



State of New Jersey

BOARD OF AGRICULTURE

**MINUTES OF MEETING
December 21, 2022
(Wednesday)**

Public meeting notice was certified by communication on December 15, 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 DeFrangé called the New Jersey State Board of Agriculture to order at 12:42 pm. Board members in attendance included President David DeFrangé; Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Holly Sytsema, Kurt Alstede and Lisa Specca. The meeting was held at 200 Riverview Plaza, Trenton, NJ.

Also in attendance were Secretary Douglas Fisher; Dr. Amar Patil, Director, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition; Assistant Secretary Joe Atchison, Director, Division of Marketing & Development; Susan Payne, Executive Director, SADC; Frank Minch, Director, Division of Agricultural and Natural Resources; Chris LaRegina, Nathan Schatz, Robert Vivian, Jeff Wolfe, Jeff Beach and Christina Rasiewicz, Office of the Secretary. Also in attendance were Allen Carter (via Teams) and Ashley Kerr, NJ Farm Bureau; Dr. Brian Schilling, Rutgers University; Executive Director Bob Andrzejack, Sarah Fenwick, Farm Service Agency, Julie Hawkins, NRCS; Bruce Eklund, National Agricultural Statistics Service, and Nancy Wood, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Paul Hlubik, seconded by Ernest Beier, the Board voted to approve the minutes of the November 16, 2022, regular meeting with minor corrections.

PUBLIC COMMENT

None

SECRETARY'S REPORT

Secretary Fisher reported that staff is working on the convention. He has invited EDA to speak at the convention about funding sources that are available. He congratulated Allen Carter as being selected as the new president of the New Jersey Farm Bureau. He will be meeting later this week with Bob Andrzejack to discuss available programs. He thanked the New Jersey Farm Bureau for arranging for speakers to attend the Ag Viability hearing last Thursday before the Senate Economic Growth. He thanked everyone for their testimony and everyone did a great job.

Assistant Secretary Joe Atchison, Division of Marketing & Development, reported that the planning for the upcoming State Agricultural Convention was well underway. We are streamlining the process this year. The State board meeting will be on Tuesday afternoon, followed with the Convention on Wednesday all day and Thursday morning wrapping up around noon. Farm Credit East is sponsoring a keynote speaker at dinner. The keynote speaker is Captain Charlie Plumb, a former fighter pilot and a six-year prisoner of war. Joe and Christine Fries attended the New York Produce Show on December 1. Staff is working on the year end grant reports. Rose Chamberlain is going to talk more about the USDA Foods Conference, but Christine Fries and he attended that as well and he said it was a great event.

Frank Minch, Director, Division of Agricultural & Natural Resources, reported he has been asked to facilitate an NJDEP panel discussion and is working with them on irrigation water regulations to be discussed. The panel discussion will take place at the Convention as part of the NJDA/VGA Joint Session. Staff is still looking at the changes to the stormwater rules that are in comment period. DEP is preparing to release their coastal zone management rule amendments as well as their wetland rule amendments in the spring.

Dr. Amar Patil, Director, Division of Animal Health thanked the Board for his appointment as director. HPAI continue to have an impact – states in the South and West are being affected; New Jersey is staying on top of any suspected cases. An import permit and 72-hour testing requirement is in effect for birds moving into Live Bird Markets. He has received information regarding the animal ID funds that are offered through the federal government that that pay for the expenses of the of the tags. The animal ID tags are only to be used on cattle. He will look into this further as he just received the information.

Susan Payne, Executive Director, SADC, reported that the SADC's subcommittee met with the Board's SPS subcommittee on the soil protection rules. There was a good open exchange between other subcommittees. Staff have given RTF and ag mediation presentation to Rutgers agents which was well received. Mapping tool demonstration will not be ready for the convention.

Rose Chamberlain, Director, Division of Food and Nutrition reported that USDA Food Conference was held on December 13 in Edison. It is held annually and more than 350 school districts were represented. The conference included training sessions followed by an exhibit featuring more than 40 of the state approved processors that highlighted their commodities available for possible menu items for the 2023-24 school year. USDA granted us additional funds in the amount of \$9.3 million for the local food assistance program. We do have to go through the application process and we'll be working collaboratively with the Community Food Bank to properly apply and expend those funds.

