



State of New Jersey

## **BOARD OF AGRICULTURE**

### **MINUTES OF MEETING**

**May 25, 2022**

**(Wednesday)**

Public meeting notice was certified by communication on May 19, 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 DeFrance called the New Jersey State Board of Agriculture to order at 1:45 pm, the meeting was held at Riverview Plaza, Trenton. Board members in attendance included President David DeFrance, Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Holly Sytsema, Kurt Alstede and Lisa Specca.

Also in attendance were Secretary Douglas Fisher; Assistant Secretary of Agriculture Joe Atchison, Dr. Sebastian Reist, Assistant Director, Division of Animal Health; Sandra Howland, Division of Agricultural & Natural Resources, Rose Chamberlain, Director, Division of Food & Nutrition, Nancy Wood, Division of Marketing & Development; Jeff Everett, Assistant Director, SADC; Mary Tovar, Nathan Schantz, Robert Vivian, Jeff Wolfe and Jeff Beach, Office of the Secretary. Also, in attendance were Ashley Kerr, NJ Farm Bureau; Sarah Fenwick, Farm Service Agency, Julie Hawkins, NRCS, Bruce Eklund, State Statistician; and Linda Walker, NJ Department of Agriculture.

### **MINUTES OF PREVIOUS MEETING**

ON the MOTION of Debbie Norz, seconded by Paul, the Board voted to approve the minutes of the April 20, 2022 regular meeting.

Lisa Specca abstained from the vote.

### **PUBLIC COMMENT**

Jeff Burd, Mercer County Board of Agriculture, NJ Beekeepers, thanked the State Board for their support with the raw honey legislation and reported that Assembly Bill 3991 had passed through Committee and

was posted for a vote for the following day. He thanked the Department, State Board and Farm Bureau for their continued support.

Bill Fox, Ocean County, was on hand to talk about exceptions on preserved farms. He reported that over the years the SADC has adopted many policies. He specifically asked about Policy #29. He requested minutes from the SADC to review for more information regarding Policy #29. He stated that there is no mention of Policy #29. He noted that he had been working with someone from Assemblyman Ron Dancer's office to try to find out more information.

Secretary Fisher commented that the he was not aware of this issue and that the Department and SDAC take every inquiry very seriously. Robert Vivian commented that he has been in contact with Assemblyman Dancer's office to let them know that the SADC staff is researching the requested information and the SADC staff has requested an extension till the end of June as this is their busiest time of year with closings and easement transactions.

Jeff Everett made some brief comments and took Mr. Fox's contact information for further communication.

### **SECRETARY'S REPORT**

Secretary Fisher announced that about Special Occasion Events he sent a letter to all County Boards and CADB's regarding the status of where we are on Special Occasion Events, of the Legislature sees fit to pass the bill during this session. With the passage of the legislation, events could begin the next day. That would give many others the opportunity to be able to have events that previously were not allowed. He mentioned what a very difficult season this would be for all, noting the increased costs of production in addition to the huge increase in the cost of gas. He encouraged counties to let their local Legislative leaders know. He congratulated Assistant Secretary Atchison on the Eastern Produce Council dinner that was held the previous evening at Demarest Farms in Bergen County. It was an excellent event, that was well attended by buyers from the major chains and was able to make a few contacts as well. He reported that while there is discussion regarding Right to Farm for shellfish, a question had been asked if shellfish could be labeled as Jersey Fresh and Secretary Fisher is working with Amanda Wenzel to see if this can happen. He noted that the SADC meeting was the next day and that a Committee of this Board would be meeting with a Committee of their Board to discuss the Soil Protection Standards on June 6. Further, he reported that a meeting between our Department and DEP regarding the questions related to potable water on the water allocation renewals is being scheduled. Finally, he commented that there has been a flurry of bills introduced in the Legislature and Rob Vivian has been tracking them.

