



State of New Jersey

## **BOARD OF AGRICULTURE**

### **MINUTES OF MEETING February 7, 2023 (Tuesday)**

Public meeting notice was certified by communication on February 1, 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 David DeFrange called the New Jersey State Board of Agriculture to order at 2:45 pm. Board members in attendance included President David DeFrange; Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Kurt Alstede and Lisa Specca. The meeting was held at Harrah's Resort and Waterfront Conference Center, Wildwood Ballroom 12-13, Atlantic City, NJ.

Also in attendance were Secretary Douglas Fisher; Dr. Amar Patil, Director, Division of Animal Health; Rose Chamberlain, Director, Division of Food & Nutrition and Linda Walker (TEAMS); Assistant Secretary Joe Atchison, Director, Division of Marketing & Development; Joe Zoltowski, Director, Division of Plant Industry; Susan Payne, Executive Director, SADC; Frank Minch, Director, Division of Agricultural and Natural Resources; Chris LaRegina, Jeff Wolfe, Jeff Beach, Nathan Schatz (TEAMS) and Christina Rasiewicz, Office of the Secretary. Also in attendance were Allen Carter, Peter Furey and Ashley Kerr, NJ Farm Bureau; Executive Director Bob Andrzejack, Farm Service Agency, 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 Kurt Alstede, the Board voted to approve the minutes of the December 21, 2022, regular meeting with minor corrections.

### **PUBLIC COMMENT**

None.

## SECRETARY'S REPORT

Secretary Fisher reported that he was looking forward to a great convention, covering some very big issues. He reported that the SOE (S-757) legislation was passed and signed by Governor Murphy. The Soil Protection Standards (SPS) continues to be the most talked about issue, we need to listen to all sides. He reported that farm viability is front and center; aquaculture as a specialty crop are also important topics. We need to all align ourselves to get things done. He is really looking forward to the conversations that will take place over the next few days.

Dr. Amar Patil, Director, Division of Animal Health reported that HPIA has been found in Pennsylvania. He announced that cases of HPAI are coming back in NY and VA as well. There has been no farm-to-farm transmission. He reported that USDA has proposed changes to use the electronic tags in cattle & bison. He reported that the comment period is open till the end of March. He noted that there was a farm under quarantine, one operation that has a few hundred chickens is under investigation for humane standards.

ON the MOTION of Paul Hlubik, seconded by Kurt Alstede, the Board voted to have the Livestock Committee review and provide comments on behalf of the Board on the USDA proposed rule on electronic tags.

Susan Payne, Executive Director, SADC, reported that SPS subcommittee has met twice with State Board committee; SADC met after and had an earnest discussion on SPS. She reported that the SADC is hearing all of the concerns. She reported that the SOE is officially in effect, she sent an email earlier today to the members of the State Board with all of the information. She stated that the office is drafting application form, application checklist and a guidance document. She reported that enactment of the law follows several years of work on this issue, starting in 2014 with the Winery Special Occasion Events Law (P.L. 2014, Ch.16), followed by the convening of a SADC Special Occasion Events subcommittee, submission of its report to the legislature in 2020, and now a full-scale SOE law that allows ALL preserved farms, not just wineries, to hold SOEs. She thanked everyone who contributed to the discussion of SOEs over the years, and for helping make this new law a reality. Finally, she reported that A-4729, which revises method for appraisals of farmland to be acquired for farmland preservation purposes, if passed may slow down the SADC.

Rose Chamberlain, Director, Division of Food and Nutrition, reported that a recent Management Evaluation (ME) was concluded for the TEFAP program. At the Exit Conference other than a few minor administrative adjustments it went very well. She noted that the Division was now undergoing a State of NJ single audit where they review our funding, review how we are tracking the funding as well as how we are paying sponsors. Division staff are working to provide all necessary documentation that is required and or requested. Finally, she asked announced that our Farm to School Coordinator had made a presentation earlier that day on bringing the farm to the school workshop, it was very well attended. She encouraged everyone to stop by the Farm to School booth on the trade show floor.