BOARD MEMBER COMMENTS

Debbie Norz reported that Somerset County reorganized with a new president and vice president. There was no report on Union County.

She reported on several bills of interest that had been discussed by the Legislative Committee to make the Board aware. While state and federal law both say that aquaculture is agriculture, would like to acknowledge anywhere with agriculture/agritourism is, we mention aquaculture until it comes second nature. Also, we spoke about the Budget Committee meeting and looking for appropriations to the department.

A2315/S2011 - Passed Assembly and is now in the Economic Growth Committee, allows commercial farmer to be awarded reasonable costs and attorney fees for defending against bad faith complaints under "Right to Farm Act." We are hoping through the resolutions we can ask for one designated person in the EDA that would handle Agriculture/Aquaculture issues.

ON the MOTION of Dr. Beier, seconded by Barney Hollinger, the Board voted to give authority to the Legislative Committee send a letter if the legislation moves. Kurt Alstede abstained.

S3206/A4711 - Travel - Federal Funds Relief, 1 redraw the state tourism map to create "Central Jersey" Region, remove from grant application the minimum distance audience and dedicate at least 10% of annual appropriation to agritourism.

Paul Hlubik made motion to support the bill focusing on agriculture and aquaculture with focus on removing the mile radius and was seconded by Dr. Beier. There was discussion on the motion and Paul amended the motion.

On the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted to give authority to the Legislative Committee to work on the issue to draft a letter for President DeFrange's approval and signature. Debbie Norz abstained.

A2631/S1933 - Provides limited civil liability immunity to farmers hosting agritourism activities. We need the legislators to include aquaculture in this bill as it specifically calls out other operations and not aquaculture.

ON the MOTION of Debbie Norz, seconded by Paul Hlubik, the Board voted unanimously to send a letter to ask that aquaculture be included.

SOE hasn't had any movement in the Assembly - what would the Board like to do - send a letter. Secretary Fisher said it's needed and the Board supports. Dr. Beier proposed sending a letter to the legislature to move SOE forward.

On the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted to send a letter to the full Assembly for them to take action and send a copy of the letter to the County Boards of Agriculture. Debbie Norz abstained.

Paul Hlubik made a motion that from this point going forward that all State Board letters be sent to the County Boards of Agriculture for their information. Debbie Norz seconded and discussion followed.

On the MOTION of Paul Hlubik, seconded by Debbie Norz, the Board voted to send standard business letters to the County Boards of Agriculture to make them aware of the work that the State Board is doing via an email blast with the State Board copied.

State board members whose names have not advanced, in the past have either been reintroduced or new names brought forward. The names have been stalled in Judiciary, do we need to have the caucus pick new names. The Board discussed the issue and did not think it was necessary.

Paul Hlubik reported that the Middlesex County Board held its annual meeting; Burlington County Board met because of the South Jersey caucus recommendation; the Monmouth County Board met last night but he wasn't able to attend.

He thanked the New Jersey Farm Bureau and Secretary for their testimony at the Senate Economic Growth committee hearing.

Holly Sytsema commented that the Sussex County harvest is done. Enrollment for Dairy Margin Coverage has been extended and seems to be well received. Sussex County Board met to discuss the fair. Bergen County Board reported a successful fall harvest.

The Nominations Committee remains on hold until the new members are sworn. The Wildlife Committee reported that the bear hunt took place but the hunt did not meet their minimum harvest amount. She reported that the Livestock Processing Committee would be meeting in January.

Barney Hollinger reported that Cape May County had met and are concerned about seasonal help. Cumberland County Board held their luncheon in December. The South Jersey Caucus met and are putting forward Stephen Lee IV's name for consideration as an incoming member for the State Board at the State Agricultural Convention in February.