He called on Directors to make their reports:

Assistant Secretary Atchison, Director, Division of Marketing & Development reported that they had a very successful Eastern Produce Council dinner the evening before and thanked his staff for all their hard work to make it so successful. He reported that they are getting ready to launch the Jersey Fresh campaign for the summer which includes billboards, radio spots, social media, trade print ads, airplane banners etc. This year's social media photo contest and a new landing page are in place to begin mid-June. He noted that there will be social media contests related to Jersey Fresh! Local is best, Jersey

Fresh! He noted that the Division of Markets has been working with the Division of Food & Nutrition on submitting a grant for local food purchase. He noted that staff continues to work on the Livestock project with discussion between the groups and potential funding sources at the State and Federal level. Finally, he noted that the deadline for all paperwork for the Dairy Margin Coverage is June 1, he noted almost all dairies have applied and that close to \$70,000 payments have been made to date.

Sandy Howland, Division of Agricultural & Natural Resources, made no formal comments.

Dr. Sebastian Reist, Assistant Director, Division of Animal Health, reported that the first case of Highly Pathogenic Avian Influenza (HPAI) has been confirmed in Monmouth County on May 17. He reported that state and federal personnel followed the appropriate response plan, including implementing site quarantine, proper biosecurity measures, and depopulation of poultry on the premises. In addition, the USDA Animal and Plant Health Inspection Service (APHIS) and Department staff confirmed Rabbit Hemorrhagic Disease Virus in a 1-year-old spayed female rabbit in Cape May. A vaccine is available for veterinarian use. Finally, he noted that the metal tags for livestock are no longer going to be used. The new RFID tags are much more costly.

Jeff Everett, Assistant Director, SADC, reported that the SADC is working hard to get the most acreage preserved in one year since 2015, there is money for deer fencing and cost share programs. He looks forward to the meeting with the State Board Committee and the member of the SADC staff.

Rose Chamberlain, Director, Division of Food & Nutrition, reported that the Division is gearing up for the Summer Food Service Program, temporary staff is being hired

Joe Zoltowski, Director, Division of Plant Industry, reported that since May 17, they have been spraying for Gypsy Moth, at the beginning they had 7,437 acres to spray and that to date 5,975 acres have been sprayed. He announced that several temporary workers were hired as staff to help with Spotted Lanternfly treatments and conduct the surveys. Working with nursery & landscape industry to help slow the spread. In addition, the Hemp Program is now fully staffed with two inspectors and a Program Manager along with a clerk and lab staff.

#### **BOARD MEMBER COMMENTS/COMMITTEE REPORTS**

Lisa Specca announced that she was away for last month's meeting as she was travelling abroad. She attended the Atlantic County Legislative Event at Walking Bird Farm, it was well attended and noted that staff from Senator Booker's office was in attendance as well as staff from Senator Menendez's. It seems that there is interest in visiting New Jersey farms. Sadly, she reported that in Ocean County, Board President, Jeff Adams passed away suddenly. The Board was meeting to discuss next steps for planning the County Fair as he has been the main organizer for many years. She commented that she mentioned that she has sent an email to Camden & Atlantic County to read and make comment on the Soil Disturbance standards, because this is a very busy time of year for something so important to come out and there is only a 30-day comment period. In addition, she was able to attend the Eastern Produce Dinner the prior evening and noted that it was a beautiful venue and the display of Jersey Fresh everything was wonderful. Ms. Specca continued, that the recent cost increases in production are making many worried that they may not be able to pass those costs on to their customers. Finally,

plastic bag exemption has really become a problem for farmers markets, and they are unsure what the best course of action is at this time. There was a discussion regarding the bag issue. It was noted that Gloucester County was providing more than 50,000 bags to their farmers.

Kurt Alstede reported that there are significant concerns about storm water issues; the increasing cost of labor, increasing interest rates, materials, gas, etc. He noted that there is concern about Right to Farm failing to provide the level of protection it was intended. Cost of defending Right to Farm, and continuing concerns with the SADC and the SOE rules. He reported about the fruit conditions, he noted that strawberries suffered some damage early on depending on your location. He noted that South Jersey crops were said to have suffered more than North Jersey crops. He noted that there is an issue with beekeeper notifications.

