



State of New Jersey

## **BOARD OF AGRICULTURE**

### **MINUTES OF MEETING**

**September 28, 2022**

**(Wednesday)**

Public meeting notice was certified by communication on September 22, 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 1:00 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 Riverview Plaza, Trenton, NJ.

Also in attendance were Secretary Douglas Fisher; Dr. Sebastian Reist, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition; Assistant Secretary of Agriculture Joe Atchison, Director, Nancy Wood, Division of Marketing & Development; Frank Minch, Director, Division of Agricultural and Natural Resources; Joe Zoltowski, Director, Division of Plant Industry; Susan Payne, Executive Director, SADC; Christina Rasiewicz, Robert Vivian, Chris LaRegina, Jeff Wolfe and Jeff Beach, Office of the Secretary. Also in attendance were Peter Furey, Ashley Kerr, NJ Farm Bureau; Dr. Brian Schilling, Rutgers University; Executive Director Bob Andrzejack, Sarah Fenwick, Farm Service Agency; Evan Madlinger, NRCS; Bruce Eklund, National Agricultural Statistics Service, and Linda Walker, NJ Department of Agriculture.

### **MINUTES OF PREVIOUS MEETING**

ON the MOTION of Paul Hlubik, seconded by Ernest Beier, the Board voted unanimously to approve the minutes of the August 24, 2022, regular meeting.

### **PUBLIC COMMENT**

Jeff Burd, Mercer County Board of Agriculture and NJ Beekeepers thanked the State Board for the letter of support for the Cottage Food Bill, Senate Bill 2697 and noted that the bill will be heard in Committee on October 3.

Brick Wenzel, Ocean County Farm Bureau, reported on the concerns of offshore wind impacts to the shellfish industry. In addition, he reported that he has started an organization called “America’s Gleaned Seafood” where seafood is gleaned by catch from the commercial fishing ports in New Jersey. He asked about the process to participate in the Gleaning Grant program for the following year.

### SECRETARY’S REPORT

Secretary Fisher called on the Directors to make their reports:

Joe Atchison, Assistant Secretary, Director, Division of Marketing & Development, announced that the Jersey Fresh Fall campaign was up and running promoting “Fall in love with Jersey Fresh” and Secretary Fisher has recorded several radio spots to be aired promoting fall crops and agritourism events. He also reported that staff from the Division of Markets and the Division of Food & Nutrition worked to secure \$4.9 million for Local Foods for Schools and are waiting confirmation of a Local Food Purchase Agreement Grant in the amount of \$9.7 million, details for that are still being finalized. Last month he attended the Boston Food Show, which he has been attending for a number of years, and that this was probably one of the most successful in recent history. The former Produce Marketing Association (PMA) Show has merged with the United Fresh Fruit and Vegetable Program (IFPA) to present their new upcoming show in Orlando at the end of October. Finally, he announced that they have been working to roll out the new Organic Sustainable Regenerative Agriculture Program at the end of October.

Joe Zoltowski, Director, Division of Plant Industry, reported that notifications had been sent to the 50 municipalities to schedule Gypsy Moth fall egg mass surveys. To date, a total of 33 municipalities have requested surveys be performed. He reported that fall egg mass surveys began in Cape May and Passaic County to identify infestation for potential treatment next spring. All egg mass surveys are expected to be completed by the end of December. Finally, he reported that the beecheck website was up and running. He stated that BeeCheck is a voluntary communication tool that enables beekeepers and pesticide applicators to work together to protect apiaries through the use of the BeeCheck mapping program.

Dr. Sebastian Reist, Assistant Director, Division of Animal Health, reported that there was a case of HPAI in Monmouth County during the summer and noted that the surveillance zone was scheduled to close in mid-October, unfortunately, he reported that the clearance would not be until mid-November. He reported that PA recently had a detection just last week, that affects NJ due to the live bird markets. Finally, he reported that the Division had been receiving a lot of calls regarding vultures on a trail in Sussex County and because of the problem, DEP has since closed the trail. There has been an ongoing dialogue on the best way to handle this situation.

Rose Chamberlain announced to the Board that this was Jersey Fresh Farm to School Week and that they had an excellent visit earlier in the week with Secretary Fisher where they were able to showcase the ways they are incorporating all of their activities with Farm to School. She reported that there are many trainings underway with the start of the school year. In addition, USDA recently held their Civil Rights trainings for Division staff. She reported the Division staff would, once again, be conducting onsite administrative reviews. Finally, she reported that the Division had worked on the submissions of the Gleaning Grant applications that would be presented later today.

