



State of New Jersey

BOARD OF AGRICULTURE

MINUTES OF MEETING

July 27, 2022

(Wednesday)

Public meeting notice was certified by communication on July 21, 2022.

Pursuant to N.J.S.A. 10:4-6 et seq. adequate notice of this meeting has been provided by giving written notice of the time, date, location and to the extent known the agenda of this meeting. At least 48-hours in advance this notice has been posted on the third floor, Riverview Plaza, Trenton, New Jersey; mailed to the Newark Star Ledger; the Camden Courier Post; the Philadelphia Inquirer and filed with the Office of the Secretary of State.

President David DeFrange called the New Jersey State Board of Agriculture to order at 1:45 pm. Board members in attendance included President David DeFrange; Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Holly Sytsema, Kurt Alstede and Lisa Specca. The meeting was held at the 200 Riverview Plaza, Trenton, New Jersey.

Also in attendance were Secretary Douglas Fisher; Dr. Manoel Tamassia, Division of Animal Health; Frank Minch, Director, Division of Agricultural and Natural Resources; Joseph Zoltowski, Director, Division of Plant Industry; Rose Chamberlain, Director, Division of Food & Nutrition; Nancy Wood, Division of Marketing & Development; Susan Payne, Executive Director, SADC; Christina Rasiewicz, Chris LaRegina, Nathan Schatz, Robert Vivian, Jeff Wolfe and Jeff Beach, Office of the Secretary. Also in attendance were Peter Furey and Ashley Kerr, NJ Farm Bureau; Dr. Brian Schilling, Rutgers University; Bob Andrzejczak, Farm Service Agency; Julie Hawkins, NRCS; Justin Zappen, National Agricultural Statistics Service, and Linda Walker, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Paul Hlubik, seconded by Debbie Norz, the Board voted unanimously to approve the minutes of the June 22, 2022, regular meeting with one minor correction.

PUBLIC COMMENT

Jeff Burd reported read a letter that was sent from Mercer County farmer Ronny Lee to Senator Cory Booker regarding a proposed ban on pesticides used by many farmers.

Bill Fox commented on an issue that he had brought to the attention of the Board back in May regarding SADC discontinued policies. He expressed his concern again.

SECRETARY'S REPORT

Secretary Fisher made the following comments:

Secretary Fisher commented that the New Jersey lost a great leader in Assemblyman Ron Dancer, who passed away suddenly. The Board had a moment of silence in his honor.

Secretary Fisher commented on that a recent meeting of the Livestock Committee with Dr. Manoel Tamassia, Dr. Sebastian Reist and the members of the Committee was an excellent exchange of information regarding the Humane Standards. In addition, he reported that Dr. Manoel Tamassia would be leaving the Department of Agriculture at the end of August to take a new position in Paris, France alongside his wife who has been working there for more than a year. He also announced that this would be Chief of Staff Mary Tovar's last State Board meeting as she will retire at the end of this week with more than 20 years of State Service. He announced that we will welcome Christina Rasiewicz as the new Chief of Staff for the Department next week and he looks forward to having her meet the Board and the new perspective that she will bring with her.

Secretary Fisher commented on the plastic bag ban continues to be a topic of discussion and that nothing is certain for next year. In addition, he reported that they are still working behind the scenes on the SOE legislation that is sitting in the Governor's Desk.

Jeff Beach responded about the question on who was enforcing the plastic bags and commented that the NJ DEP is responsible for the overall implementation of the law including the adoption of implementing regulations.

Secretary Fisher reported that the Department received more than \$85 million dollars in supplemental funds to be used for the Food Banks. The Department will be the pass through to the Food Banks.

Chuck Roohr, representing the SADC, announced that the SADC would be meeting the next day and noted that the Soil Protection Standards was not on the agenda for the meeting and would not be discussed as they are still working through the comments received but that it was slated for the September meeting. He reported that the SADC closed on 77 farms and 6,222 acres. He noted that this is the second highest number of farms preserved and most acres in a in a single year since FY15. In addition, he noted that FY22 also saw a significant number of State Acquisition closings with 32 farms, the most since 2004.

