



State of New Jersey

## **BOARD OF AGRICULTURE**

### **MINUTES OF MEETING**

**October 25, 2023**

**(Wednesday)**

Public meeting notice was certified by communication on October 19, 2023.

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 Holly Sytsema called the New Jersey State Board of Agriculture to order at 1:05 pm. Board members in attendance included President Holly Sytsema; Vice President Barney Hollinger, Kurt Alstede, Lisa Specca, Bob Blew, David DeFrance, John Hart and Stephen V. Lee, IV. The meeting was held at Riverview Plaza, Trenton, NJ.

Also in attendance were Assistant Secretary Joe Atchison, Dr. Amar Patil, Director, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition; Nancy Wood, Division of Marketing & Development; Frank Minch, Director, Division of Agricultural & Natural Resources; Joe Zoltowski, Director, Division of Plant Industry; Susan Payne, Executive Director, Chuck Roohr, SADC; Christina Rasiewicz, Robert Vivian, Jeff Wolfe, Isabella Walz, Chris LaRegina, Nathan Schantz and Jeff Beach, Office of the Secretary. Also in attendance were Ashley Kerr, Peter Furey and Allen Carter, NJ Farm Bureau; Dr. Brian Schilling, Rutgers University, Sarah Fenwick, Farm Service Agency, Evan Madlinger, NRCS, Bruce Eklund, NASS; Ryck Suydam, Pat Butch and Linda Walker, NJ Department of Agriculture.

### **MINUTES OF PREVIOUS MEETING**

ON the MOTION of John Hart, seconded by Stephen Lee, the Board voted unanimously to approve the minutes of the September 27, 2023 regular meeting.

ON the MOTION of Stephen Lee, seconded by Barney Hollinger, the Board voted to go into Executive Session as the notice was read.

**Motion to adopt a resolution to enter executive session:**

The Board adopts a resolution to enter executive session pursuant to NJSA 10:4-12(b)(7), pending or anticipated litigation or contract negotiation other than in subsection b.(4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege. The Board has legal questions pertaining to the selection process for the new Secretary.

The Board will not disclose any information protected by attorney client privilege at future meetings.

ON the MOTION of Barney Hollinger, seconded by Lisa Specca, the Board voted to go back into Public Session.

Vice President Barney Hollinger stated that going forward at the Board meeting that those wishing to speak during the public comment section must sign in and then be called on.

President Sytsema stated that the members of the State Board express their sincere condolences to former State Board President Steve Jany and his family on the passing of his wife Martha.

President Sytsema read a prepared statement on how the group was expected to behave for public comments. SPS comments were asked to be held for the second public comment.

**PUBLIC COMMENT**

None.

**REPORT OF RUTGERS UNIVERSITY**

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

- Several searches are currently underway for Extension faculty in many counties.
- Hopes to have the Tree Fruit position filled soon.
- Expects that there will be a wave of retirements in the coming months.
- One of the Legislative Committees has asked the Experiment Station to do an assessment of the SOE legislation passed in February. The legislation allows owners of preserved farms to do Special Occasion Events (SOE).
- At the Farm Bureau Convention there will be a brief update on the Farm Viability Initiative, some of the work being done includes outreach meetings with growers across the state and a recent virtual meeting included many young farmers.

Board member Kurt Alstede asked Dr. Schilling what he thought the timeline might be for the issuance of the Ag Viability report. He commented that by the end of November, he would like to have something out.

## REPORT OF FARM SERVICE AGENCY (FSA)

Sarah Fenwick reported the following:

### County Committee Elections

Farm Service Agency county committees are a critical component of the day-to-day operations of FSA and allow grassroots input and location administration of federal farm programs. Elections occur each year in certain Local Administrative Areas (LAA). LAAs are elective areas for FSA committees in a single county or multi-county jurisdiction. A new county committee election GIS locator tool is available to FSA customers providing the ability for you to identify the LAA you or your farming interests are located in. On November 6, 2023, ballots will be mailed to eligible voters in LAA's up for election. The LAA Locator along with other information on the county committee and upcoming elections can be found at <https://www.fsa.usda.gov/news-room/county-committee-elections/index>

### Emergency Relief Program (ERP) Phase 2

ERP Phase 2 payments were made at the end of September for losses to crops, trees, bushes, and vines due to a qualifying disaster in calendar years 2020 and 2021. New Jersey producers received over \$2,280,000 in payments.

