



State of New Jersey

BOARD OF AGRICULTURE

MINUTES OF MEETING

April 20, 2022

(Wednesday)

Public meeting notice was certified by communication on April 13, 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 DeFrange called the New Jersey State Board of Agriculture to order at 1:39 pm; the meeting was held at the 200 Riverview Plaza virtually. Board members in attendance included President David DeFrange, Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Holly Sytsema, Kurt Alstede.

Also in attendance were Secretary Douglas Fisher; Assistant Secretary of Agriculture Joe Atchison, Dr. Manoel Tamassia, Director, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition; Joe Zoltowski, Director, Division of Plant Industry, Frank Minch, Director, Division of Agricultural & Natural Resources; Susan Payne, Executive Director, SADC; Nancy Wood, Division of Marketing & Development; Mary Tovar, Robert Vivian, Jeff Wolfe, Sarah Mahmoud and Jeff Beach, Office of the Secretary. Also in attendance were Al Murray, Ashley Kerr, Peter Furey, NJ Farm Bureau; Sarah Fenwick, Farm Service Agency, Bruce Eklund, State Statistician; Jeff Burd, John Hart, Lori Jensen, Gail Walcott, Assemblyman Roy Freiman, Shelly Bell; and Linda Walker, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the minutes of the March 23, 2022 regular meeting.

PUBLIC COMMENT

John Hart, Mercer County Board of Agriculture, provided the Board members with a letter of support from the Mercer County Board of Ag in support of Senator Sarlo's original bill S-757 for special occasion

events (SOE) on preserved farms. He also noted that he was a candidate for the State Board of Agriculture for the North, Forage & Grain candidate.

Jeff Burd, Mercer County Board of Agriculture, read the letter from the Mercer County Board of Agriculture for the record and for members of the audience and online.

Board President DeFrange stated that he had spent a great deal of time taking calls from County Boards of Agriculture related to the SOE topic and felt that it was important that the State Board take time today to thoroughly discuss the issue. Board member Holly Sytsema commented that she too had taken many calls regarding the topic and that she supported the legislation but did not want it to adversely impact non-preserved farms. Board member Kurt Alstede also received many calls regarding this issue and that this is a very important topic to all preserved farms.

Board member Paul Hlubik (via phone) stated that this legislation has been around for several sessions and that the Board needs to support the original language of S-757 which does not mean that changes cannot be made in the future; it just gets the ball rolling and protects the farm community.

Paul Hlubik made a motion to support the original S-757 bill. There was discussion to draft a letter of support of the original language so that we can find some common ground. Board member Barney Hollinger commented that he too was in support of the original S-757 so that no operation will have to shut down because action was not taken to prevent that. As stated by Board member Paul Hlubik, changes can be made a later time.

President DeFrange asked Assemblyman Roy Freiman if we would like to make comments to the Board and members of the audience.

Assemblyman Roy Freiman stated that this legislation does go back several legislative sessions; two sessions ago, it made it to the Governor's Desk but was not signed. Assemblyman Freiman, sponsor of the Assembly Bill 2772 which was not identical to the Senator Sarlo's draft, stated that he had spoken with Senator Sarlo to see if he was ok with the suggested changes. Assemblyman Freiman spoke at length regarding the legislation as well as discussing with members of the State Board and Secretary Fisher. After the discussion President DeFrange stated that he felt that it was time to get back to basics and go back to the original language.

Kurt Alstede made a motion that the Board voted to send a letter of support for the original language of S-757. Holly Sytsema seconded but asked to make sure that it will not adversely affect non-preserved farms. Kurt Alstede commented that the very nature of the Farmland Preservation Program gives a level of support to preserved farms that non-preserved farms don't have as represented in the Deed of Easement. Holly commented that we need to back up to be sure that Agriculture is viable and doesn't want to see a wedge between preserved and non-preserved farms. Board member Paul Hlubik made additional comments in favor of original version of S-757.

ON the MOTION of Kurt Alstede, seconded by Barney Hollinger, the Board voted to send a letter to reaffirm the State Board's support for the original language of the Sarlo legislation, S-757. President

DeFrange asked for a roll call vote: Kurt Alstede, yes; Warren Hollinger, yes; Holly Sytsema, no; Paul Hlubik, yes; Debbie Norz, yes; Ernest Beier, no; David DeFrange, yes. The motion carried.

