

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

Meeting Minutes Board of Agriculture Smolak Farms, 315 S Bradford St, North Andover, MA 06/09/16

Board Members in Attendance: Judy C. Leab, Fred Dabney, Laura Abrams, Michael Smolak, Lucinda Williams, Lydia Sisson, Laura Sapienza-Grabski, Donald R. Chase and Michelle Harvey, John Lebeaux.

- 1. Call to Order:** Chairwoman Leab called the meeting to order at 10:10AM.
- 2. Attendance:** Chairwoman Leab noted the Board has a quorum.
- 3. Minutes Summary:** The Board considered for approval the meeting minutes of 5/12/16.
Action Taken: Donald Chase made a motion to approve the meeting minutes. The motion was seconded by Michelle Harvey and the minutes were unanimously voted for approval with amended corrections as noted.
- 4. APR 101 Presentation:** Gerard Kennedy, Director of the Division of Agricultural Conservation and Technical Assistance (DACTA) introduced himself and provided the Board a presentation of the Agricultural Preservation Restriction Program. The Board was provided a handout of the presentation. Following the Board discussed the program with series of comments and questions including but not limited to policies and guidelines, funding trends and federal requirements. MDAR noted that while it may take time the Department works with farmers to try and come up with solutions to resolve discrepancies and; that working to provide more outreach and education to help with the understanding of the program is beneficial. Mr. Dabney asked if there were still many applications in the pipeline, MDAR answered that there are quite a few. **Action Taken:** None.
- 5. Commissioner's Report:** Commissioner Lebeaux provided the Board a copy of his report (attached) and reported on the following items: staffing updates, the Commonwealth Management Certificate Program, FY16 and FY17 State and Capital Budget Updates, EIPAS Technology Roadmap, the Cranberry Task Force Final Report, the Food Policy Council's Tier 1 Priorities, the Food Safety Modernization Act (FSMA), MDAR'S State Apiary and Pollinator Week and legislative updates.

Discussion: Throughout and following the Commissioner's report Board members discussed some of the various topics. After the budget report a brief discussion on the Urban Agriculture Program ensued. The Commissioner noted the Department's mission is to protect, promote and preserve commercial agriculture. Commissioner Lebeaux also clarified that the funds for the Boston Public Market are no longer in the capital budget as the Market was completed last fiscal year. Chairwoman Leab inquired if the Board could get a copy of the Food Policy Council's Tier 1 Priorities prior to the next meeting. The Commissioner responded that it is not up to MDAR. FSMA, Commissioner Lebeaux added that MA Dept of Public Health (MDPH) agreed that MDAR to be the lead agency on FSMA's Produce Rule. Federal funding is expected to include approximately \$3.8 million over five years to support FSMA planning, increased staffing and execution of the program by using the Commonwealth Quality Program (CQP) as a model. FSMA will be housed under the Commissioner's Office with Assistant Commissioner Wentworth as the lead. Funding is expected to begin in October

to provide for building the foundation of program and staffing. Chairwoman Leab questioned that CQP would be enhanced and Mr. Wentworth responded that the federal requirements have to be implemented and using the CQP model to develop FSMA will take the approach to educate farmers while helping to meet the requirements before regulatory inspections start up. Next a brief discussion on the impacts on farmers markets, consumers looking for product seal and the applicability of FSMA on farms of a certain size ensued.

Legislative Updates: Assistant Commissioner Wentworth provided Board members a brief overview of pending legislative activity. **Discussion:** The Board discussed at length the Omnibus bill including: the process for amendments, challenges with the bill, resource issues for MDAR regarding various parts of the bill and budgetary concerns should the bill not include associated funding. Mr. Wentworth mentioned the Department wants to be proactive in helping to shape policy given items MDAR hears on a daily basis. MDAR's goal is to develop an internal policy workgroup and educate legislators on the various topics before items move to a larger legislative body. Mr. Wentworth confirmed Mr. Dabney's question if the pollinator's bill was to ban neonics. A brief discussion followed in regards to November's ballot questions and the potential impacts to the Department if the November 2016 ballot question backed by the Humane Society of the U.S. (HSUS) regarding conditions for farm animals. Mr. Wentworth noted that the Department would anticipate an increase in animal cruelty complaints. Next, Commissioner Lebeaux responded to questions about possible budgetary impacts and the Department's position on farms should the ballot question on recreational marijuana pass. **Action Taken:** None.