### Milk Loss Program (MLP)

The Milk Loss Program provides assistance to eligible cow dairy operations that dumped milk, without compensation, from the commercial milk market due to a qualifying disaster event during 2020, 2021, and 2022. Eligible disaster events include drought, wildfire, hurricane, flood, derechos, excessive heat, winter storms, freeze (including polar vortex), and smoke exposure in 2020, 2021, and 2022. Tornadoes are also qualifying disaster events in 2022.

Signup is open and has been extended through November 1, 2023. Please contact your local FSA County office for more information.

### Agriculture Risk Coverage and Price Loss Coverage (ARCPLC)

- 2022 ARCPLC – payments processed on October 5th. New Jersey made \$297,000 in ARC-CO payments, the 17th highest total in the country.
- 2024 ARCPLC – Due to expiration of the 2018 Farm Bill, there is currently no ARCPLC program authorized for 2024 and contracts are not available for enrollment at this time.

### Organic Certification Cost Share Program (OCCSP)

The 2023 Organic Certification Cost Share Program is now open, and FSA will be accepting applications through October 31, 2023 for certification expenses paid October 1, 2022 through September 30, 2023. Organic producers will be reimbursed up to 75% of costs associated with organic certification, up to \$750 per scope (crops, wild crops, processing/handling).

### **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](mailto:Alyson.Dyson@usda.gov), with any questions.

### **Important Dates:**

**November 1:** MLP signup closes

**November 1:** OCCSP sign up closes for 2023

**November 15:** Fall planted small grains acreage reporting deadline

**November 20:** NAP application for coverage deadline for all fruit trees, cranberries, grapes, blueberries

**December 31:** NAP application for coverage deadline for honey and spring crops

**January 2, 2024:** Acreage Reporting deadline for honey (honeybee colonies)

**January 15, 2024:** Acreage Reporting deadline for apples, blueberries, cranberries, peaches, grapes, and strawberries

**January 30, 2024:** ELAP Application for Payment deadline

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

Allen Carter represented the Farm Bureau and reported that he would reserve most of his comments for SPS comment period. He thanked the members of the State Board for the work that they each do. He highlighted their upcoming Annual Meeting that is being held at the Westin in Princeton on November 13 & 14, and that the featured dinner speaker would be Senator Bob Smith. In addition, he reported that a recent tour, organized by Ocean Spray for Congressman Glenn "GT" Thompson of Pennsylvania, visited his sod farm in Hammonton followed by a round table discussion with topics such as the Farm Bill, H2A and labor. In addition, they visited the Cutts Farm which has bogs on State owned lands.

Peter Furey noted that he would provide a written update the following day. He commented that the Congressman really enjoyed the sights that he got to see on his tour.

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

Bruce Eklund reported that as of October 1, NJ producers expect to harvest an average 42 bushels per acre of soybeans from 108,000 acres. As of September 1, NJ producers harvested 82 bushels of wheat (a record) up from the previous record of 70 acres last year.

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

Acting Conservationist Evan Madlinger reported that staff from Connecticut and Massachusetts have been here in New Jersey for conservation planning training. There are a number of new employees on

board. He noted that they are working under the Continuing Resolution that is set to expire on November 17. He noted that they did receive their IRA Funding (Inflation Reduction Act) which was significantly more than they expected, EQUIP got \$11.7 million dollars. This will allow them to make improvements that are needed in many areas.

### SECRETARY'S REPORT

Assistant Secretary Joe Atchison reported that throughout October, the Division of Food & Nutrition's school nutrition representatives collaborated with the Farm to School team to participate and attend events throughout the State highlighting National Farm to School Month. In addition, it was National School Lunch Week and Department staff visited Samsel Upper Elementary of the Sayreville Board of Education on October 12. He reported that the children were happy to talk to the visitors and participated in the lunch program as well as utilizing their salad bar.