Secretary Fisher commented that it was one of the best schools that he has seen to date with a Farm to School program.

Susan Payne, Executive Director of the State Agriculture Development Committee, reported that with the Governor's Conditional Veto of the SOE, with that the Legislature has until October 3 to act on that legislation and then the Governor has 10 days to sign. It is hoped that the legislation will be signed, and the SADC will work quickly to make sure that all is in order for those affected. She noted that they have been holding outreach meetings to get broad input for surveys that they are working for the program's committee. She reported that the Soil Protection Standards Rule is still being reviewed by the Governor's Office.

Board member Kurt Alstede asked about the next steps for the Soil Protection Standards rule. It was explained that once the Governor's office is finished with its review, it will then go to the NJ Register for a public comment period. Once the comment period is closed, the SADC will review all of the comments received. The State Board will also have the opportunity to comment during the comment period.

Dr. Ernest Beier made a motion that, as he stated at a prior State Board meeting, he is adamantly opposed to the retroactive aspect of the Rule. He feels that this aspect will deter people from entering the program if the rules can be changed at any time. He stated that the County Boards that he represents are also against this change in the regulation. Kurt Alstede seconded the motion.

Ms. Payne explained that it is the SADC's job to clarify the what the Deed of Easement means so that going forward there will not be any question as to what can and cannot be done.

Board member Lisa Specca commented that now that the County Board are meeting again, there seems to be groundswell of concern about the retroactivity. She stated that her concern is that the process could be taken out of our hands if we cannot seem to come together. She suggested an amendment to the motion to include the SADC find some alternate method for applying relief, some alternate regulation to already preserved farms, perhaps through a variance process or some other collaborative way that would allow preserved farms to have a guideline. After a continued lengthy discussion, the following motion was made:

ON the MOTION of Kurt Alstede, seconded by Paul Hlubik, the Board voted to table the discussion at this time.

Frank Minch reported that we had provided DEP with a good deal of recommendations on ways to improve the rule amendments for Flood Hazard Rules and they are waiting to hear from DEP on the Stormwater rules. He noted that the NJ remains in Drought Watch as persistent dry and hot conditions continue to stress water supplies throughout the state.

Secretary Fisher announced that he has been named Vice Chair of the Specialty Crops Committee for NASDA.

## BOARD MEMBER COMMENTS

Lisa Specca commented that there had been some recent coverage on the news about the high cost of pumpkins but encouraged all to buy local. She noted that following Senator Booker's recent White House Conference on Hunger, the importance of food is being considered to having food qualify for medicine. She noted that this is the first time in 50 years that hunger has been discussed. She looks forward to the changes that could be made. She reported that the Burlington County Board of Agriculture had scheduled a Legislative Tour for the coming weekend, however, due to the wet weather that is planned for due to Hurricane Ian, the tour has been cancelled. Finally, she reported that she has been in the H2A program for the past two years and had a visit the previous day from H2A investigator. She noted that it was very intimidating, they questioned a member of her staff as well as her to be sure that they had the same answers. She noted that there is not a specific guidance document of the rules of H2A and suggested one be prepared. It was suggested that it be a topic at the State Agricultural Convention. She reported that she was unable to attend Ocean County, but they had a short reorganization meeting and that Atlantic County met and discussed the Soil Protection Standards and they are very concerned and would be submitting comments. Camden County did not meet.

Kurt Alstede stated that he feels that farmer confidence is rattled right now due to the regulatory intrusion, inflation, weather challenges, Right to Farm issues and the Soil Protection Standards, prices, labor shortage, all of these things are weighing farmers down.

Holly Sytsema commented that the Sussex County Board of Agriculture had discussions on the recent County Fair and Chicken Barbecue looking at ways to improve. She reported that Bergen County Board of Agriculture met and had discussions on getting food from the farmers aligned with donations.

ON the MOTION of Holly Sytsema, seconded by Barney Hollinger, the Board voted unanimously that the Nominations Committee meet on October 19 beginning at 10:00 am.

She reported that the Wildlife Committee had met and that a draft letter had been provided to the Board members today to request that Chairman Freiman hold a special hearing for farmers, as well as any other residents of NJ, suffering property damage from bear so that they can put in the record their concerns about this very serious issue. She noted that Steve Komar has been working to document bear damage in the area.

