



State of New Jersey

BOARD OF AGRICULTURE

MINUTES OF MEETING

November 15, 2023

(Wednesday)

Public meeting notice was certified by communication on November 9, 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 1:15 pm. Board members in attendance included President Holly Sytsema; Vice President Barney Hollinger, Kurt Alstede, Lisa Specca, Bob Blew, David DeFrango, 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; Frank Minch, Director, Division of Agricultural & Natural Resources; Joe Zoltowski, Director, Division of Plant Industry; Nancy Wood, Division of Marketing & Development; Chuck Roohr, Deputy Director, SADC; Robert Vivian, Jeff Wolfe, Isabella Walz, Chris LaRegina, Nathan Schantz, Alyssa Pitt and Jeff Beach, Office of the Secretary. Also in attendance were Ashley Kerr, Al Murray, NJ Farm Bureau; Dr. Brian Schilling, Rutgers University; Sarah Fenwick, Farm Service Agency, Justin Zappan, NASS; and Linda Walker, NJ Department of Agriculture.

MINUTES OF PREVIOUS MEETING

ON the MOTION of Stephen Lee, seconded by Kurt Alstede, the Board voted unanimously to approve the minutes of the October 25, 2023 regular meeting with one minor correction under Board member comments.

President Sytsema read a prepared statement on how the group was expected to behave for public comments.

PUBLIC COMMENT

Joel Viereck, President of the NJ Vegetable Growers Association, reported that he was here today to report to the State Board on an important issue facing tomato growers across New Jersey and across the country, about the importation of tomatoes under the 2019 Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico (2019 Agreement). New Jersey tomato farmers have faced many difficulties when competing with foreign imports, pointing to bad practices some foreign producers engage in, which have resulted in an unsustainable market for domestic production. They are seeking support to ask federal legislators to send a letter of support for our position to the United States Secretary of Commerce to terminate the suspension agreement. They asked all federal legislators from New Jersey for support. The comment period ended on October 23, 2023. We are currently awaiting a decision. He noted that he had just received a letter from NJ Senator Cory Booker that he will be sending a letter to the United States Secretary of Commerce supporting our position on this issue and urging US Secretary of Commerce to side with the request of Florida Tomato Exchange.

Jeff Burd representing Mercer County Board of Agriculture presented a letter to President Sytsema regarding the Secretary of Agriculture search and commented that Mercer County asks that the Board consider experience in the industry as well as involvement at all levels in agriculture. He noted that the ag industry is rapidly changing. The Department and the industry deserve and expect a leader who has detailed knowledge of all the current topics that we face.

Henry Rewerts, Bloomsbury, stated that he and his wife attended a Board meeting a few months ago and commented that a question was not answered correctly. The question was, does the SADC, when they put an easement on a property which has an existing easement, affect that easement. He stated that the answer was no. He believes that is not the case.

Diane Tribble noted that she has been before the Board previously this summer, to seek help and the blatant violations of their constitutional, civil and property rights by the SADC which began in 2011 and have continued to this day. She reported that Board President David DeFrange invited them to return with more information. She noted that they were grateful for the invitation and sent materials that they spent a considerable amount of time preparing only to be thwarted from appropriately discussing their matter by then, Secretary Fisher. She noted that she was sure that he would not want this matter aired as it is the story of corruption, abuse of power and official misconduct. She noted that they were here today and would continue to be here until this matter is appropriately resolved and there is a commitment to investigate what has happened here and how it can be addressed so that it can never happen again. She stated that she had reviewed the rules regarding speaking before a public meeting, she will not talk about the same thing any time that she comes back, so that there won't be any need to tell me that I can't come back based on non-content related issues. Ms. Tribble stated that she has plenty of proof and documents to support the claims that she will talk about over time. She noted that today she was going to keep the comments limited to a very specific issue. She brought with her for the Board to see a large tub that contained many documents and she noted that she had three additional tubs containing documents relevant to this issue of moving their driveway, noting that they had a superior easement. She stated that this is the embodiment of the abuse of power, corruption and misappropriation of funds and resources. This is not an enforcement action; this is SADC's way of stealing property. In addition, she commented that if you looked at their situation, more money has been spent denying us our property rights than was spent on the original DenHollender to the Supreme Court. She asked if made sense to the State Board that

this much money would be spent keeping us from exercising our rights to enjoy our property? She commented that she would return next month with a different topic.