He noted that Marketing and Development staff are shipping and delivering point-of-purpose materials to retailers and continue to publish and disseminate Jersey Fresh social media updates. Staff continues to assist commodity councils in marketing support including marketing assistance for the NJ Apple Council (social media and photo contest) and New Jersey Sire Stakes (coordination of advertisement for industry publications). Finally, he reported that Division staff had attended the International Fresh Produce Association trade show in Anaheim, CA. He noted that December 5 would be the NY Produce Show and invited the members of the Board to attend. He noted that the additional grants staff position that was supposed to be filled, the applicant changed her mind at the last minute. They are currently in the process of offering the position to another candidate. Finally, he noted that the Jersey Fresh Year-End Awareness Study is currently underway and hopes to have the results by the December meeting.

Frank Minch, Director, Division of Agricultural & Natural Resources, reported that one of their new grant projects was just about completed in Sussex County. They will continue to work with the 319 Group to see what other projects can be done. He noted the importance of all working together.

Rose Chamberlain, Director, Division of Food & Nutrition, reported that Division staff are preparing to speak at the upcoming School Nutrition Association Conference on November 9 & 10. In addition, they will be presenting at some of the break-out sessions and staffing a booth at the exhibit area. She noted that it gives the staff an opportunity to talk face-to-face with the school food service operators. She noted that there is currently a milk packaging shortage that New Jersey is experiencing. She has been working with Assistant Secretary Atchison and Dan Wunderlich, of his staff, on this issue. She reported that Division staff put out a notification regarding the issue to the School Food Authorities (SFAs). She read the statement that was issued by USDA for this issue:

*USDA's Food and Nutrition Service (FNS) is aware that schools in multiple States are experiencing milk supply chain challenges related to packaging issues. New Jersey is among the states affected. Program operators are expected to meet the fluid milk*

*requirements to the greatest extent possible. SFAs are encouraged to work with their suppliers to obtain alternate packaging such as bulk packaging or plastic bottles. If other alternatives have been exhausted, current Child Nutrition Program regulations found at [7 CFR 210.10\(d\)\(2\)](#), [220.8\(d\)](#), [225.16\(f\)\(6\)](#), and [226.20\(e\)\(1\)](#) may allow Program operators experiencing milk supply shortages to serve meals during an emergency period with an alternate form of fluid milk or without fluid milk. Supply chain disruptions, including disruptions that limit milk variety or affect serving size, would be considered a temporary emergency condition for purposes of this flexibility. A waiver is not required, however, documentation indicating milk supply chain issues may be asked to be provided on Administrative Review.*

Dr. Amir Patil, Director, Division of Animal Health, reported that Division staff had detected an Equine Herpes Virus (EHV) at a farm in New Jersey and one of the barns had to be quarantined. A second case of EHV was also detected in South Jersey. Horses and humans are most susceptible. He noted that with the fall weather, HPAI has been coming back and hopes that New Jersey will not be affected. This is the peak season for it. He noted that New York has had several cases at their live bird market.

Joe Zoltowski, Director, Division of Plant Industry, thanked the Operations & Budget Committee for visiting the lab this morning. He reported that fall inspections took place at five of New Jersey's largest blueberry nursery stock producers located in Atlantic and Burlington Counties during September. Horticultural staff inspected over 589,499 blueberry plants at the seven nursery locations: 30,487 mother plants, 207,344 nursery plants, 339,322 cuttings and 12,346 containers). A total of 101 plants were rejected & destroyed due to disease; three plants displayed symptoms of stunt virus while 98 exhibited ring-spot virus. Ring-spot continues to be the most prevalent viral disease for which plants were rejected. In addition, a total of 34 municipalities have requested LDD ground egg mass surveys be conducted during the fall through winter to determine if treatments would be necessary next spring. To date, a total of 14 municipal surveys have been completed with 908 acres of residential forested lands in 15 blocks in six municipalities proposed for treatment in 2024. Finally, staff continues to respond to exotic hornet calls by visiting the reported locations or reviewing photographs submitted by callers. All 24 inquiries were negative for foreign hornets and were identified as European hornets.

Susan Payne, Executive Director, SADC, reported that the public hearing for the Soil Protection Standards (SPS) was held on Wednesday, September 27, 2023 and the comment period was extended to November 6. She reported that staff is reviewing the comments received and categorizing them. Once the deadline has passed, they will review with the Subcommittee and decide the next steps that will be taken. She reported that SADC would be meeting the next day. She reported that on October 11 they met with the Hunterdon County Board of Agriculture to provide an overview of SPS and then a question and answer period. She noted that they would be travelling to Cumberland County that evening and Somerset County the following night to again provide an overview and question and answer. Finally, she announced that the program had celebrated the 250,000 acres preserved in Salem County.