Dr. Manoel Tamassia, Director, Division of Animal Health, reported that he is grateful to have had the opportunity to work for the Department of Agriculture and with the members of the agricultural community for the past 13 years and that he will miss everyone. He reported that the last HPAI control area in Pennsylvania has been released. Therefore, 72-hour testing requirements for birds moving into Live Bird Markets (LBM) are no longer required. He noted that through June, surveillance activities were conducted in response to the (HPAI) case in Monmouth County.

At the completion of surveillance and required testing, the control area and surveillance zones were released on July 16, 2022. Standard protocol, specific to the surveillance and sick bird call response to an HPAI case, will be added to the NJDA HPAI response plan. He noted that there is a new requirement for animal identification, mostly for shipping goats, that will require us to update our rules because of a new federal requirement that requires all animals to be identified before they leave their farm of origin.

Frank Minch, Division of Agricultural & Natural Resources, reported that there was a good meeting with growers regarding the Aquaculture Right to Farm legislation and then the Aquaculture Advisory Council meeting and feels that they are moving in a positive direction on this issue. He reported that they will be scheduling a meeting with the Assembly sponsor to help coordinate the language that has been discussed. He commented on the DEP site visits to blueberry growers noting that some growers were issued notices. These visits should be taken seriously and growers who receive them should try to provide the requested information quickly. He has scheduled regular meetings with Water Compliance and Enforcement and is working to establish an operating procedure with them to try to avoid some of the issues that arose from this last round of site inspections. In addition, Frank reported that he is coordinating with the DEP drought coordination group to be sure that they inform us of any declarations that may be made and that nothing happens without us knowing. Finally, he announced that the Division had two grant proposals selected for funding. The USDA NRCS Conservation Innovation Grant (CIG) to develop the New Jersey Manure Link website, connecting manure producers with composters. The second grant through the NJDEP Division of Watershed Protection and Restoration Water Quality Restoration grants to mitigate Nonpoint Source Pollution for \$399,999. The proposal is for the Animal Waste Management Plan and Development and Implementation to Reduce Agricultural non-point source Pollution. The grant seeks to assist farms with the development and implantation on Animal Waste Development Management plans.

Rose Chamberlain, Director, Division of Food & Nutrition, announced that the School Nutrition Program has been providing online trainings for the schools to be ready for the start of the school year. She reported USDA had announced an increase in rates so that information will also need to be shared with the school districts that are enrolled. The Summer Food Service Program is underway and for the first time since the pandemic we have monitors conducting on-site monitoring. She reported that Division staff joined Secretary Fisher at the Food Bank of South Jersey's kick-off event in Camden recently. The kick-off event was the start of the sponsor's summer operations where they welcomed the NJDA staff and other constituents to be part of the program. Meals are provided for the children in attendance and are sometimes claimed for reimbursement.

Nancy Wood, Division of Markets reported on behalf of Division Director Joe Atchison who was attending the North American Agricultural Marketing Officials Conference on Tulsa, OK, that the 2022 Jersey Fresh media campaign was in full swing with radio, billboards, airplane banners, trade ads and social media content and the #JerseyFreshisBest social media photo contest. She reported that staff is finalizing the initial draft of the Organic, Sustainable, Regenerative Agriculture Program. Point of Purchase materials are being developed for Jersey Raised. Finally, she announced the two great promotion events on the boardwalks in Seaside, Atlantic City and Wildwood. On July 8 more than 2000 pints of blueberries were distributed and July 21 there were 1800 pints of grape tomatoes. She reported that the final giveaway day would be August 22 when they will be giving away peaches.