SECRETARY'S REPORT

Secretary Fisher introduced Sarah Mahmoud, the new One Health Liaison for the Department.

Each Board member was given a box of Spotted Lanternfly egg scraping cards which have been widely distributed and noted that more are available if needed. In addition, it was reported that preparedness efforts are underway against the threat of Highly Pathogenic Avian Influenza (HPAI). Jeff Beach and his team have been preparing for this and are holding weekly virtual meetings with the multi-agency HPAI working group to enable collaboration and coordination for the disease response planning in New Jersey. While New Jersey has not been affected as of this date, 35 other states have.

Secretary Fisher commented that many have asked about school feeding programs and whether all children would be fed based on the federal program. We have received word from USDA that it will not be reintroduced this year. We have been working on waivers for several programs and that we would work to get as many children fed at no cost to the State or to them. In addition, the first Jersey Fresh report of the season went out last week and the Division of Markets will focus on making sure that Jersey Fresh and local will be represented. He reported that budget hearings were underway; the Department had already appeared before the Assembly and that they are preparing for the Senate on May 12.

Rose Chamberlain, Director, Division of Food & Nutrition, again reported to the Board that the USDA had not extended the waiver authority for the 22-23 school year which means that we will go back to our pre-covid operational process. She noted that the USDA has given the state agencies the opportunity to extend just a select few operating waivers.

Susan Payne, Executive Director, SADC, reported that the Soil Protection Standards Committee had met and approved the draft regulation and it will be on the agenda for the SADC April 28 meeting.

Joe Zoltowski, Director, Division of Plant Industry, announced that they were gearing up for Gypsy Moth and expected that treatments could begin by May 10. In addition, program staff continue to receive applications for participation in the Hemp program. A total of 24 grower licenses were issued to growers who intend to grow hemp on 177 acres outdoors and 15 acres indoor. A total of 12 processor licenses have also been issued for the season with a total of 17 varieties.

Assistant Secretary Joe Atchison, Director, Division of Marketing & Development, reported that since the last Board meeting, he had the opportunity to meet with members of NOFA regarding the changes to the Organic Program. In addition, Erich Bremer has also been reaching out to industry members on what may be included in the program going forward. Mr. Atchison attended the Canadian Produce Show and it was an excellent opportunity to represent Jersey Fresh; the show was very well attended. He reported that Division staff would be meeting with the marketing agency to finalize the Jersey Fresh campaign for the coming season. Further, the Division has already received several applications for the newly established Jersey Raised Program; they are working out some technical questions regarding processors

and labeling. He noted the passage of the Dairy Margin Coverage for 2022 to help the dairy farmers pay their premiums and enrollment costs which helps to offset some of the expense. The enrollment period for the coverage ended March 25 and they are working with FSA to get the premiums reimbursed. Information is available on the Department website and through other social media platforms. Finally, he reported that he and Amanda Wenzel had attended a meeting of the Aquaculture Advisory Committee to discuss a marketing program for aquaculture products and will keep the Board informed as more develops.

Dr. Manoel Tamassia, Director, Division of Animal Health, reported that there were several quarantines related to the importation of horses. He noted that there were 13 complaints for humane standards. He reported that they are working with the One Health liaison. He reported that HPAI has been detected in all the states around us and the Department's Emergency Management Team and the Division of Animal Health is working with other state agencies, specifically the Office of Emergency Management, to be ready in case of an outbreak of HPAI on one of our large facilities. Additionally, he reported that a partnership with the NJOEM All-Hazards Incident Management Team (AHIMT) has been established. The team consists of emergency managers with expertise in the divisions of the incident command structure, such as logistics, operations, finances/administration, and planning.

Frank Minch, Director, Division of Agricultural & Natural Resources, announced that Division staff and staff from the SADC met with a group of shellfish growers to discuss the current Right to Farm program and the industry's needs, specifically with regards to what Right to Farm can provide. This meeting was held in Port Norris with a tour of Atlantic Cape Fisheries and Bivalve Packing facilities after. The meeting was organized for staff to gain a better perspective on standard industry operations, while providing growers with a greater understanding of the Right to Farm program. Finally, he reported that they have hired a new staff person, starting next month, that will handle farmland assessment.