Assistant Secretary Joe Atchison, Division of Marketing & Development, reported that Jersey Fresh met with the ad agency and they are looking to expand program to include some Spanish language materials. The OYF nomination forms have been sent out to all County Boards of Agriculture and

Rutgers extension. In addition, the specialty crop block grant applications have been sent out with a deadline of March 17. He reported that trade shows coming up include visits to Florida and Canada. He attended the Tri-County annual meeting and he and the Secretary attended the Landisville annual meeting. He noted that many of the topics discussed at those meetings are scheduled to be discussed during the next few days of this convention.

Joe Zoltowski, Director, Division of Plant Industry, reported that 5148 acres were inspected for gypsy moth; Division staff is working with Treasury to secure the vendor. He noted that we are waiting to see what the Farm Bill says regarding hemp to see what changes may need to be made. Currently there are seven growers and five processors that are licensed with more applications coming in. He asked that everyone visit the NJ Beekeepers booth at the trade show to see the recently named winners of the honey show at the State House. Finally, they are meeting with Treasury every two weeks on the details for the renovations at the Beneficial Insect Lab.

Frank Minch, Director, Division of Agricultural & Natural Resources, reported that the aquaculture bill is moving forward; and that the aquaculture development plan has been printed and copies are available. He reported that the DEP water session would be held the next day to discuss potable water; irrigation and septic. He expects that it will be a lively discussion and hopes that we can make some progress and that questions can be answered. In addition, he provided the members of the Board with a copy of the comments provided to DEP on the inland flooding and stormwater rule amendments that had been discussed by the Board at prior meetings. He has been working with the interagency climate council, to discuss climate change and what each agency is doing to address it.

### **BOARD MEMBER COMMENTS**

Debbie Norz reported that Union County's next meeting would be March 8: she was not able to attend the Somerset County meeting this month. She reported that they are getting equipment prepped for the season, selling Jersey Raised Meats. She announced that she would be attending the National Outstanding Young Farmers of America Conference and is wishing Michael Brooks of NJ best wishes as he competes for one of the top four spots for Outstanding Farmer.

#### **Legislative Committee Updates**

S757/A2772 SOE has been signed by the Governor and is now a fully enacted law.

S428/A3039 Extends Right to Farm Act protections to certain shellfish aquaculture activities, has passed both houses and is awaiting the Governor's signature.

The legislative committee would like the support of the Board to setup legislative tours with the Division of Markets to get legislators and staff more intimate with farming. The committee is recommending four areas to focus on, North, Central, Coastal and South.

There are bills and proposed bills that help with the offset wages A2782/no senate, S97/no assembly, A283/no senate, A258/S98, A3102/ no senate. These were originally under minimum wage, but we would like to readdress as Ag Viability.

S1619/A3113 Provides corporation business tax and gross income tax credits for value of certain fruit and vegetable donations made by commercial farm operators. The committee supports this to include gleaning groups as well.

A4729/S3279- Appraisal Funding, to speed up the appraisal process with preserving farmland.

FYI, A5122/S3577 – This bill would authorize county agriculture development boards (CADBs) to establish mentoring programs for beginning farmers and authorize counties and CADBs to resell preserved farmland to beginning farmers at a price below what the county paid for the land.

2315/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.

Paul Hlubik reported that he attended the Monmouth, Middlesex, and Burlington CBA meetings. He reported that the Allentown FFA is having its annual Open House on February 25; Monmouth County Board of Ag Annual dinner is February 23. Middlesex CBA commented on SOE bill. He reported that each of the County Boards discussed the Soil Protection Standards.

Barney Hollinger reported that Cape May County met; Cumberland County Board of Agriculture discussed the well water rules and established a By-laws Committee.

Lisa Specca announced that she would be attending the Atlantic County Board of Agriculture annual dinner on February 13; she reported that Camden County Board of Agriculture had reorganized and would be reapplying to have a seat at the State Agricultural Convention. It is hoped that they will be on board for next year. Finally, she reported that they recently attended the Hershey Show trade show and commented on the great sessions. She looks forward to the sessions planned for the next two days.

