

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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**Meeting Minutes, Board of Agriculture
MA Division of Fisheries and Wildlife and Wildlife Field Headquarters
1 Rabbit Hill Road
Westborough, MA 01581
2/18/20**

Board Members in Attendance: Chair Abrams, Skip Vadnais, Jr., Don Chase, Lisa Colby, Michael Smolak, Lydia Sisson, and Fred Dabney. **Remote Participation:** None. **Absent:** Elizabeth Keen, Meghan Russell, Alison Carr, Michelle Harvey, and Lucinda Williams.

1. **Call to Order:** Chair Abrams opened the meeting of the Board of Agriculture at 10:05am without a quorum. At 10:13am Lydia Sisson joined the meeting and the Chair acknowledged a quorum has been met.
2. **Minutes Summary:** The Board considered for approval the meeting minutes of 06/24/19. **Discussion:** None. **Action Taken:** Mr. Vadnais, Jr. made motion to approve the minutes of 6/24/19; the motion was seconded by Mr. Dabney. The motion passed unanimously.
3. **New Business:**
 - a. **Department Updates:** Commissioner Lebeaux provided the Board an update on Department activities related to facilities and staffing. The Commissioner reported on MDAR facilities beginning with the move of the Amherst office to W. Springfield. He talked about Secretary Beaton's direction to open Central MA office and provided an update on the Southborough office opening and explained the process. Continuing the Commissioner updated the Board on the status of hiring for a new veterinarian to cover Western MA and how the Department lost this position during the 2015 Early Retirement Incentive Program (ERIP). The Commissioner updated the Board on Deputy Commissioners Randle and Bouchard's new titles and he referenced the Board's ability that it "may" appoint an Assistant Commissioner and why he felt it was important to update the title name for Ashley. The Commissioner talked Alisha's role as actively serving as an Assistant Commissioner over the years. Respecting the Board's authority, the Commissioner said if Ashley were to leave the Department and be replaced the Commissioner would still come to the Board for their approval of a candidate. The Commissioner explained the Deputies roles as it relates to policy and operations. **Discussion:** Mr. Chase expressed his support for the two Deputies. Mr. Dabney asked about the status of ALPC and Ag Board appointments. The Commissioner provided the Board an update to Mr. Dabney's question.
 - b. **Legislative Updates:** Deputy Commissioner Randle provided the Board an update on legislative items including on the ag overtime exemption, special permit bill that sets a one-year minimum for special permits – if the dept fails to act within a year – the special permit is

allowed for 5 years. Ashley and the staff are looking at the special permit process with strategic planning meetings. **Discussion:** Ms. Sisson asked about the HIP program and the Department's position. Ashley and the Commissioner provided an update and how the Department is communicating with DTA. The Board wanted to make sure farmers voices are trying to get to the DTA. Commissioner talked about the public comment period and some of the farmers that were heard from.

- c. **EEE Mosquito Control:** Next, the Commissioner reported on mosquito control and EEE updates. In collaboration with DPH, MDAR has continuous after-action work since the end of the 2019 mosquito season. Seventy-seven (77) after action items were identified and being worked on. This includes areas identified for improvement. MDAR has participated in meetings with multiple stakeholders and cross-agency collaboration.
- d. **Labor/SJC Ruling:** The Commissioner reported on labor and the SJC Ruling. A hearing at UMass Amherst was held on February 27th at the Old Chapel and February 28th at DEP's office in Worcester to bring about concerns and how farms will be impacted. Labor & Workforce Develop will take all the comments and develop guidelines for the industry. MDAR has shared what will be helpful to farmers. The AGO has the enforcement action on this matter.
- e. **Regulations:** Compost regulations, the Commissioner reported on the status of the regs when they are expected to be finalized. Pet Shop and Shelter regulations are also being worked out and hope to have something come this Spring which will get the emergency order off the books. The Commissioner wrapped the report on regulations regarding Apiary and Food Safety.
- f. **Neonics Review Study:** The Commissioner reported on Rep. Dykema's legislation and is engaged with stakeholders to effectively take neonics out of the hands of homeowners and keep them in the hands of professionals. Successfully the Rep. got language in the budget earmarked last summer for a study; this allowed for a literature review that the pesticide sub-committee would review. The public hearing is on March 13th and the sub-committee at a later date TBD will consider the study and the public comments. The legislation to restrict neonics had over 120 legislative sponsors. If it passes, it creates most likely a 3rd category – general pesticides, restricted pesticides and neonics. Retailers will have to determine how to sell and check for proper licensing.
- g. **Hemp:** Commissioner reported that MDAR has a hemp plan about ready to be submitted to the USDA. The Department has to show them what our policies and procedures are; a legislative proposal will be coming out to better align our program with the USDA rule. A lot of confusion on what to do with product being held. **Discussion:** The board talked about the amount of hemp harvested that is being held, limited number of labs and lack of processing facilities. Few new applications for 2020, otherwise, mostly renewals. Governor's supplemental budget with language to align our legislation with the USDA's Interim Final Rule. Our state plan outlines how we will align legislation and regulations with the federal rule. The board discussed 61A and APR land and how it relates to hemp.
- h. **APR Program:** APR program updates were provided by the Commissioner. He mentioned Sen. Rodrigues sponsored legislation that every 3-years MDAR will conduct listening sessions about the program. MDAR completed these sessions in January and things seem to be going well. MDAR is about to come out with an APR Guide that should be a great handbook for people to have; it is almost final and will continue to improve the process. **Discussion:** Mr. Smolak mentioned there was a tremendous amount of improvement. The board talked about the value of the APR land vs. the value of the investment into the business. Continuing the Board had a long discussion about the APR program, the recent review, the process, and number of applications in the pipeline. Ashley mentioned we heard about succession planning and barriers to young farmers to get access to land. The APR program is working to put together a survey to see if we can get an idea of any farm plans over the next 5-years.

