



State of New Jersey

BOARD OF AGRICULTURE

MINUTES OF MEETING

March 23, 2022

(Wednesday)

Public meeting notice was certified by communication on March 17, 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 DeFrango called the New Jersey State Board of Agriculture to order at 1:35 pm, the meeting was held at 200 Riverview Plaza, Trenton and some participated virtually. Board members in attendance included President David DeFrango, Vice President Dr. Ernest Beier, Paul Hlubik, Debbie Norz, Warren Hollinger, Kurt Alstede and Lisa Specca.

Also in attendance were Secretary Douglas Fisher; Assistant Secretary of Agriculture Joe Atchison, Dr. Manoel Tamassia, Director, Division of Animal Health; Joe Zoltowski, Director, Division of Plant Industry; Melissa Pajak, Assistant Director, Division of Food & Nutrition; Nancy Wood, Division of Marketing & Development; Susan Payne, Executive Director, SADC; Sandra Howland, Division of Agricultural & Natural Resources; Mary Tovar, Nathan Schatz, Robert Vivian, Jeff Wolfe and Jeff Beach, Office of the Secretary. Also in attendance were Peter Furey and Ashley Kerr, NJ Farm Bureau; Nick Polanin, Rutgers University; Bob Andrzejczak, State Executive Director, Sarah Fenwick, Farm Service Agency, Bruce Eklund, State Statistician; and Linda Walker, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Ernest Beier, seconded by Kurt Alstede, the Board voted unanimously to approve the minutes of the February 23, 2022 regular meeting.

PUBLIC COMMENT

Jeff Burd, NJ Beekeepers and Mercer County Board of Agriculture, commented that they have been working with the Department of Health on the Food Cottage legislation. There has been some progress but he hopes that legislation can be drafted to permanently remove honey from the Food Cottage Bill.

Hannah Conner and Joe Soto commented on the change to the organic certification program. They look forward to next steps that the Department will undertake.

Mike Rassweiler, President, NOFA, expressed concern about the abrupt termination of the NJ Organic Certification Program. He stated that NOFA has advocated for organic farming and food for over 35 years and established the first organic certification program in New Jersey, years before the passage of the Organic Food Production Act of 1990. He noted that organic food is the fastest-growing sector of agriculture.

Sherry Dudas, Honey Brook Farm, stated that they were surprised to learn when they got the letter from the Department that they only had 60 days to find another organic certifier. They had to complete a certification application that had to be done immediately and thought that the process could have been more open and transparent. She is excited that they will be getting help with outreach, education and marketing from the Department and that all farmers will need help with marketing especially due to the increased prices that consumers will have to pay. She noted that in the information that Hannah provided, there is a great deal of information regarding the statistics of organic growers. She thanked the members of the Board and Secretary Fisher for their time and attention.

At this point in the public comment period, Secretary Fisher asked to call on Dr. Manoel Tamassia to make his report as he had to leave for another meeting.

Dr. Tamassia reported that Highly Pathogenic Avian Influenza (HPAI) has been discovered in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Missouri, New York, South Dakota, Virginia and Wisconsin. He noted that the Department website is being kept updated with the information. If you suspect that a bird is sick, you are urged to contact the Department. He reported that the Department is working on preparedness for the birds in the state. They are working with other agencies in the state to get ready in case they need to be activated. It was suggested that information be sent to the County Boards so that they have the most current information.

Division of Food & Nutrition Assistant Director Melissa Pajak reported that the USDA waiver flexibilities for the Federal Meal Programs have not been extended and will be expiring on June 30. With that, sponsoring agencies and school food authorities will be going to pre-pandemic food service operations. In addition, the USDA is working with us to identify options to assist the state agencies so we can better assist our sponsors to help mitigate the impacts of the waivers ending.

Return to PUBLIC COMMENT

Devin Cornia, Executive Director, NOFA, NJ, was on hand to introduce himself and is looking forward to the increased participation and opportunities for organic growers. He noted that everyone knows that every year gets tougher to farm and looks forward to working with the Department going forward. Looking for outreach, marketing, increase presence of information on the website, greater transparency, cost share assistance.

Amy Hanson, a certified organic farmer, supports young farmers by hosting them on their farm and have a young couple that they have been working with to help grow their business. She is also with the NJ Conservation Foundation, seeking technical assistance, there is not enough help from Extension.

Board member Kurt Alstede asked both Mr. Cornia and Ms. Hanson what their #1 ask would be and both stated Cost–Share Assistance.

Secretary Fisher was happy to hear from the organic growers that were in the audience today. He noted that he was the original sponsor of the Organic Program in the Department in 2003. He understands that many were not happy with the way this information was relayed to them but the Department wanted to let those affected know as soon as possible so that they could secure a new certifier for the '22 season. Secretary Fisher stated that this program is very important to the Department and looks forward to the changes that are forthcoming.