Lisa Specca reported that the Ocean County Board and the Ocean County Farm Bureau Board are combining. They will be electing officers and will keep their funds separate. Their first joint meeting will be held on March 23, 2023. The Camden County Board had met and Anthony Grasso resigned as president due to personal issues. She feels they are struggling. She said the Atlantic County Board mentioned the stormwater regulations and were very concerned about the status of the SPS. She talked to them about the RTF surveys and getting those submitted. In addition, she alerted them to the upcoming testimony before the Senate Economic Growth Committee about ag viability.

Kurt Alstede stated that the issues he hears most about is the SOE, SPS and the cost of labor and inputs for those. For producers that are H2A, the prevailing wage rate is going up a dollar and this is a big concern among producers combined with all the other costs escalating. It seems the fertilizer costs have settled down a little bit but interest rates are rising and commodity prices are flattening.

Vice President Beier reported that harvesting is finishing up; starting to see small ruminants being born. Gloucester County Board held their holiday luncheon and everything is pretty quiet down there. Salem County Board met but he wasn't able to attend but did speak with the president of the board and gave them the information on what's going on.

President DeFrance has been fielding Right to Farm calls and the RTF committee will meet in Mid-January. He reported that holding the Special Meeting Executive Session has been very challenging and is waiting for some answers and the meeting will be held after everything has been answered. Same issues with County Boards of Agriculture member numbers are low.

ON the MOTION of Barney Hollinger, seconded by Ernest Beier, the Board voted to have a Special Meeting, Executive Session with everyone receiving Rice Notices. Barney Hollinger voted against the motion. Paul Hlubik abstained from the vote.

OLD BUSINESS

Soil Protection Standards

Paul Hlubik reported that the committee met on Friday with the SADC's subcommittee. He discussed the pros and cons of the expanded clustering proposal put forth by the SADC subcommittee before distributing his notes on Policy Committee's Site Specific Stewardship Planning and Implementation Approach which addresses the retroactivity dilemma as well as the chokehold on agricultural viability expressed by our County Boards and farm groups, statewide, as they relate to the current SADC proposal. It protects the integrity and initial intent of the enabling legislation for Farmland Preservation and agricultural development in the Agricultural Retention Act of 1983. It addresses the required guidance measures sought by the Court, and allows for responsible agricultural development that's balanced with sound soil and water stewardship. It's a concept in progress and contains starting ideas. Dialogue can take place and that dialogue should take place at the State Agricultural Convention.

Paul Hlubik made a motion that the SBA get behind a stewardship process as opposed to 12% as an alternate approach for discussion to formally change the dialogue. Lisa Specca seconded the motion and a lengthy discussion followed on different issues with the soil protection standards.

On the MOTION of Paul Hlubik, seconded Kurt Alstede, the Board voted to urge the Board subcommittee, in its discussions with the State Agriculture Development Committee (SADC) on the issue of soil disturbance and developing regulations regarding soil disturbance, to broaden the discussion to include a farm viability stewardship approach, as well as other ideas that may develop from the subcommittee's ongoing discussions with the SADC, or through discussions of the Delegates at the upcoming State Agricultural Convention on February 8-9, 2023.

Final Adoption - Proposed Amendments to Expand Spotted Lanternfly Quarantine to entire state:
N.J.A.C. 2:20-10.4

ON the MOTION of Kurt Alstede, seconded by Barney Hollinger, the Board voted unanimously to approve the final adoption.

NEW BUSINESS

Proposal to amend N.J.A.C. 2:1-3.3 (Chapter 1, Administration/Subchapter 3, Rules of Practice/Section 3, Public Notice Regarding Proposed Rulemaking

ON the MOTION of Kurt Alstede, seconded by Barney Hollinger, the Board voted unanimously to approve the proposal to amend.

Proposed Bylaw Amendments

Barney Hollinger reported that the Bylaws Committee met at the beginning of December. Recommended changes that include: Approval of Minutes of the Previous Meeting; Open Public Comment – limit time; Annual Meeting and Reorganization of the Board; Terms of Office; Legislative Committee as a separate committee from Grants Committee; and Nominating Committee.

The By-Laws document, which included comments on the changes recommended, was reviewed by the Board that was followed by an extensive discussion of the changes.