A question was asked if there has been any official printed information from the Department of Labor on the new child labor laws as many direct marketers want to be sure that they comply. It was stated that as soon as the information becomes available, it will be distributed.

Joe Zoltowski, Director, Division of Plant Industry, reported that Spotted Lanternfly (SLF) crews treated 99 parcels representing 98 acres of treatment with a broad spectrum contact insecticide sprayed directly on the insect while on any type of vegetation. The use of systemic insecticides will likely begin later in the month. These treatments are applied only to Tree-of-Heaven and cause the entire tree to become toxic to feeding spotted lanternfly adults for the remainder of the season. A total of 172 traps are being serviced regularly by the SLF staff. He reported that the Department of Health (DOH) is planning an expansion of the Public Health, Environmental, and Agricultural Laboratory (PHEAL) facility. The State hired a lab planner in Spring of 2022. Meetings are underway with various agencies and lab programs housed in the PHEAL facility to gather facility expansion needs for enhanced public health. Inspection staff conducted traceback inspections for the plant disease *Phytophthora ramorum* at 11 residential properties during June. The plants had shipped earlier this season from a nursery location in Oregon that had since tested positive for the destructive disease. Program staff were accompanied by USDA APHIS PPQ officers; samples were collected and submitted to the diagnostic plant laboratory for testing. All samples tested negative. He reported that the Division has received an increased number of call reporting giant hogweed and poison hemlock since 2020 riparian sites. A total of 11 reports were received of giant hogweed on four sites. Finally, he reported that the State Apiarist continues to work on getting New Jersey beekeepers registered and is working with the NJ Beekeepers Association to get the word out to their members through emails and newsletters. Updates were made to the 2022 registration database which includes a hive identification field. This information will be beneficial in locating hives to prevent disease or invasive pest spread.

BOARD MEMBER COMMENTS

Kurt Alstede reported that from Maine to Bridgeton, New Jersey everything is very dry. There have been pockets of rain and that north of Route 78 is ok but that parts of Salem, Cumberland County and everything in between is in rough shape. He noted that crop adjusters will be extremely busy. Hearing a good deal of comments that the Soil Protection Standards continue to be of the utmost concern and that there has been support for the action that the Board took at the last meeting urging the SADC to consider some other means of offering the guidance to pre-existing preserved farms and that these rules shouldn't be put into place for existing farms. Lots of anxiety still for the SOE legislation that is on the Governor's Desk. The Board appreciates the efforts that Secretary Fisher has made to help get that legislation to that point. He noted that peach crop is scattered depending on where you are located, apples seem pretty good, overall a good blueberry crop, and most of the fruit crops are in good shape. He thinks the changes to the child labor laws truthfully are helpful and a welcome bit of relief to the direct market employers especially. Once the new centralized working paper program is in place it will make it much easier for employers to ensure that their teenage employees have their working papers in order.

Lisa Specca reported that the 75th Annual Burlington County Farm Fair was held recently after a two-year Covid break and that it was a huge success! She noted that the Ag Ambassador event that was showcased at the fair was very well received. She reported that the drought like conditions have many

concerned, noting that crops are suffering and pollination is also being impacted. She commented that had she had been contacted by an Aide to Senator Booker to let her know that there was going to be a Listening Session on August 11 at Rutgers and that many agricultural leaders would be invited.

Barney Hollinger noted that most of the County Board's are in recess for the summer. He noted that Cumberland County crops have been suffering from the drought like conditions. He noted that they are bringing in extra help to get things done.

Holly Sytsema reported that Sussex County Board of Agriculture met earlier this week and are gearing up for the Sussex County Farm & Horse Show / New Jersey State Fair that will take place August 5-13. She reported that the Sussex County Ag Development Board has appointed two new members and the annual chicken barbecue will be held on September 24. She announced that Mitchell Jones reported to the County Board the importance of reporting wildlife damage to 1-800-warnDEP. She also echoed everyone's concern with the drought-like conditions although they did get some showers, it is still very dry and everything is stunted.