## BOARD MEMBER COMMENTS

John Hart reported that the recent weather has been wonderful as they are in the process of building a brewery on their property and he recently planted 30 acres of barley. He noted that there has been a terrible problem with the deer and getting depredation permits. He noted that there has been an issue with buying rat poison over the counter and needing to have an exterminator come to the farm. President Sytsema suggested Wildlife Committee have a discussion on the issue.

Stephen Lee stated that they are currently in the middle of their annual cranberry harvest and that he may need to leave the meeting shortly. He commented that the Nominating Committee had met and determined that farmer members are needed for the SADC. He commented that we have made requests for candidates, and we have only had one so far. He asked again for members of the Board to remind the counties that they are seeking candidates for the SADC.

Bob Blew reported that things are fairly quiet in the area. He reported that on October 2, Salem County Board of Agriculture and the Farm Bureau hosted the candidates running for the Senate seat in District 3. It was a well-attended event with topics such as deer population and soil protection standards. He attended Gloucester County Board of Agriculture where Dr. Beier reported on equine encephalitis in Salem County. The Annual Dinner will be held on November 6.

Dave DeFrance commented that Hunterdon County is busy with movement of trees. He noted that they set trap trees for SLF and did not find any. He attended the Mercer County Annual dinner last week which was well attended. He talked about the meeting in Hunterdon County on SPS and felt that there was some very good discussions. He attended Monmouth County with board member Lisa Specca to help with the SPS discussion there. He commented that legislation has become a very time-consuming issue.

Kurt Alstede commented that the continuing bad weather weekends have really hurt direct marketers who count on the weekend shoppers. He noted the increasing cost of labor with H2A and H2B. He noted that he has served on the Highlands Committee for 20 years and currently serves as the Vice Chair and they are looking to bring an Ag Specialist to the Committee.

Lisa Specca reported that Ocean County held their Dinner Dance last month, but she did not attend. She reported that they are meeting quarterly as they are having trouble getting people to participate. She attended her first meeting at Monmouth County and was very impressed by their facilities. She reported to them that the Board is working on the Secretary of Agriculture search, and the positive comments on the legislative tours that the Board has been holding. From there, the evening discussion turned to the SPS. She reported that she and Dave DeFrance provided a good deal of information, and everyone went away feeling better. She encouraged the Board to make specific comments to the SADC. She reported that they did escape frost so far, but it is expected for Halloween.

Barney Hollinger reported that Cape May County elected new officers for 2024. He noted that there was some discussion on SPS. There was a virtual DEP pesticide meeting on September 23. Cumberland County also elected officers for the coming year. He noted that SADC was holding an informational meeting in Cumberland County that evening. He noted that they are still buying seed and a few new restaurants have been purchasing from them.

President Sytsema reported that Bergen County Board of Ag did not meet. She stated that Jim Abma Sr. is battling cancer, and our thoughts and prayers go out to his family. She noted that Sussex County held their Annual Dinner meeting earlier that week and it was well attended. She reported that the harvest of corn, beans and hay continues but the rainfall has made it difficult. She announced that she would like to recognize accomplishments throughout agriculture and that she had worked with Jeff Beach to write letters to the students who competed in the State Dairy Judging team that competed at Nationals in Wisconsin.

### COMMITTEE REPORTS

Kurt Alstede reported that the Operations & Budget Committee had met earlier that day to tour the PA Beneficial Insect Lab in Ewing. He noted that the building is in desperate need of many major repairs. He noted that the facility is 40 years old and shows it. He noted that there is a lot of lost opportunities there. He reported that it is one of only five labs in the country that can do some of the work they do. He noted that the Capital Budget Hearing would be held on November 13. He suggested that perhaps one of the Board members could provide the testimony, he truly feels that this could be a game changer.