Secretary Fisher announced that Governor Murphy has approved a pilot program for remote work; the plan is still being finalized but this will allow most staff to telework two days per week. He noted that during the pandemic staff demonstrated the ability to work from home and this opportunity is something that will be well-received by employees.

BOARD MEMBER COMMENTS

Kurt Alstede reported that the topic of soil disturbance was heard at many of the county board meetings as well as Special Occasion Events and Right to Farm. He reported that the letter the State Board sent to RMA advocating for apples, peaches and grapes was successful. He hosted the 55 growers for the fruit grower twilight meeting. It was well attended and useful information was provided.

Holly Sytsema reported that operating costs continue to rise and not everyone is able to pass those costs on to the consumer. On behalf of the dairy farmers, they are extremely pleased with the roll out of the DMC program. She noted that Sussex County continues to raise concerns about the deer problems. The National Hereford Association is seeking sponsors; they are hosting the Hereford Expo at the end of July. Finally, she reported that it was still cold and they are getting machinery ready to go.

Barney Hollinger also commented on the Aquaculture meeting and felt that it was very informative. He noted that they are awaiting information from SADC Executive Director Susan Payne on Right to Farm. In addition, he reported that Cape May County is having problems with planning boards and neighbors, more than usual. The Health Department also has been involved because of a zoonotic disease in Cape May. Finally, they are currently pulling product in from the bay and then separating by size.

Debbie Norz reported that Union County Board of Agriculture will be hosting their annual dinner in June and that she plans to attend. Somerset County will not be holding their annual scholarship picnic this year. It was noted that they have two applications and expect a few more as the deadline was extended. In addition, Somerset County agreed to contribute to the 2 Ag Leadership candidates, which was very much appreciated. She questioned the bid process for DEP lands, especially sealed bids as opposed to open bids. The Legislative Committee would be meeting tomorrow to discuss the draft of the raw honey bill.

ON the MOTION of Barney Hollinger, seconded by Kurt Alstede, the Board voted unanimously to ask that raw honey to be pulled from the Cottage Food Bill.

Paul Hlubik stated that the grain markets are looking at some of their best prices in years; however, with the costs of production and gas continuing to rise, they are cautiously optimistic. He attended the Middlesex County Board of Ag meeting virtually and reported that they would be holding their annual Legislators' dinner later this week at the Cranbury Inn. He questioned if the deer fencing program for non-preserved farms would be like the SADC deer fencing program. Frank Minch explained that they are in the process of writing the rules for that program but that it would be very similar to the SADC deer fencing program rule.

Dr. Ernest Beier reported that the Convention Committee had met last month with members of the Vegetable Growers to discuss the most recent State Agricultural Convention. They reviewed some of the items that were of concern to the Department and State Board and noted that the Committees will continue to have discussions going forward. He reported that Gloucester County Board of Agriculture had a concern regarding the 5-year irrigation permit form - there was a question about potable water and there was concern about why this was asked. He reported that they are calving, lambing, kidding, etc. Finally, he reported that there is a serious concern about the lack of large animal veterinarians. We are losing the ones that we have; thankfully Rowan University is planning to have a veterinary school, but it will be some time before they have a graduating class.

President DeFrance thanked Assemblyman Freiman and Shelly Bell for attending the Board meeting today to be part of the dialogue. He thanked the Board and Secretary Fisher for the discussion and hopes that the outcome will be positive. He reported that inflation has caused an uptick of 47% from 2019. He noted that the weather has made things challenging on the farm. Finally, he reported that the Right to Farm Committee was established and looks forward to bringing everyone together soon.

NEW BUSINESS

Readoption with Amendments – N.J.A.C. 2:18 – Nursery Inspection Fees

Plant Industry Director Joe Zoltowski explained that this is to fund costs incurred by the Department of Agriculture in conducting inspections for the certification of nursery stock or other plant material moved intrastate, interstate and to foreign countries. No public comments had been received.