Paul Hlubik also commented that the Burlington County Farm Fair was extremely well-attended after the two years break due to Covid. Everyone wanted to get out and see each other. He thanked Secretary Fisher for his attendance and participation. He noted that the Monmouth County Fair starts tonight. The dry conditions are a concern for all, the showers have been hit and miss. Vegetable growers are spending a significant amount of money for irrigation.

Debbie Norz reported that Union County did not meet. Somerset County is getting ready for their fair which will be held August 10-12 and it is a 4-H fair run completely by volunteers. She noted that there was a presentation by a hunting group that will come and hunt on your farm for depredation. She reported that the Hillsborough Ag Committee met the previous evening, and they are working to get a piece of property into Farmland Preservation that has had a problem due to ownership issues. It is very time sensitive as the family hopes to be able to keep it in farmland. Again, she too commented that the very dry conditions are a concern and hopes that people and businesses will be restricted from watering lawns. Farmers are spending a fortune to irrigate crops. In addition, she reported that she had attended the recent event hosted by the Ag Leadership class at Abma's Farm in Hillsborough. The event including workshops for pesticide credits, trainings and ended with a barbecue with entertainment from Dave Bond's band. It was a great event on an extremely hot day and was well attended.

Vice President Beier reported that South Jersey has also been experiencing the drought like conditions and has been very difficult for the livestock. It is especially difficult for horses; he stressed the need for additional watering and shade for all animals. In addition, Gloucester County is preparing for their annual fair and from this meeting, he will be headed to the fairgrounds to check the animals in that will be participating. He reported that the lack of veterinary coverage continues to be a problem as there is too much work to be done and the animals are not receiving the care they need. He reported that Salem County will be hosting their annual fair in the beginning of August. In addition, he noted that Salem County has been planning a tour of farms in the county for the new legislators in the district.

President DeFrange thanked Board members and others present for the support that he received on the recent loss of his father. It was very much appreciated. He noted that they have had some serious

challenges with the drought-like conditions, having had issues with irrigation lines as well and have had to use pumpers in the fields to try to get water to the trees. He reported that the Hunterdon Fair is scheduled to be held in the coming weeks. He stated that the Personnel Committee and the Right to Farm Committee would be meeting before the next Board meeting.

NEW BUSINESS

Board member Lisa Specca reported that she had drafted a memo of concern regarding the Farmers Market Nutrition Program, which is a WIC Benefit. She explained that they used to have paper checks and were trying a pilot program to an electronic benefits transfer card system. She reported that there have been numerous problems with the pilot, she has submitted the paperwork several times and it has been extremely frustrating. She is very concerned as funding for the program has already been allocated and there are still important steps that need to be corrected in order for the program to be efficient.

Board member Debbie Norz commented that she too was in the same program and was having similar problems. She also had prepared a letter on this subject and staff member Jeff Beach stated that with this discussion, he understands the issue more completely and will combine the letters and draft one to be reviewed by the Legislative Committee and then the Board for approval.

Holly Sytsema reported that the Wildlife Committee continues to meet to discuss concerns about the bear issue. There has been loss of livestock, crops and humans from bears. She noted that Steve Komar would be making a presentation at an upcoming meeting on the livestock issue and that he would be providing drone footage again this year of some of the damage that has occurred because of the bears. She reported that the Livestock Committee also met to have a discussion on the Humane Standards. She noted that they would be meeting again to organize responses and set future meetings with legislators. The Committee is scheduled to meet again next month. Finally, she reported that the Nominations Committee met and recommends postponing nominations until the new members are sworn in since our Bylaws at Section 2.2 require the Board to reorganize whenever new members are appointed. If the Board reorganizes now, it will need to reorganize a second time once the new members are officially sworn in. The Committee also recommends holding a special meeting, giving the required 48 hours' notice to the public, to discuss Board Member employees and their prospective appointments as President and Vice President in closed session pursuant to OPMA. The Committee will also consider permitting additional members of the Board to volunteer for these positions by notifying the Chair (Holly Systema). It is appropriate to discuss these matters in closed session as we would when discussing any other employee's qualifications or work history, but the interested Members must have the option to require us to discuss these issues in a public session consistent with Rice Notice protections. The actual vote for President and Vice President must ultimately take place in public session.