ON the MOTION of Holly Sytsema, seconded by Paul Hlubik, the Board voted unanimously to send the letter as presented.

Barney Hollinger stated that Cumberland County Board had met and discussed the emergency water rules. In addition, he echoed the comments made by Kurt Alstede, times are very tough for farmers.

Debbie Norz reported that Union County Board of Agriculture met and they are encouraged that consumers are coming back into the markets and that is good news. She reported that Somerset County would be holding their annual meeting on October 20. She announced that she had invited Rose Chamberlain to the upcoming meeting of the Legislative Committee.

Paul Hlubik reported that Monmouth, Middlesex and Burlington Counties have all sent letters to the SADC regarding the Soil Protection Standards. He noted that there had been an issue at the Monmouth County Fair where an exhibitor stated that they had a service animal, but it was not an actual service animal. He stated that perhaps some written guidance could be distributed to growers to post at their locations. In addition, he had the opportunity to meet with Alex Sauickie who is filling the spot left by the death of Ronald Dancer at the Monmouth County Board of Agriculture meeting. Finally, he reported that they had the opportunity to film a short video on Farm Vehicle Safety and played the short video for the Board and audience. It was extremely well received. He thanked Secretary Fisher for his participation and noted that the video was made without any permits needed and asked that the Board send a letter to the Mayor and Police Chief of North Hanover thanking them for closing the road and making sure that this could be done safely. The video will be put on the website and social media, it is hoped that the Division of Motor Vehicles will also highlight the video.

Board member Kurt Alstede made a motion to reopen the discussion regarding the motion on the Soil Protection Standards rule. A draft letter was presented to the Board during the meeting on this subject.

ON the MOTION of Paul Hlubik, seconded by Kurt Alstede, the Board voted unanimously to approve the draft letter with minor changes.

President DeFrance reported that he had attended the Mercer County Board of Agriculture Legislative Event on September 12 at Terhune Orchards, the event was well attended and discussions there and in Hunterdon County focused on the Soil Protection, Right to Farm, etc.

Board member Kurt Alstede commented that technology is the way of the future and feels that the Board should have a Technology Committee so that we don't fall behind.

### **NEW BUSINESS**

Board members Debbie Norz, Lisa Specca and David DeFrance recused themselves from this discussion.

Paul Hlubik reported that the Grants Committee had met to discuss the State Food Purchase Program Gleaning Grant applications that had been received with Division of Food & Nutrition representatives. He thanked Dr. Beier and Barney Hollinger for taking part in the Grants discussion. He reported that a few months ago the Board had voted to increase the Gleaning Grant amount to \$250,000, after careful review and discussion, the Committee made the following recommendation:

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted to approve the following for the Gleaning Grant applicants: NJ Agricultural Society \$163,999.; Food Shed Alliance \$54,484.; Bushels of Blessings \$27,517.

A question was raised about the possibility of a seafood gleaning program be allowed to participate.

President DeFrance announced that the Right to Farm Committee had met to continue discussions about the information that they are seeking regarding Right to Farm. Members of the Board were presented

with a draft letter and three separate surveys tailored to 1) County Boards 2) CADBs and 3) individual growers.

ON the MOTION of Kurt Alstede, seconded by Paul Hlubik, the Board voted unanimously to approve the drafts as presented for distribution.

### **REPORT OF RUTGERS UNIVERSITY**

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

- Staffing issues being addressed in Somerset and Morris Counties; they currently have 13 approvals for extension specialists and new hires. The Board of Managers was able to meet with the Chancellor and provide her with information needed to continue to fund these important positions.

### **REPORT OF FARM SERVICE AGENCY (FSA)**

Sarah Fenwick thanked the Board for the letter regarding Emerald Ash Borer. She reported the following:

#### **Loss Adjusters**

New Jersey FSA is still looking for Loss Adjusters. The Farm Service Agency is seeking Loss Adjusters (LAs) for the Non-Insured Crop Disaster Assistance Program (NAP) and the Tree Assistance Program (TAP). Loss Adjusters are required to have knowledge of field crops and specialty crops, as well as a thorough understanding and execution of crop adjusting guidelines and program provisions, as applicable to FSA programs.