REPORT OF RUTGERS UNIVERSITY

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

- He noted he was late arriving today as he was coming from the Master Gardener Graduation ceremony held at Mercer County Extension Office where they added 21 new Master Gardeners for Mercer County. He stated the importance of training staff and the work they do and the people they are then able to help. It's a great part of Extension of which he is very proud of.
- Searches underway for 10 county extension faculty with three or four moving towards recommendations to the Dean for her consideration. He noted that the market is tight right now and they are struggling to find personnel, particularly in agriculture. In addition, the cost of living in New Jersey can be considered a disadvantage in recruitment.
- Grateful for the opportunity to speak at the Farm Bureau Convention on the topic of Farm Viability. He noted that some of the highlights came from the outcomes of the five meetings that they had across the state and one online with young farmers. Two very different sets of views but with some overlap. He stated that they need to do a better job accessing existing programs and coordinating them. He believes that the industry doesn't need new legislation, new rules but we need to take advantage of what we already have. In addition, he stated that they will be preparing briefing documents that will help fix some things into some tactical steps forward. That is what is needed. In addition, the need for technology to address input costs. He noted the importance of the wooded part of the farm that you don't use in the current environment of climate and resources. There are programs that can monetize some of the benefits of having woods and wetlands.

REPORT OF FARM SERVICE AGENCY (FSA)

Sarah Fenwick reported the following:

Emergency Relief Program 2022 (ERP 2022) Track 1 and Track 2

On December 29, 2022, President Biden signed into law the Disaster Relief Supplemental Appropriations Act, 2023 (P.L. 117-328) that provides about \$3.7 billion in financial assistance for agricultural producers impacted by wildfires, droughts, hurricanes, winter storms and other eligible disasters occurring in calendar year 2022.

ERP 2022 Track 1 will provide assistance to producers who were impacted by wildfires, droughts, hurricanes, winter storms, and other eligible disasters experienced during calendar year 2022 using existing Federal Crop Insurance or Noninsured Crop Disaster Assistance Program (NAP) data already submitted to FSA. Producers will be receiving letters and FSA-523 applications if they received a 2022 Crop Insurance Indemnity or 2022 NAP Payment.

ERP 2022 Track 2 is a revenue-based certification program designed to assist producers who suffered a loss in revenue resulting from 2022 calendar year disaster events when compared with revenue in a benchmark year. The revenue-based track provides an alternative method to establish revenue in cases where there has been a change to operation capacity, circumstances where revenue does not reasonably

reflect a normal year's revenue, or for crops that are used within the operation and do not generate revenue from the sale of the crop.

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. On November 6, 2023, ballots were mailed to eligible voters in LAA's up for election. Producers and landowners must return ballots to their local FSA county office or have their ballots postmarked by Dec. 4, 2023, for those ballots to be counted. Newly elected committee members will take office Jan. 1, 2024.

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, with any questions.

Important Dates:

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: Acreage Reporting deadline for honey (honeybee colonies)

January 15: Acreage reporting deadline for apples, blueberries, cranberries, peaches, grapes, strawberries

January 30: ELAP Application for Payment deadline

REPORT OF NJ FARM BUREAU

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

- Lots of momentum is coming off the annual Farm Bureau Convention this week. There was a thoughtful policy discussion and informative guest speakers. She noted that Dr. Schilling's Farm Viability presentation was a great success. She thanked all that participated and reported that the policies would be online in a week.
- Invasives Meeting last week resulted in a productive conversation.
- Very offended by the NJ Spotlight article on SPS.
- Hoping to get a few things across the finish line during the lame duck session including the tax credit for food donations, a fix for the deer fencing and the alternate appraisal.

REPORT OF NATIONAL AGRICULTURAL STATISTICS SERVICE (NASS)

Justin Zappan reported the following:

- Last week NASS released the soybean yield estimates as of November 1. New Jersey farmers expect an average soybean yield of 45 bushels per acre, up from 28 bushels per acre last year. Harvested acres remain at 108,000 acres and if these estimates are realized, this will be the highest production since 1979.