ON the MOTION of Paul Hlubik, seconded by Kurt Alstede, the Board voted unanimously to approve the Readoption with Amendments – N.J.A.C. 2:18 – Nursery Inspection Fees pursuant to the Administrative Procedures Act.

Commercial Values per N.J.A.C. 2:69-1.11 – Recommendation to the State Chemist

Assistant Secretary Joe Atchison reported that inputs are going through the roof and the last time we did this nitrogen was around \$10 and now it is \$21.60. He reported that this is notification and that we are receiving oral comments and written comments will be accepted until May 15.

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

Readoption of N.J.A.C. 2:72 without Changes – Bonding Requirements of Commission Merchants, Dealers, Brokers and Agents

Assistant Secretary Joe Atchison reported that this rule proposed for readoption regulates the buying or receiving of agricultural commodities from New Jersey growers on a credit basis, thereby providing financial protection to New Jersey producers in the event of a default of payment. He noted that no changes had been made to the existing rule and that no comments had been received.

ON the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously to approve the Readoption of N.J.A.C. 2:72 without Changes – Bonding Requirements of Commission Merchants, Dealers, Brokers and Agents pursuant to the Administrative Procedures Act.

Readoption of N.J.A.C. 2:74 without Changes – Controlled Atmosphere Storage Apples

Assistant Secretary Joe Atchison reported that these rules regulate the use of controlled atmosphere storage facilities and the disposition of apples exposed to such storage, thereby promoting the New Jersey apple industry. He noted that no changes had been made and no comments had been received.

ON the MOTION of Kurt Alstede, seconded by Debbie Norz, the Board voted unanimously to approve the Readoption of N.J.A.C. 2:74 without Changes – Controlled Atmosphere Storages pursuant to the Administrative Procedures Act.

Specialty Crop Block Grants

Rutgers – Developing Culturally Preferred Nutrient-Dense Leafy Greens	40,000.00
Rutgers – Growing the NJ Wine Industry: Rutgers Grape & Wine Certificate Program	40,000.00
Rowan University– Mitigating Blueberry Scorch Virus	39,316.00
American Cranberry Growers Association– Identifying new fungicides	39,998.01
NJ Blueberry Growers Association – Advertising Jersey Fresh Blueberries – 2023	40,000.00
NJ Peach Promotion Council – Competitive Marketing of Jersey Fresh & Local Peaches	40,000.00
NJ Forestry Association – Promoting sales of deciduous & flowering trees	20,000.00
NJ Council of Farmers & Communities –Promoting Specialty Crops Grown	40,000.00
Northeast Organic Farming Assoc. – Expanding Organic Dry Bean Production	14,489.50
Foodshed Alliance – Expanding Awareness, Education & Demand for NJ Specialty Crops	39,949.00
NJDA – NJDA Jersey Fresh	402,366.21
NJDA Grants Administration	60,036.81

ON the MOTION of Debbie Norz, seconded by Paul Hlubik, the Board voted to unanimously to approve these grants as presented.

NJ Agricultural Society – Expanding Specialty Crop Knowledge 40,000.00

ON the MOTION of Paul Hlubik, seconded by Kurt Alstede, the Board voted to approve this grant as presented.

President DeFrange and Debbie Norz recused themselves from the vote.

Hunterdon County Board of Ag – Who’s your hunter county farmer? 15,000.00

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted to approve this grant as presented.

President DeFrange recused from the vote.

President DeFrange thanked the Department staff and the Grants Committee for the time and effort put forth in this effort.

REPORT OF FARM SERVICE AGENCY (FSA)

Sarah Fenwick reported the following:

Conservation Reserve Program (CRP)

Grassland CRP signup will run until May 13. Grassland CRP is a working lands program, helping landowners and operators protect grassland, including rangeland and pastureland and certain other lands, while maintaining the areas as working grazing lands. Continuous CRP is open to producers all year long, please speak to your local FSA offices for possible opportunities

Important Dates:

- **April 29th**– SMHPP Application Deadline
- **May 1st**– NAP Application for Coverage deadline for Nursery (2023 crop year)
- **May 13th**– CRP Grasslands Application Deadline
- **May 5th, May 10th, May 11th, May 18th, May 24th, June 7th, June 24th**– Emergency Loan deadline
- **May 31st** – Nursery crops Acreage Reporting Deadline (2023 crop year)
- **July 15th** – Most crops acreage reporting deadline for 2022 crop year

**Reminder for early-planted

NAP crops; acreage reporting deadline is earlier of 7/15 or 15 days prior to onset of harvest.