6. **Board Member Laura Sapienza-Grabski Request for Information:** The Board discussed recent requests for information from various Board members to the Department. **Discussion:** Ms. Sapienza-Grabski noted she was looking for a list of APRs and commented the list provided today was great. Further Ms. Sapienza-Grabski wondered if the Board wants a working group that could be the eyes and ears as there are a lot of farmers and thought perhaps this was an opportunity. The Commissioner asked that when MDAR receives requests from the Board if it's something that take a lot of time and resources for an individual member request – should we do so or should the Board consider the request? Commissioner Lebeaux noted his concern if 13 Board members make a request how the Department would be able to handle that and he would like the Board to think about this. General Counsel Zadeh also noted these requests are public records requests and need to be reviewed for personal information, etc and may require time for redaction. **Action Taken:** Fred Dabney made a motion that, depending on the request from Board members to the Department, the Commissioner will consult with the Chair on the request to determine if it should go before the Board. The motion was seconded by Lucinda Williams and the motion was unanimously voted for approval.
7. **Regulatory Review Update:** Ms. Zadeh reported that proposed regulatory changes are going through the Chapter 30A process and will be posted online with the red-lined version of the regulations along with the public notices. **Action Taken:** None.
8. **Other Business:** Ms. Harvey mentioned MDAR's two new nursery inspectors came out to her business and noted they were great. No other business. **Action Taken:** None.
9. **Date, Time and Location of Next Meeting:**
 - August 11th with a planned meeting location at Tower Hill pending confirmation as they now charge for meetings.
 - September 22nd at the BigE in West Springfield.
10. **Adjournment: Action Taken:** Donald Chase made a motion to adjourn the meeting. The motion was seconded by Lucinda Williams. The Board voted unanimously to adjourn the meeting at 1:09pm.

COMMISSIONER'S REPORT

MASSACHUSETTS BOARD OF AGRICULTURE

Thursday, June 9th, 2016

Smolak Farms, North Andover

- 1. Staffing Updates:** Currently, the Animal Health Division is down two inspectors and going through the interview process to backfill these positions. In the Crop and Pest Division, a Nursery Inspector position has been filled with a former contracted seasonal employee from the Cooperative Pest Survey Program (CAPS). This replaces two positions vacated through early retirements. The Forest Pest Outreach program recently backfilled one contracted seasonal position, and is going through the hiring processing of backfilling a second position. These positions were vacated by staff that moved on to new opportunities. In addition, the State Reclamation & Mosquito Control Operations Coordinator and the Grants Specialist in the Fiscal Office both recently gave notice.
- 2. Commonwealth Management Certificate Program:** Five Department managers recently completed the program which consists of seven 1-day courses and an action learning project. The curriculum builds skill and competencies in a variety of areas including strategic and team leadership, business process redesign, succession planning, change management and culminates in the development and presentation of action learning project which encourages managers to explore ways on how they can provide better service to the public, as well as look at how to streamline processes to gain efficiencies in their agencies.

Managers completing the program include: Michael Cahill, Director of Animal Health; Mary Jordan, Director of Agricultural Markets; Gerard Kennedy, Director of Ag Conservation and Technical Assistance; Tara Zadeh, General Counsel and Alisha Bouchard, Chief of Staff.

- 3. FY16 and FY17 Budget Updates:**

FY16 MDAR State Operating Budget

Personnel

MDAR currently has 75.2 FTEs and is working on backfilling an additional three (3) positions. Last June 30th MDAR had 80.1 FTEs, but as a result of the "Early Retirement Incentive Program", commonly referred to as "ERIP", MDAR had ten (10) employees retire. It subsequently had an additional two (2) employees retire under a "Buy Out" retirement program in the fall.

State/Budgetary Appropriations

The FY16 GAA appropriated \$23,242,351 to MDAR. Pass through or earmarks comprised 77% of this amount. MDAR has three budgetary accounts as follows:

MDAR Administration Account (2511-0100): Administration Account funding of \$6,024,798 was reduced by \$647,734 (10.75%) to \$5,377,064 as a result of ERIP, the Buyout and a 9C cut of \$9,250 in vehicle fuel. Administration & Finance (ANF) has withheld an additional \$155,744 in payroll funds in a reserve to be released upon demonstrated need. FY16 earmarks comprised \$735K (nearly 14%) of the agency's final FY16 Administration Account appropriation. Administration Account earmarks included the Buy Local earmark of \$300K; \$200K for mosquito larvicide control; \$120K for the Ma. Farm to School Project; \$90K for the apiary inspection program; \$50K for the 4H program; \$40K for the City Fruit Initiative within New Bedford, and \$25K for U-Mass apiary research. At the end of May ANF was trying to resolve a budding deficit and imposed a spending freeze on non-essential spending categories in budgetary accounts. Additionally ANF sought savings of \$460K from MDAR. MDAR was able to provide only \$20K in savings that will result from ANF not letting agencies move funds to spending categories as needed and unspent funds of the U-Mass earmark.

