rotation.

The Commissioner then asked Mr. Wilson what the protocol was for nitrogen readings Bob Sutter wanted to know how to help the farmer with these new protocols and new sampling procedures. The consensus from the Board was to wait and get more information later on the timing of the season, the major farm supply chains' roles in this, and of course employee safety.

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Next on the agenda, Tina Hlabse briefly reminded the Board members to turn in their Commission Member Employment Understanding & Decision of Payment/Waiver forms and she explained the purpose and need for those forms.

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David Smith, Chief Deputy, next gave the Board a legislative update. Mr. Smith primarily focused on three bills: the regulatory reform act, a rule-making statute and changes to revenue laws. He went into some detail about the revenue laws and new exemptions that would affect farmers and farm activities. There were no questions on the legislative updates.

The Commissioner asked Mr. Smith how the Department fared "budget-wise." Mr. Smith answered that the Budget was "ok," and that it could have been better. He said there were still many capital projects that are still in the pipeline and he had hoped for more funds for farmland preservation. The Commissioner chimed in on the importance of farmland preservation.

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Ms. Hlabse then called on Dr. Richard Reich, Assistant Commissioner, to give an update on the upcoming Mountain State Fair. Dr. Reich stressed that this is a family friendly fair and described some of the new attractions. He was proud to report that approximately 500 new parking spaces were acquired this year, and that they were helped in large part by their partnership with the national guard. He reminded the Board that there is a "Friday Frenzy" with unlimited rides.

Dr. Reich also discussed the many improvements to the WNC Farmer's Market. Specifically, the Moose café has had some major repairs and improvements, and the exterior of the WNC Farmer's Market received a facelift. He also explained that there are plans for further renovations.



The Commissioner then called on Wesley Wyatt to discuss the upcoming State Fair. Mr. Wyatt began talking about the special promotions on opening day to celebrate the 150th State Fair, including the \$1.50 admission on the opening Thursday. He was hopeful that it would set an opening Thursday record. Mr. Wyatt continued with the social media efforts that his staff was busy working on including Facebook and Instagram. He also explained that we are continuing the promotion of NC artists in that all musical performers at the State Fair will have a connection to NC.

The Commissioner then talked about the Public House that will be serving NC craft beer and NC wine for the first time on the fairgrounds.

Lastly, Mr. Wyatt talked about the new parking at the Reedy Creek lot that will have daily shuttles.



Next, the Commissioner called on Dr. Karen Beck to provide some updates on the Emergency Programs Division. She primarily focused on Hurricane Matthew challenges and lessons-learned. She reported that the storm-surge was catastrophic and the farmer hotline was up 24/7. Dr. Beck explained we received a multi-million dollar grant from FEMA to assist with mortality disposal.



Finally, the Commissioner mentioned that Tommy Burlison had submitted his resignation from the Board. The Commissioner then proceeded around the Board, asking each member for updates on their part of the State.



Scott Tyson reported average yields with frequent rain towards the end that helped the crops better than expected.

Jim Lambeth reported drought-like conditions in his area and that it was a challenging year. Temperatures were not as hot and crops were suffering. However, poultry in his county was strong.

Billy Carter reported that tobacco was "ok," and fortunately better than other states; however, some areas of his farm suffered from heavy water runoff.

Bob Sutter reported that peanuts were strong and in abundance.

Doug Boyd said his area was lucky to have good moisture for corn and cotton crops.

Faylene Whitaker reported heavy rains but that the tobacco looked good. She explained that dairy was average and feed was just above average.

Jose Calderon said sweet potatoes were coming in strong and talked about the importance of labor issues for the coming years.

There being no further business to discuss, Jim Lambeth made a MOTION to adjourn the meeting. The MOTION, seconded by Doug Boyd, passed unanimously. The meeting of the N.C. Board of Agriculture adjourned at 3:25 p.m.

Recorded and Prepared by:

Derek Wagner

Adopted by the Board this 1st day
of March, 2018.



Steven W. Troxler
Commissioner of Agriculture
Chairman

Tina L. Hlabse

Tina L. Hlabse
Secretary