Approval – Rules for Adoption – N.J.A.C. 2:50 – Producers

Chris LaRegina, Legal Specialist, reported that there were no changes to the rule and recommended approval pursuant to the Administrative Procedures Act.

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to approve the Rules for Adoption – N.J.A.C. 2:50 – Producers.

Outstanding Young Farmer

ON the MOTION of Debbie Norz, seconded by Holly Sytsema, the Board voted unanimously to approve the name of the Outstanding Young Farmer. The name was withheld until the winner could be notified.

REPORT OF RUTGERS UNIVERSITY

Dr. Brian Schilling represented the College and reported on the following topics:

- Laura Lawson, by the decision of the Chancellor, has been officially made the Dean. After serving for the past two years as the Interim Executive Dean.
- Cape May County has a new County Agent, she will be focused on agribusiness/agritourism which is area that is growing in the state. This position has been vacant for a long time, and they are very happy to have someone on board.
- Bill Bamka, Burlington County Agent, has been promoted to a full Professor which is very good news.
- Searches underway for several positions. With upcoming retirements, he expects that there will be a great loss of personnel.

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted to send a letter of support for the Extension Budget.

REPORT OF FARM SERVICE AGENCY (FSA)

Bob Andrzejczak represented the Farm Service Agency:

County Committee Elections

Committee members are a critical component of the day-to-day operations of FSA. They help deliver FSA farm programs at the local level. The nomination period will end August 1st. Additional information regarding the upcoming election can be found on the NJ FSA website.

Agricultural Risk Coverage and Price Loss Coverage-ARCPLC

National Market Year Average prices for 2021 have been released by NASS for wheat, oats and barley. These prices determine the payment rates for PLC and are part of the equation for determining payment rates under ARC-CO. The 2021 Market Year Average Prices are:

- Wheat - \$7.63
- Barley - \$5.31
- Oats - \$4.55

For all three crops, the 2021 prices far exceed the reference price for triggering of PLC, so there will be no 2021 PLC payments. Additionally, combined with average to above-average yields, ARC-CO payments in those three crops are also highly unlikely in NJ. Corn, Soybean and Grain Sorghum rates will be available after NASS price data is released at the end of September. Payments, if applicable, will run in early October.

Emergency Relief Program–ERP

Commodity and specialty crop producers impacted by natural disaster events in 2020 and 2021 are continuing to receive emergency relief payments through the Farm Service Agency's (FSA) new Emergency Relief Program (ERP) to offset crop yield and value losses. As of July 24th, \$5.8 billion has been paid nationwide, with nearly \$2.8 million being paid to New Jersey farmers.

ERP covers losses to crops, trees, bushes, and vines due to a qualifying natural disaster event in calendar years 2020 and 2021. Eligible crops include all crops for which crop insurance or NAP coverage was available, except for crops intended for grazing. Qualifying natural disaster events include wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions.

ERP is being implemented in two phases. In Phase 1, producers who received a crop insurance indemnity or NAP payment are receiving prefilled applications via mail. Crop insurance applications were mailed in early June and NAP producers should receive their applications very soon.