Board member Debbie Norz suggested that these young farmers should consider attending their County Board of Agriculture meetings where information is provided by other agencies that are available to help including Farm Service Agency and Farm Credit.

Board member Kurt Alstede agreed on the importance of attending County Board and Farm Bureau meetings. There are many assistance programs available through Farm Credit for Young Farmers and Ranchers.

SECRETARY'S REPORT

Secretary Fisher called on the Directors to make their reports:

Joe Zoltowski, Director, Division of Plant Industry, reported on the Beneficial Insects that the Department is raising and are available to consumers. Information about them is available on the newly upgraded website. He reported that the hard winter has caused beekeepers to experience a near 30% mortality rate, due to inadequate mite control. Beekeepers are trying mite treatments now and hope that the warmer weather will help. In addition, he noted that Hemp Program continues to receive grower and processor applications. There are about 20 growers at this time and he expects that the number will be close to the number we had last year which was 35–38, with 55 acres outdoor and 5 indoor. The work with municipalities for Gypsy Moth applications continues while Spotted Lanternfly crews are out scraping egg masses.

A question was asked about the status of the repairs to the lab and it was announced that there will be a site visit on April 4 and then interested contractors will need to submit their technical proposals.

Assistant Secretary Joe Atchison, Director, Division of Marketing & Development, thanked the Organic Growers that were present today and he looks forward to visiting farms and getting further input u as we develop this program. He reported that in January 2022 legislation was signed for the Department to promote Jersey Native plants. His division will work closely with the Division of Plant Industry to narrow a list of native plants that are commercially available in the state and then develop a website and a resource guide to let people know what is available and encourage them to source these products for

their lawns and landscapes. In addition, he commented that the Jersey Raised Program (Livestock Promotion Program) that was introduced at the State Agricultural Convention has received positive feedback and several applications have been received. He reported that the Division was working to secure sites to expand the Sampling Program that was a huge success last season. The Specialty Crop Block Grant application deadline is April 1; the Division will meet with the Grants Committee for their review, and for approval from the Board at their April meeting. Finally, he announced that 35 of the 36 eligible dairies have been enrolled in the Dairy Margin Coverage with the final one completing its application for 100% enrollment in the Program. He noted that after the deadline, a letter will be sent explaining how to get their reimbursement.

Sandra Howland represented the Division of Agricultural & Natural Resources, as the Director was attending a DEP Fish & Game Council meeting to discuss the Resolutions from the State Agricultural Convention on crop damage from wildlife.

Susan Payne, Executive Director, SADC, had no additional comments outside of her written report. A question was asked about the timeline for the Soil Disturbance rule. Assuming the draft is approved by the subcommittee, it will go to the SADC at their April meeting. If more time is need by the subcommittee then it will not be on the April agenda.

BOARD MEMBER COMMENTS

Lisa Specca commented that as costs continue to rise, those increases will necessarily be passed along to consumers. She reported that the Camden County board, after a long hiatus, has been meeting and members were upset about the recent changes to the Organic Certification Program and the costs that new certifiers will charge. In addition, they are very concerned about the shortage of ag agents; they have a few that are planning to retire or have retired and the ability to get those positions filled is not easy or timely. She noted that they are working to meet with new legislators.

Secretary Fisher noted that supporting “local” this season will be more important than ever.

Debbie Norz commented that we need to “tell our own story”; that as farmers we must make the public realize the costs that are involved and that unlike supermarkets, we can’t make up the cost difference somewhere else. She reported that Somerset County is working on a search for a replacement for Nick Polanin. She noted that Union County Board of Agriculture meets next month. She reported that the Legislative Committee is working on several issues. She thanked Susan Payne for the time that she spent with the Legislative Committee recently.

Kurt Alstede reported that he had attended the Warren County Legislative Dinner and it was well attended. He noted that Morris and Warren County share many of the same concerns, including SOE legislation, cost inputs, soil disturbance rules, labor etc. He noted that the Caucus Meetings will be held the next evening. He just returned from the first Farm Credit meeting since the merger with Yankee and there was a great deal of information provided. He commented on feedback from the Convention that there be an open session where participants can ask questions. Another suggestion was to have a State Board meeting as part of the Annual Convention. He asked about a Committee of the Board possibly meeting with the Soil Disturbance subcommittee.

Barney Hollinger reported that he attended two meetings of the Aquaculture Advisory Council; the Aquaculture Management Practice Committee is reviewing the Aquaculture Management practices that currently exist but need updating. In addition, the Legislative Committee is working on some much-needed revisions to the Aquaculture Development Act.