On the MOTION of Paul Hubik, seconded by Dave DeFrance, the Board voted to approve the recommended changes to the By-Laws. Kurt Alstede opposed the motion.

Dr. Beier brought up the problem with general public not seeing what the State Board is doing; perhaps do pod casts? Joe Atchison commented that the Department continues to seek some additional funding sources and that with some additional funding that would be a very good project to work with the Board on.

Debbie questioned whether we need to renominate the members-elect since they haven't been moved to judiciary and should a letter be sent to the Judiciary. Bob Blew commented that he has reached out to every member of the Senate Judiciary Committee and heard back from two staffer people who thanked him for the notice and would let him know.

ON the MOTION of Debbie Norz, seconded by Kurt Alstede, the Board voted unanimously to send a letter to the Judiciary concerning moving the names.

Kurt Alstede inquired about the fiscal budget and brought forth the concept of having Board training by an outside vendor which would be good leadership to understand. He brought up technology and the need to be more efficient than paper and taking the meetings to paperless.

President DeFrance explained that reason he hasn't pushed this further is because there are a lot of logistical issues with state Cloud-based system and getting people on the network with the state and some Board members have problems accessing their state email accounts. We can't move forward until everyone is on board. Secretary Fisher directed Chief of Staff Christina Rasiewicz to look into the matter.

Kurt Alstede inquired about nominations for the Distinguished Service to Agriculture that been received. If there are nominations that have been received, the awardee(s) should be chosen by Nominations Committee at this point.

ON the MOTION of Debbie Norz, seconded by Kurt Alstede, the Board voted unanimously to give responsibility to the Nominations Committee to choose the Distinguished Service awardee(s).

REPORT OF RUTGERS UNIVERSITY

Jeff Everett represented the College and reported on the following topics:

- Two agents have been hired in Morris and Sussex Counties.
- Hemp study and trials
- Farm Viability

REPORT OF NJ FARM BUREAU

Ashley Kerr represented the Farm Bureau and reported that a written report was submitted to the Board as follows:

- SOE & SPS: what's new?
- Wildlife: status of deer fencing for unpreserved farms? Bear hunt is over (114 bears killed, 7% harvest rate/state's goal was 20%), winter deer season continues after six-day firearm season (newsletter had preliminary numbers from F&G last week).
- Hoping for passage of RTF for aquaculture by the Assembly early in the new year.
- Thank you to Governor Murphy for signing the bill removing honey from the cottage food regulations.
- Ag Viability hearing last Thursday: Senate Economic Growth Committee heard testimony for over two hours on the economic status of agriculture in NJ – speakers included Secretary Fisher, Brian Schilling, Paul Hlubik, Keith Dickinson of Farm Credit East, NJFB and farmers Lenny Grasso and Caroline Etsch.
- Successful meeting with Labor Commissioner Robert Asaro-Angelo on Nov. 29 that reviewed thin supply and high cost of seasonal ag labor, farmer compliance with labor regulations, H2A visa program and possible ag workforce training program.
- eSFMNP outreach meetings by DOH underway – what will be the follow up?
- Federal ag immigration bill – lame duck session fast closing.
- AFBF convention in Puerto Rico January 6th – 11th.
- Looking forward to policy discussion in February at the State Ag Convention.
- Working with Frank Minch on well water issue in South Jersey agriculture.
- Working with Mark Dinglasan, Office of Food Security Advocacy.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Bruce Eklund represented NASS and reported the following:

- Census of Agriculture has been to everyone and New Jersey's response has been good.

REPORT OF FARM SERVICE AGENCY (FSA)

The Farm Service Agency submitted the following written report:

USDA Service Centers Status

New Jersey USDA Service Centers are open to all visitors without an appointment. Farm Service Agency (FSA) staff also continue to work with agricultural producers via phone, email, and other digital tools.