Barney Hollinger reported that he had attended the Cape May and Cumberland County Board of Agriculture meetings and that FSA Executive Director Bob Andrzejczak was in attendance. He noted that the new County Agent starts July 1 in Cape May. They are gearing up for their chicken dinner at the County Fair. He reported that Cumberland County talked about deer fencing on preserved farms. He noted that there was discussion on solar panels on farms and the large scale solar. In addition, he reported that there was a meeting with SADC staff and the Aquaculture Committee on right to farm. The SADC compiled a report that was reviewed by the Aquaculture Committee, they made some comments/changes and have asked for another meeting with the SADC to discuss. He reported that there have been discussions on legislation that allows for Sunday Harvest, he noted that Title 50 allows them to do Sunday Harvest. They are working with DEP to send a letter. He noted that the oyster markets are very hot right now. Finally, he reported that there is a barge fire out in the Delaware Bay, there is concern that that it will cause damage to the oysters. Everyone is working to get this serious situation under control.

Holly Sytsema reported that Sussex County did not meet this month due to the death of County Board President Mike Burger's daughter. She noted that plantings are underway, but the rising costs are of great concern. She noted that the grain price continues to be strong, she noted that there are concerns regarding the soil protection standards. Finally, she noted that she has called for a meeting of the Wildlife Committee to discuss the concerns about the bear issue. She reported that there have recently been 3 canine deaths as well as damage to crops and livestock. In addition, there have been 2 recent attacks on people.

Debbie Norz commented that there have been discussions regarding the open bid process for farmland. It was suggested that the Department prepare a white paper on the open bid process and the steps to proceed. She reported that Jeff Everett from the SADC had made a presentation to the Somerset County Board of Agriculture on the Soil Protection Standards. She reported that Somerset County will be submitting comments. There was a brief discussion about solar panels on existing buildings. It was noted that this was a BPU issue and that no more than 10 percent can be placed on buildings. Some areas are not able to handle any solar panels. Ms. Norz asked about the planning for the Ambassadors Court that was rescheduled from the State Agricultural Convention due to Covid concerns. It was reported that plans are being finalized but that the event was scheduled for June 20, 2022 at the Burlington County Fairgrounds. On the farm, things are still very wet, and they have 4 new dairy

animals. She reported that the Legislative Committee has been busy. She hopes that A-3991, which exempts raw, unprocessed honey from DOH cottage food regulations will be passed soon.

She quickly mentioned the following bills that are being reviewed right now:

A-4034 — "State Board of Agriculture and State Agriculture Development Committee Transparency Act."

A-4036 — Directs State Agriculture Development Committee to provide financial and performance information regarding Farmland Preservation Program.

A-4037 — Extends authorization of special occasion events at wineries on preserved farmland; implements reporting requirement.

ON the MOTION of Paul Hlubik, seconded by Debbie Norz, the Board voted unanimously to post the minutes of the State Board meeting, within 15 days of their approval by the State Board.

There was a brief discussion that Pennsylvania state lawmakers have made a push to serve whole milk in school cafeterias. It would also help support state dairy farmers. Under federal regulations, schools can only serve 1% or skim milk in schools, supporters of the legislation say that milk consumption has been trending down. At the federal level, they are also making a push, legislation has been introduced for the Milk in Lunches for Kids Act to allow schools to serve whole milk and 2% milk. It was noted that New York is considering similar action.

Debbie Norz commented that the Legislative committee would like to form a committee to review the Humane Standards rule and made the following motion:

ON the MOTION of Debbie Norz, seconded by Ernest Beier, the Board voted unanimously to form a special Committee to begin reviewing the Humane Standards rule which will be readopted in 2024. This Committee, along with Dr. Tamassia. It was decided that the Committee would consist of 2 members of the Livestock Committee and 2 members of the Policy Committee.

Paul Hlubik reported that input costs continue to be an issue. The weather has been a mixed bag depending where you live. He reported that the Policy Committee looks forward to meeting with the SADC on June 6 to discuss the Soil Protection Standards. He reported that Monmouth and Burlington had their last meeting this month. Monmouth did not have a good turn-out for their Legislative tour.

Vice President Beier reported that they have had a good deal of rain. He noted that the livestock industry is in birthing season, but the weather problems also affect birthing. He noted that the lack of large livestock veterinarians. He reported that Rowan University, will be adding a veterinary program but will not have graduates until the Class of 2029. He commented that there should be some type of relief program. He suggested contacting Assemblyman Ronald Dancer's office to see if there is something that can be done prior to that time. He reported that Gloucester would not be meeting over the summer. He reported that Salem County is working to schedule something with their new local legislators in conjunction with the County Fair.