Paul Hlubik reported that his recovery process continues and is unsure of when he will be able to return in person. He asked that other Board members help to cover the County Boards that he is assigned to. He thanked the Department staff who have been providing information to him during recovery, doctors say it could be 6–8 months before he can drive again.

Vice President Beier reported that there has been a number new warehouses being built in Gloucester County. He reported that there are still issues with farmers getting their pesticide licenses and cannot order pesticides without it. He stated that there were several birds that had tested positive for Avian Influenza and there is a great concern about the backyard flocks. He reported that at the Salem County meeting it was mentioned that there is a restriction on bringing chicken manure in from out of state. It must be certified before it can cross the state line. In addition, he reported that there was some discussion about slaughter facilities and the possibility of having one in the south and one in the north. They are also working on the possibility of combining a Legislator event with the County Agricultural Fair. Finally, he reported that lambing, kidding, calving and foaling are currently happening. The continuing changes in weather make it tough on the animals.

President DeFrango agreed that inflation may be the biggest problem that everyone is facing. He noted that the within the nursery industry, prices for material have doubled in just a few months. On the nursery side, they are preparing for Spotted Lanternfly, and calculating how to best control them. Due to icing issues this winter, highway crews used a high amount of salt brine and he is experiencing transitions in the PH at a high amount on some of his acreage. Finally, he reported that he had received several calls about the Special Occasion Events legislation; the Board continues to monitor the legislation and he believes that through a collaborated effort in agriculture, we can find common ground for all involved.

NEW BUSINESS

Agricultural Fairs

Assistant Secretary Joe Atchison reported on the list of County Boards that have submitted paperwork for the 2022 season for approval.

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|------------------------|-----------------|-----------------------|------------------|
| Atlantic County Fair | August 11–13 | Middlesex County Fair | August 1–7 |
| Bergen County Fair | September 17–18 | Monmouth County Fair | July 27–31 |
| Burlington County Fair | July 19–23 | Morris County Fair | July 22–24 |
| Cape May County Fair | July 21–23 | Ocean County Fair | July 13–17 |
| Cumberland County Fair | July 5–9 | Salem County Fair | August 9–12 |
| Gloucester County Fair | July 28–31 | Somerset County Fair | August 10–12 |
| Hunterdon County Fair | August 24–28 | Stars and Stripes | June 22 |
| Lead Fest Fair | June 24–July 1 | Sussex County Fair | August 5–12 |
| Mercer County Fair | July 30–31 | Warren County Fair | July 30–August 8 |

ON the MOTION of Debbie Norz, seconded by Kurt Alstede, the Board voted unanimously to approve the 2022 list of County Agricultural Fairs as presented.

Application for Membership to the State Agricultural Convention

Nancy Wood reported that a request for representation at the State Agricultural Convention had been received from Tri-County Cooperative. The application has been reviewed by our legal specialist, everything was in order and they meet the criteria for membership.

ON the MOTION of Paul Hlubik, seconded by Lisa Specca, the Board voted unanimously to approve Tri-County Cooperative for membership to the State Agriculture Convention for 2023.

Approval – New Jersey Hemp Program – Rules for Readoption with Amendments – N.J.A.C. 2:25

Joe Zoltowski, Director, Division of Plant Industry, reported that this would be the final approval for the Program. These rules will have a positive social impact. Continued implementation of the rules will be beneficial to licensees who grow and process hemp, and local consumers will have increased access to hemp products.

ON the MOTION of Kurt Alstede, seconded by Debbie Norz, the Board voted unanimously to approve the New Jersey Hemp Program Rules for Readoption with Amendments – N.J.A.C. 2:25 pursuant to the Administrative Procedures Act.

REPORT OF RUTGERS UNIVERSITY

Nick Polanin represented the College on behalf of Dean Lawson and Dr. Brian Schilling. He reported the following:

- Thanks to the Tree Fruit Team and Megan Muehlbauer, Hunterdon County, there is an active burn permit, active for smudge pots for fruit, vegetable and floriculture crops from Tuesday, March 22 – Tuesday, April 5. This was made possible by the Department of Agriculture working with the Department of Environmental Protection.
- They are currently working to finalize a position description and job posting for the North Jersey IPM Coordinator position. Dean Polk will be leading that search once everything has been approved. He reported that they are currently looking for IPM scouts for the various programs.
- Paperwork is being processed for the hiring of the Cape May position, the search has been completed and they are waiting on a signed offer letter. If all goes well, they hope to have the candidate start by July 1.
- He noted that searches are underway in Morris and Somerset Counties for various Extension positions.
- Reinvestment work continues on the Experiment Stations; Cream Ridge was first up and RAREC is next on the list for improvements.