Kurt Alstede commented that it was meeting/trade show season. He was excited to have a State Board meeting as part of the State Ag Convention again. He noted that County Board of Ag meetings all share many of the same concerns of farm profitability; minimum wage – H2A; labor cost concerns; weather concerns; plenty of praise of SOE; mapping concerns – compensation for preserved farms; he attended NJFB annual meeting.

President DeFrance reported that Hunterdon County Board of Agriculture was happy that the SOE had been passed. He reported that dialogue continues on SPS; trade show session underway; MANTS; NJNLA were all very well attended with positive feedback and NJCLA is coming up. He noted that the nursery industry is very concerned about weather and the effect its having in Hunterdon County; orders are coming in early. Also, he reported that the Right to Farm (RTF) Committee would like to reopen the surveys that were posted on the Department website and the following motion was made:

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to extend the deadline of the RTF Surveys to March 15.

Vice President Beier commented that the Salem County Board of Ag held their annual meeting recently and that Gloucester County Board of Ag meeting would be held the next week. With the coming of spring, it would be lambing season and the issues with the weather as livestock are getting sick and they like consistency. He reported that on the local news, whales stranded on coast; wondered if the sonic surveys that are being done for wind turbines are a problem. He wondered if we need to make formal comments from the Board.

Board member Barney Hollinger commented that there are several studies currently being worked on to see if there is an issue with the wind turbines causing any problems for the whales, to date, it seems to have been boat strikes.

### NEW BUSINESS

#### Proposal to Readopt N.J.A.C. 2:5 with Amendments (Quarantines and Embargoes on Animals)

Dr. Amir Patel, Director, Division of Animal Health reported that the rulemaking concerns N.J.A.C. 2:5, which addresses the prevention and control of animal diseases in New Jersey. The rules proposed for re-adoption with amendments are necessary to prevent the importation into New Jersey of diseased and/or disease-carrying animals that may infect New Jersey's livestock and poultry population. The proposed changes to the current rules would do several things: some changes are organizational, and some are substantive. First, two new subchapters are proposed, which requires the renumbering of all existing subchapters. One of those new subchapters would provide definitions applicable throughout the chapter, most of which do not represent substantial changes to existing usages but assist with clarity and organization. The other new subchapter would address Contagious Equine Metritis, a disease of horses. Second, there are editing and organizational changes throughout whereby wording and requirements that currently appear in one subsection would be moved to elsewhere in the subsection for reasons of convenience and ease of understanding. Third, there are substantive changes, including those that would address gaps in the current regulations and those that would implement federal practices that have been developed since the last adoption of these rules.

Dr. Beier questioned the dollar amounts contained within the regulation and Paul Hlubik explained that the Policy Committee has reviewed the documents with the Department staff and there was quite a bit of discussion on the dollar amounts.

ON the MOTION of Paul Hlubik, seconded by Ernest Beier, the Board voted to approve the proposal to readopt.

Debbie Norz questioned why the regulation was not brought before the Livestock Committee and abstained from the vote.

Debbie Norz reported that the Legislative Committee has been working with the Division of Marketing and Development to hold legislative tours in South, North, Central and Coastal New Jersey.

It was questioned why there would be so many and held regionally and who would be doing this.

On the MOTION of Debbie Norz, seconded by Barney Hollinger, the Board voted unanimously approve the Legislative Committee to work with the Department to hold regional legislative tours for legislators and staff in South, North, Central and Coastal New Jersey.

ON the MOTION of Paul Hlubik, seconded by Kurt Alstede, the Board voted unanimously to send a letter to the Judiciary concerning moving the names of the State Board members.

Ms. Norz commented on the draft letters that were presented to the Board and approved them with the changes discussed.

ON the MOTION of Paul Hlubik, seconded by Debbie Norz, the Board voted unanimously to send letters with the changes discussed.