Supplemental Food Account (2511-0105): The Emergency Food Assistance Account was funded at \$17,150,000 of which over 98% was earmarked to food assistance programs. This account will be fully expended.

Integrated Pest Management (IPM) (2511-3002): The IPM Account was funded at \$57,553 and provides funding for one employee. This account will be fully expended.

Revenue

MDAR predicted General Fund revenue collections of \$6.09 million from twenty-seven (27) revenue sources at the start of the fiscal year. Due to strong collections it has increased the projection to an all time high of \$6.29 million. This increased revenue projection has assisted ANF in remedying the aforementioned FY16 deficit.

FY17 MDAR State Funded Operating Budget

The FY17 state budget now heads to Joint Ways and Means (JWM) to resolve the differences between the House and Senate versions. Below please find a brief analysis of those differences as it pertains to MDAR's operating budget.

Administration Account (2511-0100)

Senate budget appropriates funding of **\$4,869,445** (with an additional \$510K in earmarks).

House budget provided operational funding of **\$5,089,746** (with an additional \$640K in earmarked funding).

Whereas the House and Senate have agreed on the funding of two earmarks (Buy Local \$300K and Apiary Program \$90K) these earmarks will appear in the final JWM budget. Unresolved potential earmarks are Farm to School, SRB mosquito control and the City of New Bedford Fruit Tree initiative.

Supplemental Food Account (2511-0105)

The Senate has proposed funding of \$18 million (with an additional \$140K in earmarks).

The House has approved funding of \$17.5 million (with an additional \$165K in earmarks).

The House and Senate have agreed on the earmarks to the Cambridge Weekend Backpack Program (\$110K) and the Spanish American Center (\$30K). Unresolved is a \$25K earmark to Food for the World.

IPM (2511-3002)

The House and will need to reconcile the differences between their budgetary allocations, respectively \$57,553 and \$62,751

Below please find a comparison of proposed FY17 MDAR budgets in relation to the agency's FY16 budget.

Comparison of FY16 GAA and FY17 Budget Proposals

Department of Agricultural Resources

FISCAL YEAR (\$000)

		FY2016 GAA	FY2016 GAA Post ERIP/9C	FY2017 DAR Budget Request	FY2017 House 2	FY2017 House Budget	FY2017 Senate
Budgetary Direct Appropriations		23,243	22,674	22,895	22,148	23,453	23,582
2511-0100	Department of Agricultural Resources	6,025	5,456	5,675	5,090	5,730	5,379
2511-0105	Emergency Food Assistance Program	17,160	17,160	17,160	17,000	17,665	18,140
2511-3002	Integrated Pest Management Program	58	58	60	58	58	63

Color Code

	Agency's FY16 Budget
	Agency's FY16 Budget Post ERIP/9C
	MDAR's FY17 Budget Request to ANF
	Governor's FY17 Budget Proposal
	House Budget
	Senate WM Budget

Date: 060716

FY17 Capital Budget

Administration and Finance (ANF) has approved the agency’s FY17 capital budget. Still pending is the agency’s apportionment of EEA managed land programs, namely the APR and Stewardship programs. Of significant mention in the capital plan are the following:

- The Boston Public Market project was completed this past fiscal year.
- MDAR has seen consistency in funding for the Agricultural Environmental Enhancement Program (AEEP) and Food Safety grant program for the past several years
- The Urban Agriculture grant program has maintained its funding level of \$500K achieved in FY16.
- Agricultural Project Operations, which helps fund MDAR staff payroll, continues to steadily decline as ANF looks to reduce capital funding of state payroll
- Farm Viability funding has dipped in FY17 to \$750K from \$1 million,
- The agency is excited that it will be introducing a new Food Venture Program in FY17 with funding of \$1 million

Below is a comparison of the agency’s capital budget for the past three years.