President DeFrange reported that with so much going on in the industry everyone needs to really be fully prepared and make sure that they are keeping current with information provided. He noted that there

was a brief meeting of the Right to Farm Committee and the benefit of the Committee is that when issues come up, they can translate better.

### **OLD BUSINESS**

#### **Commercial Values per N.J.A.C. 2:69-1.11**

ON the MOTION of Kurt Alstede, seconded by Barney Hollinger, the Board voted unanimously to approve the Commercial Values per N.J.A.C. 2:69-1.11 Recommendation of State Chemist.

### **NEW BUSINESS**

Board member Kurt Alstede discussed the issue of bee notification. He stated that commercial producers must notify the beekeeper if they are doing an application on certain crops that there may be bee activity. He noted that at this time it is a very difficult to do the notifications. He wondered if the new mapping tool could be used for this purpose.

Board member Kurt Alstede commented that there is an issue that there is not enough Loss Adjusters for crop insurance. He noted that there are preharvest appraisals, but New Jersey does not have enough Loss Adjusters for NAP compliance. He was wondering what can be done to help promote the FSA outreach. It was decided that Board members Kurt Alstede and Paul Hlubik would meet informally with Director Andrzejczak to discuss the issue.

Board member Paul Hlubik reported that the Personnel Committee had met earlier today to hold a second interview with three candidates for the Chief of Staff position that will vacant as of July 30.

ON the MOTION of Paul Hlubik, seconded by Lisa Specca, the Board voted unanimously to move forward with the selected candidate and a second-choice candidate for approval by Civil Service and the Governor's office.

#### **Approval – Rule for Readoption without changes – N.J.A.C. 2:17 – Importation of Plants & Plant Material**

ON the MOTION of Paul Hlubik, seconded by, Barney Hollinger, the Board voted unanimously to approve the Rule for Readoption without changes – N.J.A.C. 2:17 – Importation of Plants & Plant Material pursuant to the Administrative Procedures Act.

#### **Approval – Rule for Readoption without changes – N.J.A.C. 2:55 – School Milk Purchase**

ON the MOTION of Paul Hlubik, seconded by, Barney Hollinger, the Board voted unanimously to approve the Rule for Readoption without changes – N.J.A.C. 2:55 – School Milk Purchase pursuant to the Administrative Procedures Act.

#### **Approval – Rule for Readoption without changes – N.J.A.C. 2:78 – NJ Organic Certification Program**

ON the MOTION of Paul Hlubik, seconded by, Barney Hollinger, the Board voted unanimously to approve the Rule for Readoption without changes – N.J.A.C. 2:78 – NJ Organic Certification Program pursuant to the Administrative Procedures Act.

### Approval – Rule for Readoption without changes – N.J.A.C. 2:23 – Gypsy Moth

ON the MOTION of Paul Hlubik, seconded by, Barney Hollinger, the Board voted unanimously to approve the Rule for Readoption without changes – N.J.A.C. 2:23 – Gypsy Moth pursuant to the Administrative Procedures Act.

Board member Debbie Norz asked the Board members for a consensus on the introduced legislation, A-4035, which requires gubernatorial appointment of State Agriculture Development Committee executive director. Board members were in general agreement that they were not in favor of this.

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

Sarah Fenwick reported the following:

#### **Emergency Relief Program–ERP**

Commodity and specialty crop producers impacted by natural disaster events in 2020 and 2021 will soon begin receiving emergency relief payments totaling approximately \$6 billion through the Farm Service Agency's (FSA) new Emergency Relief Program (ERP) to offset crop yield and value losses. 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**

To streamline and simplify the delivery of ERP phase one benefits, FSA will send pre-filled application forms to producers where crop insurance and NAP data are already on file. This form includes eligibility requirements, outlines the application process and provides ERP payment calculations. Producers will receive a separate application form for each program year in which an eligible loss occurred. Receipt of a pre-filled application is not confirmation that a producer is eligible to receive an ERP phase one payment.