SECRETARY'S REPORT

Assistant Secretary Joe Atchison made the following comments: It's been a busy three weeks. He was pleased to make remarks at the Farm Bureau Convention and noted that the crowd was very receptive and positive. He will be travelling to the Annual New York Produce Show coming up in the first week of December. In addition, he reported that each year they do a third-party awareness report and are currently waiting on the results from that report. He noted that the budget process is ongoing, and that Board member Kurt Alstede would report on that topic later. He attended the Equine Science Center Event last week where they talked about biochar and the interesting research on turning horse manure into biochar and some of the work that they are doing is very impressive. He looks forward to seeing how we might do that to help reduce animal waste. Finally, he noted that there have been ongoing discussions with the Department of Health regarding the five-acre rule and WIC and FMNP. These programs are especially important in the food desert areas where there are no farmers markets or not even Community Farmers Markets.

Dr. Amar Patil, Director, Division of Animal Health, reported that last month he reported on the farm in North Jersey that was quarantined because of the equine herpes virus outbreak. He continued that while under quarantine, there was a follow up with the veterinarian and the trainers at the farm and there were no new positive horses, so the farm was released from quarantine. He noted that HPAI still remains a concern and they reached out to stakeholders in the state of New Jersey with printed information that is available online. He reported that there had been several calls recently regarding testing for this disease because of the recent outreach.

Joe Zoltowski, Director, Division of Plant Industry, reported that ground egg mass surveys are almost complete. He noted that surveys in six municipalities in Morris, Somerset and Sussex Counties remain to be inspected. To date, a total of 28 municipal surveys have been completed with 1,584 acres of residential forested lands in 20 blocks in seven municipalities proposed for treatment in 2024. He noted that two municipalities in Cape May and Sussex Counties declined to participate in the 2024 treatment program reducing the proposed acreages for the 2024 treatment season to 1,173 in 13 blocks. In addition, he reported that nursery staff have completed their annual nursery inspection for the 2023 season. The third and final boxwood-compliance inspection for this year took place during mid-October at 40 nursery locations. Only boxwood blight quarantine compliant nurseries are permitted to ship their plants into the Pennsylvania boxwood blight-free quarantine area. He announced that there is a box tree moth that is big in Canada. It is a European pest from East Asia. It is a serious defoliator of boxwood, it's preferential host. He noted that it has spread from Canada down to New York State and into Massachusetts, Connecticut, Michigan and South Carolina. He noted that USDA is working with the states to clean up the infestation.

Frank Minch, Director, Division of Agricultural & Natural Resources, reported that Evan Madlinger has had his Acting State Conservationist, NRCS title extended through December 31, 2023. He noted that he has worked with Evan for many years and looks forward to continuing to work with him in the role. He reported that the State Technical Committee is scheduled to meet virtually on December 7. This meeting gives us an opportunity to hear about what programs are upcoming and any initiatives that NRCS is undertaking. He noted that Division staff was putting the finishing touches on the innovation grant for manure link. Work continues with BPU and SADC on the dual use solar program.

Chuck Roohr, Deputy Executive Director, SADC, reported that the SADC does not meet again until December 7. He reported that with regard to the SPS rules, they were put in the NJ Register on August 7, 2023, with public comment set to expire on October 6, 2023; there were several requests for an extension, and it was extended to November 6 (30-day extension). At the State Board's October 25 meeting the Board asked that the SADC extend the deadline further. It was brought up the following day at the SADC meeting on October 26, 2023, and the Committee agreed to extend the deadline until after the State Agricultural Convention in February 2024. The new expiration date for public comments is February 23, 2024. He noted that he has been travelling with Executive Director Susan Payne visiting county boards who have asked for an in-person conversation, noting that the SADC welcomes any comments from its partners and the landowners. He noted that they would be having a briefing for one of their new SADC members in December. In addition, they are reconvening the Subcommittee to begin to go over the comments received to date. Finally, he reported that the SADC has received budget approval to add two new full-time staff positions to focus on developing a robust new and beginning farmers program in New Jersey to attract, train, and support those want to start a new career in agricultural production. These positions will be advertised in the near future. In addition, there was a discussion about another position that would be something of a "Farm Budzman," the paperwork is in the process of being completed.

Vice President Barney Hollinger thanked Mr. Roohr and the SADC for considering the State Board's request for an extension on SPS and looks forward to working together to try to make this work for everyone.