MDAR Capital Budgets

	Program	FY15	FY16	FY17
E019	Agricultural Environmental Enhancement	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
E021	Agricultural Project Operations	\$ 360,000.00	\$ 324,000.00	\$ 291,600.00
E031	Farm Viability Enhancement Program	\$ 1,000,000.00	\$ 1,000,000.00	\$ 750,000.00
E039	Boston Public Market	\$ 4,760,000.00	\$ 1,240,000.00	\$ -
E045	EEA Agency Land Protection Program	\$ 5,000,000.00	\$ 5,900,500.00	\$ TBD
E048	Urban Agriculture	\$ 400,000.00	\$ 500,000.00	\$ 500,000.00
E061	Food Safety	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00
	Stewardship	\$ 30,000.00	\$ 180,000.00	\$ TBD
	Food Ventures Program	\$ -	\$ -	\$ 1,000,000.00
	Totals	\$ 12,000,000.00	\$ 9,594,500.00	\$ 2,991,600.00

Date:060716

4. **EIPAS Technology Roadmap:** MDAR along with other EEA agencies are working on the development of online solutions that will enable agencies to find efficiencies by standardizing and automating certain core processes. The Energy and Environment Information & Public Access System (EIPAS) will be an integrated solution that is working towards automating certain businesses processes and sharing of data and information more easily across EEA agencies and the general public using the EIPAS technology. An example of the type of projects being worked on is an external public access portal for elicensing. MDAR is in the process of reviewing major business processes and workflows that may fit into this technology model.

- 5. Cranberry Task Force Final Report:** The Cranberry Revitalization Task Force, created by an act of the Massachusetts Great and General Court, and comprised of members representing the Executive and Legislative branches of the government of the Commonwealth of Massachusetts and stakeholders within the cranberry industry, was convened in early 2016. The objective was to examine the status of the industry and the complex challenges ahead, and to develop a multi-pronged action plan geared toward stabilizing and revitalizing this beleaguered industry. The Task Force, through this Final Report, identified potential strategies to support the industry. Through the work of its members, the Task Force focused on three main categories: 1) Renovation, 2) Technology & Innovation and 3) Exit Strategies. Solutions relative to Renovation and Technology & Innovation seek to address the efficiency and cost of production, a more controllable variable than the uncertainty of fluctuating prices per barrel. Additionally, Exit Strategies provide potential options to retire bogs and provide an economic incentive for growers to maintain land for conservation purposes. The recommendations presented in this report require a collaborative effort to accomplish, both in short and long-term timelines. The importance of the Massachusetts cranberry industry, from both economic and environmental perspectives has been well documented. The potential positive impact from the Task Force initiatives will be felt for years to come. The energy, ideas and commitment that resulted should provide a spring-board for further innovation and progress in the future. The commercial cranberry industry started in Massachusetts 200 years ago this year. It is only fitting that the Task Force complete its work in the bicentennial of cranberry production. The recommendations made today will help lay the framework for the next 200 years of Massachusetts cranberry production. The full report is available at: <http://www.mass.gov/eea/agencies/agr/boards-commissions/cranberry-revitalization-task-force.html>
- 6. Food Policy Council, Tier 1 Priorities:** At first pass of the food system plan the Department broke out the 400 plus page document and reduced it down to 75 pages of summarized recommendations. Considering the size we decided to extract only the top Tier 1 priorities in an effort to provide essential recommendations in a more accessible, manageable size.
- 7. Food Safety Modernization Act (FSMA) Update:** The FDA agreed to extend the application period for one week until June 10th because a few states were having difficulty getting through the submittal process. MDAR's application was submitted and accepted prior to the deadline without issue.
- 8. MDAR State Apiary:** MA Pollinator Week will begin on Monday, June 20th and kick off at the new state apiary at the Stockbridge School's Ag Learning Center at 911 North Pleasant Street in Amherst. The apiary consists of 12 honey bee hives adjacent to the UMASS Pollinator Conservation Project. The purpose of the apiary is to serve as a vessel for education, outreach, demonstrations and research related to agricultural sustainability, pollination, honey bee health and hive management. The apiary will be maintained through a collaborative effort of the MDAR Apiary Program inspectors and faculty members on campus.
- 9. Legislative Updates:** See handout.
- 10. Regulatory Review Update:** Eventually proposed regulatory changes going through the Chapter 30A process will be posted online with the red-lined version of the regulations along with the public notices.