Dave DeFrance reported that we are awaiting information regarding the invasives legislation. He noted that all the community is waiting to see what the final language will be in the legislation. Peter Furey offered to have the Farm Bureau host a meeting on the legislation and get everyone on the same page. He noted that he may speak about it at the upcoming Convention. He noted that the Legislative Committee also talked about the importance of the legislative tours and the opportunity to speak one on one with the Legislators is key as well as having the tour schedule set well in advance. Finally, he commented that they will continue to watch the Food & Nutrition legislation.

Vice President Hollinger reported that the Convention Committee had met earlier that day and discussed the selection of the dinner speaker as well as some of the session topics. He reported that the Policy Committee had met to discuss the Soil Protection Standards and made the following motion:

“New Jersey State Board of Agriculture members have, over the past several months, heard continued concerns from the agricultural community about the State Agriculture Development Committee’s (SADC) proposed rules regarding soil protection on preserved farms.

As the rule proposal was being developed, a Board subcommittee met with SADC staff over the course of many months to provide input on behalf of the industry, and these meetings resulted in additional



soil disturbance allowances that take into account production issues and mitigation methods. Yet, Board members continue to field repeated calls, emails, and other communications that the agricultural rule as proposed in the *New Jersey Register* is still seen as unacceptable to a great many farmers, especially those already enrolled in the Farmland Preservation Program.

The end of the official public comment period for the rule published in the *New Jersey Register* is looming in early November. A recent meeting in Hunterdon County where SADC staff answered questions directly to concerned farmers seemed to help provide a deeper understanding of the proposed rule, the objectives behind it, and the legal issues that made it necessary. Additional SADC informational meetings with county agriculture boards already are scheduled for October 25 in Cumberland County and October 26 in Somerset County.

Today, this Board urges the SADC to continue holding meetings directly with farmers in as many counties as possible to inform the agricultural community about the details, background, and legality of the proposed rule.

It is important to the State Board that this matter be resolved in a way that satisfies the Supreme Court ruling, maximizes agricultural economic opportunity, and maintains public confidence in the integrity of the Farmland Preservation program, so that it will remain an integral part of our state's agricultural future for decades to come.

Accordingly, the Board asks the SADC to extend the public comment period, preferably to a date after the winter conferences of the New Jersey Farm Bureau and the State Agricultural Convention, to afford farmers the opportunity to network and learn more about this new rule when they have the opportunity to fully engage outside their busy harvest schedule."

Kurt Alstede seconded the motion.

Board member Steve Lee made a motion to strike the last paragraph, Bob Blew seconded the motion.

There was a good deal of discussion on this motion. It was noted that there are so many other things that need to be addressed and that this has taken a very good deal of everyone's time.

A vote to strike the last paragraph was defeated.

A vote was taken to send the statement as written. The statement will be sent as written.

Stephen Lee, Lisa Specca and Bob Blew voted against.

Board President Holly Sytsema asked that the SPS Subcommittee be reestablished to work in conjunction with Farm Bureau and the agricultural community.

## NEW BUSINESS

### **State Agricultural Convention Committee**

Board members were presented with proposed Resolutions and Nominations Committee selections.

ON the MOTION Kurt Alstede, seconded by Bob Blew, the Board voted unanimously to approve the Committee as presented with Barney Hollinger and David DeFrange to serve on the Resolutions Committee and Stephen Lee to serve on the Nominations Committee.

Vice President Hollinger agreed to serve on the Credentials Committee.

## PUBLIC COMMENT

Ryck Suydam commented that the agricultural community feels that the SPS rules are unfair and unjust. He commented that he was disappointed in the Board that they have taken so much time to do anything. He asked the Board to tell the SADC no retroactivity. He thinks it will kill the program.

Pat Butch commented that the SPS rules as written will change the way farmers do things even though they were originally told that it would not. She urged the Board to take action to find other solutions to the problem.

Allen Carter also commented that Farm Bureau is concerned with the retroactivity of the program. When farmers agree on a deal it is a deal.

## MEETINGS

The next regular meeting of the State Board of Agriculture will be held on Wednesday, November 15, 2023 at 1:00 at Riverview Plaza, Trenton.

## ADJOURNMENT

ON the MOTION of Bob Blew, seconded by David DeFrange, the Board voted unanimously to adjourn the regular meeting at 3:45pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joseph A. Ott III". The signature is fluid and cursive, with a long horizontal line extending to the right.

Assistant Secretary of Agriculture