Assistant Secretary Atchison commented that some members of the Board were on a tour the previous day in Cumberland County and had the opportunity to visit Board member Bob Blew's family nursery, NJ Outstanding Young Farmer, Hillarie Barille, and some of the schools in the Bridgeton Public School district.

Rose Chamberlain, Director, Division of Food & Nutrition, thanked the members of the Board for including the Bridgeton Public Schools on the tour. It was an opportunity to see firsthand what the school food programs are teaching our children. She announced that the USDA has just released an opportunity to apply for a Medicaid Demonstration Project. Direct certification is a process by which we deem students eligible for free meals if they receive SNAP or TNAF benefits. This Medicaid Demonstration Project is going to allow us to tap into another group of students, potentially food insecure because of their financial state and they would qualify for either free or reduced meals. She noted that we will be working collectively with the Medicaid office as well as our technology teams and the USDA to put through an application and to make this hopefully a reality in New Jersey for next year.

BOARD MEMBER COMMENTS

Kurt Alstede reported that after attending several county board meetings, he noted that there was universal acknowledgement to the SADC and appreciation for providing more time for input. He noted that there is concern about some draft forestry management rules being proposed in the Highlands region. He reported that pick-your-own weather was lousy and now we are hearing the financial results, and they are also lousy. He noted that everyone is concerned about labor going into next year when H2A labor increases. He reported on a tract of land in Warren County previously owned by turkey producers that was proposed for warehouses and through a tremendous amount of effort and participation with the SADC, that land is now being preserved. He noted that interest rates continue to cause concerns because of loans and whether the federal interest rates will rise again.

Stephen Lee reported that the cranberry harvest was complete and that it was one of the best they've had in years but noted that the weather was certainly a big factor for the success. He attended the Burlington County Board of Agriculture Dinner and the Atlantic County Board of Ag Dinner. He reported that Atlantic County will be alternating between online or in-person meetings.

Lisa Specca reported that she also attended the Burlington County Board of Agriculture Dinner and that Board member Stephen Lee gave an excellent synopsis of the Secretary Search to the group. She reported that Senator Troy Singleton from the 7th District was at their farm for a gleaning event with his staff, a few weeks ago, and she had the opportunity to speak to him about the Food & Nutrition bill as well as the dual appraisal bill that is currently before the Legislature. She also informed the Board members of several very serious accidents related to farm equipment and the need for more stringent laws of protection, increased fines, etc. We need to resurrect the public service announcement on all media outlets that we have. It is needed to get into Driver's Education in the schools. People need to be educated and perhaps the Legislative Committee could look into this.

Assistant Secretary Joe Atchison reported that the PSA was back on social media and tagged all other organizations. He suggested that legislation may be an avenue.

Board member Stephen Lee commented that perhaps local public safety could be involved if special requirements were needed to move large equipment from one location to another, noting that they do that for utilities. In addition, he suggested that we might want to consider having a presence there to possibly see if some kind of connection could be made. Dr. Brian Schilling commented that Rutgers Extension is happy to help in any way possible.

Assistant Secretary Atchison commented that Susan Payne, Executive Director of SADC had made public comments at the League of Municipalities Conference the day before.

John Hart commented that they have most of their crops in and noted that it was a good year for corn and soybeans, one of the best in a long time. He reported that he had recently visited two local farms that were considering Farmland Preservation and because of the SPS they have changed their minds. He noted that there was a situation recently where a farmer passed away and had no family, no will and that the money raised from the auction should stay in agriculture and not go back to Treasury. It could be used for agricultural education, etc. He noted that the deer harvest has been high and that he works with Hunters Helping the Hungry, and they have already made some donations to Mercer Street Friends.

David DeFrance agreed that it is so important for farmers to have a will for these types of situations, and it should be something that we all partner together with Rutgers, Farm Bureau and the Department of Agriculture to educate the farmers within this community to better understand the responsibilities of being a farm owner, even if its generational.

Bob Blew reported that they had a few hard freezes which is good for the field nursery guys. He noted that they were a few weeks ahead because of weather conditions. He noted that most of the corn is gone, and the soybeans are coming up. He reported that the tomato harvest had been very good this year.