REPORT OF FARM SERVICE AGENCY (FSA)

Sarah Fenwick reported on behalf of Farm Service Agency:

Dairy Margin Coverage (DMC) and Supplemental Dairy Margin Coverage (SDMC)

Supplemental DMC (SDMC) will provide \$580 million to better help small- and mid-sized dairy operations that have increased production over the years but were not able to enroll the additional production.

Eligible dairy operations with less than 5 million pounds of established production history may enroll supplemental pounds based upon a formula using 2019 actual milk marketings, which will result in additional payments. Producers will be required to provide FSA with their 2019 Milk Marketing Statement.

Supplemental DMC coverage is applicable to calendar years 2021, 2022 and 2023. Signup has been extended until March 25th.

Producers can now also sign up for 2022 DMC coverage. Producers must certify that the operation is commercially marketing milk, sign all required forms and pay the \$100 administrative fee. The fee is waived for farmers who are considered limited resource, beginning, socially disadvantaged, or a military veteran.

The signup period coincides with SDMC and ends March 25, 2022.

Spot Market Hog Pandemic Program (SMHPP)

The deadline to apply for the Spot Market Hog Program (SMHPP), which assists producers who sold hogs through a spot market sale from April 16, 2020, through Sept. 1, 2020, has been extended to April 29th, 2022. A new rule was published on March 17, 2022 that revised and clarified the definition of a spot market sale and hog eligibility under the program.

- A spot market sale is defined as hogs marketed for slaughter to an individual or through a negotiated sale, or through an intermediary who interacts with the buyer on behalf of the seller. It excludes contract producers, sales based on futures prices and sales for anything other than slaughter.
- Hog producers will also now be required to submit documentation to support information provided on their SMHPP application instead of self-certifying and a payment factor may be implemented if application totals exceed total funding amount.

Conservation Reserve Program (CRP)

Grassland CRP signup will run from April 4 to 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.

Agriculture Risk Coverage and Price Loss Coverage Program (ARCPLC)

ARCPLC 2022 Election and Enrollment period ended March 15th, 2022. In NJ, 3,001 farms were enrolled by the deadline, being the highest enrollment total in the state since the inception of the program in 2014. If farms have a change of operator or changes in share of cropland after March 15th, previously enrolled farms can still re-enroll through the end of the contract period, September 30, 2022. Elections are not authorized, however.

Organic and Transitional Education and Certification Program (OTECP)

2020 and 2021 OTECP payments are in the process of being issued with No payment reduction.

Important Dates:

- **March 25th**– SDMC& 2022 DMC Application deadline (extended)
- **April 4th**– CRP Grassland sign-up begins
- **April 29th**– SMHPP Application Deadline
- **May 1st**– NAP Application for Coverage deadline for Nursery
- **May 13th**– CRP Grasslands Application Deadline
- **May 5th, June 7th, June 30th**– Emergency Loan deadline

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 aid 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.

REPORT OF NJ FARM BUREAU

Peter Furey reported on the following topics:

- Cyberattack watches on at the Federal Agencies. They are afraid that Russians may start attacking cyberware indiscriminately in response to the sanctions. They are worried about utilities, water, etc.
- Legislative Outreach meetings are taking place, they have several scheduled. He noted that they had a meeting earlier that day with Senator Durr. He noted that there will be a recess in the legislature during the budget hearings over the next 6 weeks, which is a good time to meet with them as they are in their Legislative offices during the break.
- Fish & Game Council has a Farmers Sportsman Committee that updates the Game Code a two-year cycle. The committee is looking at the deer section and wanted to use some of the information that Farm Bureau had compiled.
- Concern on the Special Occasion Events legislation continues. It was in Committee earlier in the week and voted out changes they were not available until Sunday evening. Farm Bureau will be making formal comments.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Bruce Eklund reported the following:

- Current surveys that are underway include organic; floriculture, ARMS 3, and March ag. He looks forward to getting this information. March agriculture will include corn; soybeans; wheat and hay.

PUBLIC COMMENT

Mike Rassweiler commented that the new Cannabis Law has given NJ growers an opportunity to diversify their operations. He noted that they are seeking support for outdoor growing of cannabis. He provided an information sheet.

MEETINGS

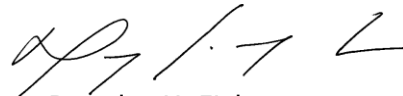
President DeFrange asked if the Board members would consider changing the date of the April meeting from April 27 to April 20.

ON the MOTION of Kurt Alstede, seconded by Ernest Beier, the Board voted to move the next meeting of the State Board to April 20, 2022 beginning at 1:30 at Riverview Plaza.

ADJOURNMENT

The Board voted unanimously to adjourn the regular meeting at 4:30 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Fisher', written in a cursive style.

Douglas H. Fisher