Loss Adjusters are self-employed; therefore, health and retirement benefits are not provided. LA's are responsible for paying all taxes on earned income. LA's are also responsible for obtaining equipment necessary to perform required inspection/appraisal duties. Some equipment such as cameras and GPS measuring devices may be available through the FSA county office.

Loss adjusters should expect that hours available are highly variable depending on season and frequency of weather-related events during the growing season.

#### **Agricultural Risk Coverage and Price Loss Coverage-ARCPLC**

National Market Year Average prices for 2021 for Corn, Soybeans and Grain Sorghum will be released by NASS on September 30. These prices determine the payment rates for PLC and are part of the equation for determining payment rates under ARC- CO. Based on projections, payments in PLC and ARC-CO for any crop in NJ are highly unlikely, due to rising prices and high-to- very high 2021 yields statewide.

#### **Emergency Relief Program-ERP**

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 Phase One** – The phase one applications have been mailed. Please contact your local service center with any questions.
- **ERP Phase Two** – The second phase of ERP will be aimed at filling gaps and provide assistance to producers who did not participate in or receive payments through the existing risk management programs that are being leveraged for phase one implementation. USDA will keep producers and stakeholders informed as program details are made available.

**Organic Programs OCCSP & OTECP:**

Agricultural producers and handlers who are certified organic, along with producers and handlers who are transitioning to organic production, can now apply for the U.S. Department of Agriculture’s (USDA) Organic and Transitional Education Certification Program (OTECP) and Organic Certification Cost Share Program (OCCSP), which help producers and handlers cover the cost of organic certification, along with other related expenses.

OTECP covers:

- Certification costs for organic producers and handlers (25% up to \$250 per category: crops, wild crops, livestock, processing/handling).
- Eligible expenses for transitional producers, including fees for pre-certification inspections and development of an organic system plan (75% up to \$750).
- Registration fees for educational events (75% up to \$200).
- Soil testing (75% up to \$100).
- Meanwhile, OCCSP covers 50% or up to \$500 per category of certification costs in 2022.

Both OTECP and OCCSP cover costs incurred from October 1, 2021, to September 30, 2022. Producers have until **October 31, 2022** to file applications, and FSA will make payments as applications are received.

**REPORT OF NJ FARM BUREAU**

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

- **SOE:** Governor CV issued on 9.22.2022, expecting it to be taken up in the Senate and Assembly this Thursday, 9.29.2022. CV addresses concerns regarding exception areas.
- **SPS:** many county boards wrote letters in opposition of retroactivity. SADC reported last week that their proposal is still awaiting approval by the Governor’s office, they anticipate it being on the SADC agenda in October for final passage before going to the NJ Register.
- **Deer:** had meetings with Assemblyman Peterson and the Governor’s office this month to discuss urgency in addressing the deer overpopulation problem and need for incentivized hunting.
- **Aquaculture RTF:** hoping for swift passage of amended bill this fall.
- **Honey/Cottage Food Law:** legislation to fix the Cottage Food Law in order to remove honey has already passed the Assembly and has been posted to the Senate Health Committee for hopeful passage next Monday, 9.26.2022.

- Ag Viability: ready for next steps by NJAES.
- Plastic Bag Ban: lots of recent press regarding issue of too many reusable bags from grocery delivery services. Senator Smith is holding a hearing on October 6 to address the issue; we are hopeful for an amendment for agriculture since there is no good alternative to plastic handled bags for upick/direct marketing produce operations.
- Hunger Initiative/buying local produce: NJFB has now met with various food banks across the state and is in the process of facilitating connects for them with Vineland area sources of produce.

#### **REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)**

Bruce Eklund reported that the Cash Rents by County survey and small grains summary were underway. He reported that in November, the Census of Agriculture will be released, and he asked that members of the Board urge all growers to participate.

#### **REPORT OF NRCS**

Evan Madlinger reported that they are currently closing out their fiscal year and those numbers will be presented to the Board at the next meeting. He reported that NRCS is currently experiencing a great deal of staff turnover, and they are asking that people be patient during this time.

#### **PUBLIC COMMENT**

None.

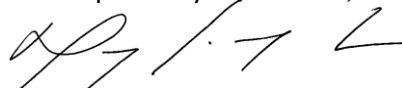
#### **MEETINGS**

The next regular meeting of the State Board of Agriculture will be held on Wednesday, October 19, 2022, beginning at 12:30 pm.

#### **ADJOURNMENT**

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 4:05 pm.

Respectfully submitted,



Douglas H. Fisher