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

Newly elected President Allen Carter thanked the Board for the opportunity to speak and noted some of the important items that Farm Bureau has been working on. He commented that Ag Viability continues to be one of the most important topics that everyone is concerned about. He called on Ashley Kerr to complete the report for Farm Bureau. She reported:

- SOE legislation is signed!
- Kudos to the Resolutions Committee for their hard work on this year's Resolutions and looking forward to a great Convention with President Carter as the delegate for Farm Bureau. Especially the support for the Ag Experiment Station funding.
- Farm Bureau supports the Stewardship approach for the Soil Protection Standards (SPS); they support for the bill that gives a state tax deduction on food donation by farmers; the legislation on the SADC appraisal value formula and are happy to see the Right to Farm Bill for aquaculture on the Governor's desk.

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

Bob Andrzejczak represented the Farm Service Agency:

#### **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.

Phase 2 is a tax year-based certification program that provides assistance for producers that suffered a loss in revenue due to necessary expenses associated with losses of eligible crops (excluding crops intended for grazing), due in whole or in part, to a qualifying disaster event that occurred in the 2020 or 2021 calendar year.

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.

The enrollment period for ERP Phase 2 began on January 23<sup>rd</sup> and will run through June 2<sup>nd</sup>, 2023.

Please see your appropriate County Office or the attached Fact Sheets for more details. Fact Sheets are also available at [farmers.gov](https://farmers.gov).

### Pandemic Assistance Revenue Program (PARP)

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

PARP provides assistance to producers of agricultural commodities who suffered at least a 15% decrease in allowable gross revenue for the 2020 calendar year, as compared to either 2018 or 2019 as elected by the applicant.

The enrollment period for PARP began on January 23<sup>rd</sup> and will run through June 2<sup>nd</sup>, 2023. Since PARP has limited funding, no payments will be issued until after the enrollment period ends and a determination of whether a payment factor will apply is made.

Please see your appropriate County Office or the attached Fact Sheets for more details. Fact Sheets are also available at [farmers.gov](https://farmers.gov).

### Pandemic Market Volatility Assistance Program

PMVAP assists producers who received a lower value due to market abnormalities caused by the pandemic and ensuing Federal policies. As a result of the production cap increase, USDA's Agricultural Marketing Service (AMS) will make PMVAP payments to eligible dairy farmers for fluid milk sales between five million and nine million pounds from July through December 2020. This level of production was not eligible for payment under the first round of the PMVAP. Payment rates will be identical to the first round of payments, 80 percent of the revenue different per month, on fluid milk sales from 5 million to 9 million pounds from July through December 2020. USDA will again distribute monies through agreements with independent handlers and cooperatives, with reimbursement to handlers for allowed administrative costs. USDA will contact handlers with eligible producers to notify them of the opportunity to participate.

As part of the first round, PMVAP paid eligible dairy farmers on up to 5 million pounds of fluid milk sales from July through December 2020. The first round of payments distributed over \$250 million in payments to over 25,000 eligible dairy farmers. These dairy farmers received the full allowable reimbursement on fluid milk sales up to 5 million pounds. More information about the PMVAP production cap increase is available at [www.ams.usda.gov/pmwap](https://www.ams.usda.gov/pmwap).

### Organic Dairy Marketing Assistance Program

The new ODMAP, to be administered by USDA's Farm Service Agency (FSA), is intended to help smaller organic dairy farms that have faced a unique set of challenges and higher costs over the past several years that have been compounded by the ongoing pandemic and drought conditions across the country. Many small organic dairy operations are now struggling to stay in business and FSA plans to

provide payments to cover a portion of their estimated marketing costs for 2023. Final spending will depend on enrollment and each producers projected production, but ODMAP has been allocated up to \$100 million.

The assistance provided by ODMAP will be provided through unused Commodity Credit Corporation funds remaining from earlier pandemic assistance programs. The assistance will help eligible organic dairy producers with up to 75 percent of their future projected marketing costs in 2023, based on national estimates of marketing costs. This assistance will be provided through a streamlined application process based on a national per hundredweight payment. The payments will be capped at the first five million pounds of anticipated production, in alignment with preexisting dairy programs that target assistance to those smaller dairies that are most vulnerable to marketing challenges. This program is still in development.