Farm Loan Program

USDA FSA is working hard to ensure that we provide American Rescue Plan Act of 2021 relief as expeditiously as possible to those who qualify. A federal judge issued a preliminary injunction that halts the United States Department of Agriculture (USDA) from making debt relief payments under Section 1005 of the American Rescue Plan Act. At this time, debt relief letters are still being processed and eligible borrowers are encouraged to continue to complete and return the letter. Payments are not

being processed at this time due to the preliminary injunction. To learn more about this, visit <https://www.farmers.gov/americanrescueplan/litigation-update>.

The American Rescue Plan Act of 2021, signed into law on March 11, 2021, is a package of financial assistance

meant to contain the pandemic, provide millions of households with immediate relief, and build a bridge towards economic recovery. It includes provisions for USDA to pay up to 120% of loan balances, as of January 1, 2021, for FSA Direct and Guaranteed Farm Loans and Farm Storage Facility Loans debt relief to any socially disadvantaged producer who has a qualifying loan with FSA.

This includes producers who identify as one or more of the following: Black/African American, American Indian, Alaskan Native, Hispanic/Latino, Asian American, or Pacific Islander. Since this debt payment will qualify as income, Congress determined the 20% additional payment is intended to help mitigate liabilities that occur when clearing a debt, which may include tax liabilities, among others.

Eligible Direct Loan borrowers are continuing to receive debt relief letters from FSA in the mail. Information for Guaranteed Loan borrowers will be available within 120 days. After reviewing closely, eligible borrowers should sign the letter when they receive it and return to FSA. FSA employees will assist borrowers with their questions free of charge and will help producers complete any required documents.

Details about how to request a meeting with FSA are in each offer letter. For more information related to the Act and its provisions, please go online to www.usda.gov/arp and for information specific to the Debt Payments, please visit www.farmers.gov/americanrescueplan to find FAQ's, how to participate, eligible borrowers and loans, and additional resources.

Borrowers who are waiting for ARPA debt relief payments are still encouraged to make timely installments or apply for servicing on their account(s). Any payments made on accounts after January 1st, 2021 will be returned to the borrower at the time ARPA debt relief payments are made.

Disaster Declarations

The Farm Service Agency has fourteen (13) 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 these counties are eligible for Emergency Loans through the USDA Farm Service Agency (FSA), please follow this link for a list of the disaster declarations and their respective counties https://www.fsa.usda.gov/state-offices/New-Jersey/index#disaster_declaration.

Loan Interest Rates for April 1, 2022

- a. Farm Ownership– 3.250%
- b. Operating– 2.750%
- c. Emergency– 3.750%

REPORT OF NJ FARM BUREAU

Peter Furey reported on the following topics:

- Outreach meeting with state legislators across the state and have had a fabulous reception from them. Talking about priorities of Farm Bureau
- Solar regulations – announced an extension for comments – citing regulations that govern the placement of industrial projects on agricultural industrial areas.
- Deer continues to be an active issue as well as a bear hunt that they would like to speak with the Governor's Office on this.
- Water allocation issue.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Bruce Eklund reported the following:

- Local foods report coming out April 28
- Non-Citrus report which includes peaches, blueberries & cranberries
- Floriculture survey out – May 25
- Planting intentions – March 31
- ARMS survey
- Census of Agriculture will start in November '22 – hopes to have as much farmer participation as possible.

PUBLIC COMMENT

None.

Board member Kurt Alstede commented that he feels that the issue of virtual attendance has become a problem with the ability to hear and contribute to the meeting and asked that the Department explore options to make the situation better.

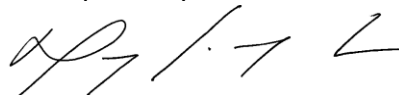
MEETINGS

The next regular meeting of the State Board of Agriculture will be held on May 25 at a location to be determined.

ADJOURNMENT

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

Respectfully submitted,



Douglas H. Fisher