For more information please contact your local county office, crop insurance agent, or go to: <https://www.fsa.usda.gov/programs-and-services/emergency-relief>

Food Safety Certification for Specialty Crops –FSCSC

Agriculture Secretary Tom Vilsack announced that the U.S. Department of Agriculture (USDA) plans to provide up to \$200 million in assistance for specialty crop producers who incur eligible on-farm food safety program expenses to obtain or renew a food safety certification in calendar years 2022 or 2023. USDA's new Food Safety Certification for Specialty Crops (FSCSC) program will help to offset costs for specialty crop producers to comply with regulatory requirements and market-driven food safety certification requirements, which is part of USDA's broader effort to transform the food system to create a more level playing field for small and medium producers and a more balanced, equitable economy for everyone working in food and agriculture.

To be eligible for FSCSC, an applicant must:

- Have obtained or renewed a:
 - o 2022 food safety certification that was issued between June 21, 2022, and December 31, 2022; or
 - o 2023 food safety certification issued during the 2023 calendar year, **and**
- Have paid eligible expenses. Expenses that have been incurred by the applicant, but have not yet been paid, will not be eligible.
 - o Eligible expenses include costs to develop Food Safety Plan, Maintaining or updating a Food Safety Plan, food safety certification fees, certification upload fees, microbiological testing and training expenses.
 - o Ineligible expenses include infrastructure improvements, equipment, supplies, salaries and benefits, and fees or penalties for late payment.
- Be a specialty crop operation; and meet the definition of a small business or very small business.
 - o A small business means an applicant that had an average annual monetary value of specialty crops the applicant sold during the 3-year period preceding the program year of more than \$250,000 but not more than \$500,000.

- o A very small business means an applicant that had an average annual monetary value of specialty crops the applicant sold during the 3-year period preceding the program year of no more than \$250,000.

The FSCSC application period for program year 2022 will be **June 27, 2022, through January 31, 2023**. The application period for program year 2023 will be announced at a later date.

REPORT OF NJ FARM BUREAU

Peter Furey represented the Farm Bureau and reported on the following topics:

- SPS/retroactive application – strongly support the board’s June 22 letter to the SADC, expressing strong concerns for the planned application of the rules to all easement owners while endorsing the standards for new applicants going forward.
- Plastic bag ban – implementation date (May 14) has passed, and the rules are in effect.
- Deer Management – deer fencing
- Heat/drought – last week was a devastating week for crop loss. Difficulties on top of an already very challenging year for farmers in all commodities.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Justin Zappan represented NASS and made the following report:

- Fruit chemical use released July 20
- July 29 will be releasing the farm expenditures report

REPORT OF NRCS

Julie Hawkins, State Conservationist, reported that (USDA) Natural Resources Conservation Service (NRCS) New Jersey is now accepting FY2023 applications for the Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CSP), the Agricultural Management Assistance (AMA) program and the Regional Conservation Partnership Program (RCPP).

While NRCS accepts applications year-round, New Jersey producers and landowners should **apply by September 23, 2022**, to be considered for funding in the current cycle.

Through EQIP, NRCS provides agricultural producers with one-on-one help and financial assistance to plan and implement conservation practices to address a variety of issues such as water quality degradation, soil erosion, soil quality degradation and inadequate habitat for fish and wildlife.

State Board President David DeFrance presented Chief of Staff Mary Tovar with a Resolution of thanks for her dedicated service to the Department of Agriculture and the agricultural community for the past 20 years. Ms. Tovar received a standing ovation from those gathered at the meeting.

ON the MOTION of Paul Hlubik, seconded by Debbie Norz, the Board voted unanimously to send a Resolution to the family of Assemblyman Ronald Dancer thanking him for his dedication to the State of New Jersey and his tireless efforts on behalf of the agricultural industry in the State.

PUBLIC COMMENT

None.

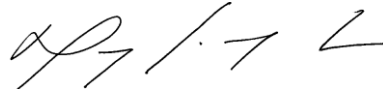
MEETINGS

The next regular meeting of the State Board of Agriculture will be held on August 24, 2022, at Riverview Plaza.

ADJOURNMENT

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 4:35 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. H. Fisher', written in a cursive style.

Douglas H. Fisher