- Pre-filled application forms will be sent to Phase one eligible producers with insured crops that received a crop insurance indemnity in late May.
- Pre-filled application forms will be sent to Phase one eligible producers with NAP covered crops that received certain NAP payments at a date TBD.

#### **Emergency Relief – Phase Two (Crop and Livestock Producers)**

The ERP announcement is only phase one of relief for commodity and specialty crop producers. Making the initial payments using existing safety net and risk management data will both speed implementation and further encourage participation in these permanent programs, such as Federal crop insurance, as Congress intended.

The second phase of both ERP and ELRP programs will fill gaps and cover producers who did not participate in or receive payments through the existing programs that are being leveraged for phase one implementation. When phase one payment processing is complete, the remaining funds will be used to cover gaps identified under phase two.

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>

### **Livestock Indemnity Program– Avian Influenza**

FSA's Livestock Indemnity Program does not cover losses due to the Avian Influenza, however, APHIS has a reimbursement program to those who suffered a loss due to the virus.

### **Organic Certification Cost Share Program & Organic and Transitional Education and Certification Program – 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 2022 Organic and Transitional Education and 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. Applications for OTECP and OCCSP covering fees paid October 1, 2021 through September 30, 2022 both due Octobers 31, 2022.

### **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 begin June 15<sup>th</sup> and will end August 2<sup>nd</sup>. Shortly, additional information regarding the upcoming election will be posted to the NJ FSA website.

### **Dairy Margin Coverage – DMC Premium Reimbursement through NJ Department of Ag**

Dairy producers who pay their DMC premium and submit the required documentation to NJ Department of Ag on or before June 1, 2022 are eligible for reimbursement of 2022 DMC premium payments.

- DMC program does not require premium payment until the Sept 1, 2022 deadline, in order to receive reimbursement through the Department, premiums must be made in advance of the FSA established deadline.

Please contact Daniel Wunderlich, Coordinator Dairy Program and Enforcement at NJ Department of Ag via email [daniel.wunderlich@ag.nj.gov](mailto:daniel.wunderlich@ag.nj.gov) for reimbursement information or your local FSA County Office for DMC information.

### **REPORT OF NATURAL RESOURCES CONSERVATION SERVICE (NRCS)**

Julie Hawkins, State Conservationist, reported that they had recently an additional \$2.5 million dollars for cost share programs. She noted that all rates for conservation practices, they are trying to help as much as possible.

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

Bruce Eklund reported that at 3:00 today he released the following information:

- The 2021 value of New Jersey floriculture sales were \$356 million, fourth highest in the US. This production was from 306 growers, the Nation's ninth highest.



- For production in the open, New Jersey was third at 4,396 acres. New Jersey producers sold over \$194 million in bedding sales, also third Nationally, and 3rd in propagative material sales at \$53.7 million.
- NASS conducted the survey among operations that annually produce and sell at least \$10,000 of fresh cut flowers, potted flowering plants, foliage plants, annual bedding and garden plants, potted herbaceous perennials, cut cultivated florist greens, and propagative (unfinished) floriculture material. Annual sales include retail and wholesale sales of items surveyed.
- 1<sup>st</sup> nationally in yield of cranberries for the 2021 crop.
- Blueberries saw \$78 million in sales; Peaches harvested were approximately 36 million.

### **REPORT OF NJ FARM BUREAU**

Ashley Kerr represented the Farm Bureau and reported on the following topics:

- Opposed legislation to extend the winery pilot and to require gubernatorial appointment of the SADC Executive Director. This has been communicated to the Speaker's office.
- Active request for \$10 million appropriation for purchasing local produce for food banks.

### **PUBLIC COMMENT**

Devin Cornia, Executive Director, NOFA, NJ, commented that there is so much negativity going on and can't all produce be supported through Jersey Fresh.

### **MEETINGS**

The next regular meeting of the State Board of Agriculture will be held on Wednesday, June 22 at the Gloucester County Dream Park in Logan Township. The meeting will begin at 1:30 pm.

### **ADJOURNMENT**

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 4:15 pm.

Respectfully submitted,

Douglas H. Fisher