Details about the Organic Dairy Marketing Assistance Program will be available and updated at [www.farmers.gov](http://www.farmers.gov) as more details are released in a Notice of Funds Availability later this year.

### 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:

- **March 15<sup>th</sup>** – NAP Deadline for Summer/Fall crops & hemp. Check with your County Office for the complete list.
- **March 15<sup>th</sup>** – ARCPLC FY2023 Enrollment Deadline.
- **March 31<sup>st</sup>**: Marketing Assistance Loan Deadline for prior year harvested wheat, barley, canola, crambe, flaxseed, honey, oats, rapeseed, and sesame seed.

### Farm Loan Program Disaster Declarations

The Farm Service Agency has **eight (8)** 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):

- i. Secretarial Disaster Declaration S5338 was triggered for Farmers in Warren, Hunterdon, Mercer, and Burlington counties who suffered losses due to Drought that occurred on April 7, 2022, through October 3, 2022. Applications must be received by August 21, 2023.
- ii. Secretarial Disaster Declaration S5348 was triggered for Farmers in Atlantic, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Salem, Burlington, Camden, Hunterdon, Ocean, Somerset, and Union counties who suffered losses due to Drought that occurred on July 1, 2022. Applications must be received by August 21, 2023.



- iii. Secretarial Disaster Declaration S5347 was triggered for Farmers in Burlington, Camden, Ocean, Atlantic, Gloucester, Mercer, and Monmouth counties who suffered losses due to Drought and Excessive Heat that occurred on June 18, 2022, through September 5, 2022. Applications must be received by August 21, 2023.
- iv. Secretarial Disaster Declaration S5346 was triggered for Farmers in Hunterdon, Somerset, Mercer, Middlesex, Morris, Union, and Warren counties who suffered losses due to Drought that occurred on July 1, 2022, through September 14, 2022. Applications must be received by August 21, 2023.
- v. Secretarial Disaster Declaration S5345 was triggered for Farmers in Morris, Sussex, Warren, Essex, Hunterdon, Passaic, Somerset, and Union counties who suffered losses due to Drought and Excessive Heat that occurred on July 1, 2022, through August 19, 2022. Applications must be received by August 21, 2023.
- vi. Secretarial Disaster Declaration S5312 was triggered for Farmers in Middlesex, Somerset, Hunterdon, Mercer, Monmouth, Morris, and Union counties who suffered losses due to Drought that occurred on August 16, 2022. Applications must be received by June 12, 2023.
- vii. Secretarial Disaster Declaration S5305 was triggered for Farmers in Bergen, Essex, Hudson, and Union counties who suffered losses due to Drought that occurred on August 9, 2022. Applications must be received by June 5, 2023.
- viii. Secretarial Disaster Declaration S5306 was triggered for Farmers in Bergen, Passaic and Sussex counties who suffered losses due to Drought that occurred on August 9, 2022. Applications must be received by June 5, 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 18<sup>th</sup>, 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 February 1, 2023

- Farm Ownership- 4.750%
- Operating- 4.750%
- Emergency- 3.750%

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

Bruce Eklund represented NASS and reported the following:

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

### PUBLIC COMMENT

None.

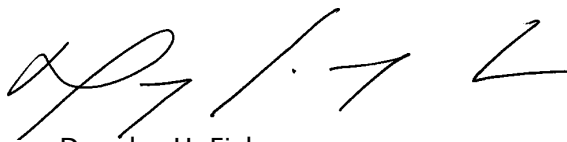
### MEETINGS

The next regular meeting of the State Board of Agriculture will be held on Wednesday, March 22, 2023, at 200 Riverview Plaza in Trenton beginning at 12:30 pm.

### ADJOURNMENT

ON the MOTION of Paul Hlubik, seconded by Barney Hollinger, the Board voted unanimously to adjourn the regular meeting at 4:27 pm.

Respectfully submitted,



Douglas H. Fisher