- i. **Upcoming Events & Tours:** The Commissioner reported on upcoming events including the Maple Tap-Off, the Maple Tour, farm tour/breakfast at Judy Leab's, Dairy Tour, and Earth Week begins on April 20th and MDAR is pitching farm tour ideas. **Action Taken:** None.
4. **Chair Election / Term Updates:** The Chair mentioned except for recent appointments everyone is continuing to serve until further notice. The Chair asked the board if anyone was interested in being Chair followed by a brief discussion. **Action Taken:** Mr. Dabney moved that Ms. Abrams remain as Chair. The motion was seconded by Mr. Smolak. The Board voted unanimously for Ms. Abrams to remain as Chair.
5. **Inheritance Tax Valuation:** Mr. Smolak raised concerns about the inheritance tax valuation and exemption and who could look into this. The Commissioner mentioned this will fall under DOR; ag value vs fair market value inheritance/estate tax. Mr. Smolak will see what he can find out.
6. **Building Codes/Agritourism and Hemp:** Mr. Smolak talked about some activities he has been doing on his farm and some items that came up during an inspection with the Fire Marshall. Mr. Smolak is concerned if the restrictions he ran into remain it would put many farms out of business unless they put in pull fire alarms. **Discussion:** The Board discussed public assembly as it relates to code and agritourism and how it comes down to the Town and the state. **Action Taken:** Mr. Vadnais, Jr., made a motion for Mr. Smolak to spearhead a resolution with this by working with MDAR staff to come up with solutions. Mr. Chase seconded the motion. **Discussion:** The Board discussed if the definition of greenhouses changes could impact wholesale, if there is a sub-definition that cover all ag activities, look at agritourism vs. what a garden center does; its public assembly vs. retail use in terms of egress and fire suppression. **Action Taken:** The motion approved unanimously. SEE HANDOUTS.
7. **Old Business:**
 - a. **Budget:** Mr. Dabney inquired regarding the budget, in particular the Buy Local earmark. The Commissioner reported the \$500,000 earmark for Buy Local remains level funded. The Budget hearing is coming up in Pittsfield on March 2nd. At the hearings, there are a lot of questions on APRs and Hemp. Mr. Dabney inquired about the annual report which the Commissioner reported MDAR is catching up on and being posted on the Department website. Mr. Smolak asked about the MA Office of Travel and Tourism coming to a future Board meeting and give a presentation.
8. **Other Business:**
 - a. **APR Listening Sessions:** Mr. Vadnais, Jr., commented that hearing issues from the public and the Commissioner's willingness to hear the issues is changing the perception and helping to solve the problem.
9. **Date, Time and Location of Next Meeting:** April 8th 10-12 in Westborough
10. **Adjournment. Action Taken:** Mr. Smolak made a motion to adjourn; Mr. Vadnais, Jr., seconded the motion and the Board voted unanimously to adjourn at 12:08pm.