Please contact your local FSA Office at the phone numbers below:

- Burlington, Camden, and Ocean Counties
Phone: (609) 267-1639
- Monmouth, Mercer, & Middlesex Counties
Phone: (732) 462-0075
- Hunterdon and Somerset Counties
Phone: (908) 782-4614
- Warren, Sussex, and Morris Counties
Phone: (908) 852-2576
- Cumberland, Cape May, & Atlantic Counties
Phone: (856) 205-1225
- Salem and Gloucester Counties
Phone: (856) 769-1126

Emergency Relief Program – Phase 2 (ERP Phase 2)

ERP is authorized under the Extending Government Funding and Delivering Emergency Assistance Act, which includes \$10 billion in assistance to agricultural producers impacted by wildfires, droughts, hurricanes, winter storms and other eligible disasters experienced during calendar years 2020 and 2021.

Phase Two builds on ERP Phase One, which was rolled out in May 2022 and has since paid more than \$7.1 billion to producers who incurred eligible crop losses that were covered by federal crop insurance or Non-insured Crop Disaster Assistance Program.

ERP Phase Two includes producers who suffered eligible losses but may not have received program benefits in Phase One. To be eligible for Phase Two, producers must have suffered a loss in allowable gross revenue as defined in forthcoming program regulations in 2020 or 2021 due to necessary expenses related to losses of eligible crops from a qualifying natural disaster event.

Eligible crops include both traditional insurable commodities and specialty crops that are produced in the United States as part of a farming operation and are intended to be commercially marketed. In general, ERP Phase Two payments are expected to be based on the difference in certain farm revenue between a typical year of revenue as will be specified in program regulations for the producer and the disaster year. ERP Phase Two assistance is targeted to the remaining needs of producers impacted by qualifying natural disaster events, while avoiding windfalls or duplicative payments. Details will be available when the rule is published later this year.

Pandemic Assistance Revenue Program (PARP)

PARP is authorized and funded by the Consolidated Appropriations Act of 2021.

To be eligible for PARP, an agricultural producer must have been in the business of farming during at least part of the 2020 calendar year and had a certain threshold decrease in allowable gross revenue for the 2020 calendar year, as compared to 2018 or 2019. Exact details on the calculations and eligibility will be available when the forthcoming rule is published.

Dairy Margin Coverage Program (DMC)

The DMC program is a voluntary program that provides dairy operations with risk management coverage that will pay participants when the difference, or margin, between the National price of milk and the average cost of feed falls below a certain level selected by the producers in a dairy operation. Annual registration for 2023 DMC is open and has been extended through January 31, 2023.

A decision tool is available that provides the following information to dairy operations considering 2023 DMC enrollment:

- forecasted estimates of feed and milk prices through 2023
- historical analysis of DMC/MPP program value for the last 5 years at the \$9.50 coverage level
- 2021 and 2022 margins including projections for the rest of 2022.

Dairy operations can access the updated decision tool at <https://dairymarkets.org>

NJ Department of Agriculture will be reimbursing Dairy Farmers for their 2023 DMC premiums paid on or before April 20, 2023. Please contact your local FSA service center for additional information and an application of you did not receive one in the mail.

Food Safety Certification for Specialty Crops (FSCSC)

The Food Safety Certification for Specialty Crops (FSCSC) Program provides assistance to specialty crop operations that incurred eligible on-farm food safety program expenses in 2022 and 2023.

To be eligible for FSCSC applicants must meet the following:

- Be a specialty crop operation;
- Have obtained or renewed a:
 - 2022 food safety certification that was issued between June 21, 2022 and December 31, 2022; or
 - 2023 food safety certification issued during calendar year 2023; and
- Have paid eligible expenses;
- Meet the definition of a small business or very small business.
 - Small business: average annual value of specialty crops sold during the 3-year period preceding the program year of more than \$250,000, but not more than \$500,000
 - Very small business: average annual value of specialty crops sold during the 3-year period preceding the program year of no more than \$250,000.

The application deadline of January 31, 2023 is for 2022 expenses with a certification date of June 21, 2022 through December 31, 2022. Contact your local FSA service center for more information.

Loss Adjusters

New Jersey 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. If interested, please contact Aly Dyson, NJ FSA Farm Program Disaster Specialist, Alyson.Dyson@usda.gov, with any questions.