David DeFrance reported that he had attended the Hunterdon and Somerset County Board of Ag dinners recently. He reported that the Somerset County Board of Agriculture Annual Dinner was held at the Suydam Farm, very well attended, many of the same topics discussed at all the other counties. He noted that Hunterdon County had a comedian at their Annual Dinner to change things up a bit. They will be moving their meetings around the county and visiting specialty crops or other innovations that are being done. In addition, he reported that labor continues to be a concern and we are lucky to have some of the same people come back each year and it's hard to find that next generation.

Vice President Hollinger commented that they continue to buy seed and they have just started rotating out the submarket oysters and putting them in cages for the winter.

President Sytsema stated that she would echo all the other comments made today but thanked Division Director Rose Chamberlain for chance to see some of the Food & Nutrition programs highlighted during the tour the previous day. She reported that the corn and soybean yields look good for Sussex County. She noted that the North Jersey Caucus will be held on November 21 at the Morris County Extension Office.

BOARD COMMITTEE REPORTS

Kurt Alstede, Chair, Operations and Budget reported that the annual budget hearing was held earlier that week and that there were no questions asked about our Capital Budget request for monies for the HVAC system at the PABIL. He also reported that a copy of the budget had been forwarded to the Board members for their review. He noted that there are several next steps in the budget process but hopes that they can get the funding needed to make the renovations at the PABIL. He stated that the Board needs to help advocate for some of these special requests.

Stephen Lee, Chair, Nominations Committee, noted that the Committee would be meeting to review the applications received for Distinguished Service Awards as well as farmer members for the SADC. The Committee will meet and provide the Board with their recommendations at the next meeting.

David DeFrance, Chair, Invasives Committee, reported that the Farm Bureau offered to host a meeting to have discussions on the Invasives legislation where participants could all talk freely and get some consensus on the issue. It's a tough bill for growers and it was very hard to come to a consensus. We are anticipating the language that will be actually used. He reported that the Legislative Committee will also be discussing the legislation at their December 6 meeting. The issue was also discussed at the Legislative tour the previous day with some of the Legislative Policy staff and they wanted to be sure that they had the language that we are looking for with this issue.

ON the MOTION of Barney Hollinger, seconded by Bob Blew, the Board voted unanimously to send a letter to the Senate President and Assembly Speaker regarding A5652/S4050 regarding Food & Nutrition with a copy of the letter sent to the sponsor back in June.

S 3916/A5486 which related to deer fencing and there is still movement and discussion. The Committee would like to see what amendments may be made before sending the letter. Ashley Kerr commented that Farm Bureau still wants amendments to be made before they sign on and agreed to share their information with the Board.

Finally, he reported that there was a draft letter regarding legislation on the DEP Methane study and the need to include the Department of Agriculture as well as Rutgers University. This letter will need to be re-drafted.

President Sytsema commented that the Personnel Committee has been conducting interviews for the Secretary Search and will keep the Board updated.

NEW BUSINESS

Final Approval of Proposed Rulemaking – Readoption of N.J.A.C. 2:71 (Grades & Standards) with Amendments and Repeals

Assistant Secretary Atchison reported that the public comments received and responses to them were provided to the Board. He recommended approval.

ON the MOTION of Barney Hollinger, seconded by Lisa Specca, the Board voted unanimously to approve Proposed Rulemaking – Readoption of N.J.A.C. 2:71 (Grades & Standards) with Amendments and Repeals pursuant to the Administrative Procedures Act.

ON the MOTION of Lisa Specca, seconded by Stephen Lee, the Board voted unanimously to send a letter of support regarding the tomato dumping issue to those necessary.

ON the MOTION of Barney Hollinger, seconded by Stephen Lee, the Board voted to allow the Legislative Committee to move forward with letters regarding deer fencing once we have concurrence.

PUBLIC COMMENT

None.

MEETINGS

The next regular meeting of the State Board of Agriculture will be held on Wednesday, December 20, 2023 beginning at 1:00 pm. at Riverview Plaza, Trenton.

RESOLUTION FOR 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 will not disclose those issues covered by attorney client privilege at future meetings.

ADJOURNMENT

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

Respectfully submitted,

A handwritten signature in blue ink, reading "Joseph A. Ott III". The signature is written in a cursive style with a long horizontal flourish at the end.

Assistant Secretary of Agriculture