Important Dates:

- **December 31st** – NAP Coverage Deadline for Spring Crops
- **January 2nd**– Acreage reporting deadline for Honey
- **January 3rd** – Acreage/Inventory Reporting deadline for honey/honeybees
- **January 16th**– Acreage reporting deadline for Apples, Blueberries, Cranberries, Peaches, Grapes, and Strawberries
- **January 30th**– Final Date to submit an application for Payment for the Emergency Livestock Assistance Program (ELAP) for Livestock, Honeybees and Farm–Raised Fish, Livestock Indemnity Program (LIP), and Livestock Forage Program (LFP) for the prior calendar year.
- **January 31, 2023**– Application deadline for FSCSC
- **January 31, 2023**– 2023 DMC Annual Registration Closes (deadline extended)

Fact Sheets:

- [Guidance for Heirs' Property Operators to Participate](#)

Farm Loan Program

Disaster Declarations

The Farm Service Agency has three (3) disaster designations for Emergency Loan programs available to provide assistance when disasters strike due to damages and losses resulting from a natural disaster. A qualifying loss occurs if FSA determines a minimum 30 percent production loss of at least 1 crop in the disaster county occurred as a result of the disaster. Farmers in the following counties are eligible for Emergency Loans through the USDA Farm Service Agency (FSA):

- Secretarial Disaster Designation S5305 was triggered for Farmers in Bergen, Essex and Union counties who suffered losses due to Severe Drought that occurred August 9, 2022. Applications must be received by June 5, 2023.
- Secretarial Disaster Designation S5306 was triggered for Farmers in Bergen, Passaic and Sussex counties who suffered losses due to Severe Drought that occurred August 9, 2022. Applications must be received by June 5, 2023.
- Secretarial Disaster Designation S5312 was triggered for Farmers Middlesex, Somerset, Hunterdon, Mercer, Monmouth, Morris, and Union counties who suffered losses due to Severe Drought that occurred August 16, 2022. Applications must be received by June 12, 2023.

Inflation Reduction Act

On August 16, 2022, President Biden Signed into law the Inflation Reduction Act of 2022 (IRA). This legislation repealed Section 1005 of the American Rescue Plan Act (ARPA).

The inflation Reduction Act is a historic, once-in-a-generation investment and opportunity for the agricultural communities that USDA serves. The Inflation Reduction Act will help producers stay on the farm, prevent producers from becoming ineligible for future assistance, and promote climate-smart agriculture by increasing access to conservation assistance.

The U.S. Department of Agriculture (USDA) announced on October 18th, 2022, that distressed borrowers with qualifying USDA farm loans have already received nearly \$800 million in assistance.as part of the \$3.1 billion in assistance for distressed farm loan borrowers provided through Section 22006 of the Inflation Reduction Act (IRA). The IRA directed USDA to expedite assistance to distressed borrowers of

direct or guaranteed loans administered by USDA's Farm Service Agency (FSA) whose operations face financial risk. For more information on this press release, please visit <https://www.usda.gov/media/press-releases/2022/10/18/usda-provides-payments-nearly-800-million-assistance-help-keep>.

USDA continues to work on longer-term assistance and improving the way that USDA approaches borrowing and loan servicing. More information will be posted to this webpage as it becomes available. <https://www.farmers.gov/inflation-reduction-investments>.

Loan Interest Rates for December 1, 2022

- Farm Ownership- 5.000%
- Operating- 5.125%
- Emergency- 3.750%
- Farm Ownership- Limited Resource: 5.000%
- Farm Operating- Limited Resource: 5.000%

PUBLIC COMMENT

None

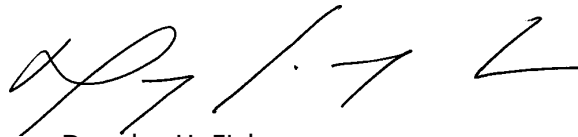
MEETINGS

The next regular meeting of the State Board of Agriculture will be held on Tuesday, February 7, 2023, as part of the State Agricultural Convention, at Harrah's Resort and Waterfront Conference Center in Atlantic City beginning at 2:30 pm.

ADJOURNMENT

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 5:15 pm.

Respectfully submitted,



Douglas H. Fisher