

**AGRICULTURAL FEED, SEED, AND FERTILIZER
ADVISORY COUNCIL**

**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**



**SUMMARY REPORT OF THE
JUNE 4, 2019 MEETING**

BARTOW, FLORIDA

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SUMMARY OF COUNCIL'S ACTIONS

TUESDAY JUNE 4, 2019

I. OPENING AND MEETING PARTICIPATION

The 19th meeting of the Agricultural Feed, Seed and Fertilizer Advisory Council (Council) was opened at 10:02 AM, and the following 11 (11 of 12) Council members or their representative participated: Pepe Rodriguez, Brent Sutton, John Beuttenmuller, Keith Davis, Bryan Belcher, Roland Yee, Tommy Watkins and Neil Richmond. David Stephens attended on behalf of Larry Mack, and Bridget Stice attended on behalf of Dr. Saqib Mukhtar. Chris Myers participated via teleconference.

(Attachment 1- Council Membership)

Members Absent:

Jimmy LeFils.

FDACS Participating

Deborah Tannenbaum, Kelly Friend, Davis Daiker, Patricia Lucas, Teresa Rygiel, Courtney Frazier, Sarah Oglesby, John Bergquist, Hyatt Sudano, Bonnie Wolf Pelaez; Holly Bell participated via phone for her presentation. Tamara James and Shaness Thomas joined the meeting via phone.

Public Participation

Mike Aerts (Florida Fruit and Vegetable Association), David Royal (The Nature Conservancy), Bill Hall (N-P-K Consulting), Mike Barry (Trade Mark Nitrogen), Marshall Frazier, Mary Hartney (Florida Fertilizer & Agrichemical Association), Larry McCauley (Tide International USA), and Jake Swab (Purina).

MEETING NOTES

Meeting notes were taken by Hyatt Sudano and Sarah Oglesby from FDACS.

II. MEETING SUMMARY AND OVERVIEW

On June 4, 2019, the Council conducted their nineteenth meeting and was briefed on Agency administrative issues and Agency enforcement activities pertaining to the Feed, Seed, and Fertilizer programs. The Council decided that the October 1, 2019 meeting will be held in Bartow, Florida. Courtney Frazier, FDACS Senior Attorney, briefed the Council about the Florida Sunshine Laws. Deputy Commissioner Deborah Tannenbaum thanked the Council for their participation and encouraged them to reach out to her with any suggestions and questions. She informed the Council about the upcoming hemp workshops that will be held in three different regions throughout the state during the month of June. Holly Bell, FDACS Director of Cannabis, gave a presentation about the future of hemp production and use in Florida.

The Council was given an update on the 2019 legislative session and the latest updates with rule changes. The Council heard from AES about the latest agency enforcement activities for the Feed, Seed, and Fertilizer Programs. AES discussed that the rule language for the Feed Enforcement Plan is still early in the process and that there is time for comments. The five-year seed and feed enforcement trends requested by Dr. Mukhtar at the previous meeting was discussed.

The Council heard from the AES Laboratory on last quarter's fertilizer sample turnaround time, the completion of the four-year accreditation process, and their continued work with the FDA in the process to develop contaminate testing for animal feed. A presentation provided by Bonnie Wolf Pelaez with FDACS Office of Ag Water Policy highlighted Best Management Practices in the Lake Okeechobee region. The Council discussed agenda items for the next scheduled meeting on October 1, 2019.

III. MEETING OBJECTIVES AND AGENDA APPROVAL

The Council voted unanimously, 11 – 0 in favor, to approve as posted/presented the agenda, and the summary report from October 2, 2018. It was decided that the next meeting will take place in Bartow.

IV. AGENCY ISSUES UPDATES (FDACS: LEGISLATIVE, RULES, ORGANIZATIONAL & BUDGET)

Legislative Update

Kelly Friend, Director of Agricultural Environmental Services, informed the Council that the Agricultural Bill did not pass. She asked for more feedback and indicated that the language needs to be tweaked before the next legislative session.

Budget Update

AES is slated to receive ten replacement vehicles for the field inspectors. Other than that, it was a quiet session overall.

Rules Update

Sarah Oglesby, Chief of the Bureau of Licensing and Enforcement, discussed the feed enforcement penalty issues. The comprehensive update to the Seed Rule will follow statute changes.

Organizational Update

Neil Richmond, Chief of the Bureau of Inspection and Incident Response, informed the Council that Dale Dubberly retired from FDACS. Mr. Richmond has taken over the duties of coordinating the Agricultural Feed, Seed and Fertilizer Advisory Council.

V. AGENCY ENFORCEMENT PROGRAM ACTIVITIES BRIEFING (FEED, SEED AND FERTILIZER PROGRAMS)

Ms. Oglesby provided updates regarding enforcement activities pertaining to those programs administered by the BLE. She discussed the five-year licensing and enforcement trends for both feed and seed as requested by Dr. Mukhtar. There has been an increase in feed distribution licenses as the feed industry in Florida appears to be growing. BSE inspections are down as AES awaits new priorities from the FDA. There is less risk of BSE in this country.

In early 2019, AES investigated cattle mortality determined to be caused by feed. AES worked with the Division of Animal Industry and the producer of the feed, Purina. It was determined that the deaths of 39 cattle were caused by an increase in non-protein Nitrogen in the feed.

A discussion was held about implementing a one-week hold time on penalties going to consumers.

(Attachment 2 – AFSFAC Licensing/Enforcement Program Summaries: FEED)

(Attachment 3 – AFSFAC Licensing/Enforcement Program Summaries: SEED)

(Attachment 4 – AFSFAC Licensing/Enforcement Program Summaries: FERTILIZER)

VI. AGENCY BRIEFINGS AND UPDATES ON RELEVANT ISSUES

FEED ENFORCEMENT PLAN

At the February 2018 council meeting, a motion was filed to develop a plan to take stronger administrative action against companies that are repeatedly not in compliance with reporting tonnage and submitting samples. The Department already has the authority to take such action, however, there has never been a specific enforcement plan put in place. To achieve this, it needs to be outlined in Rule. New language for 5E-3.018 F.A.C. is being drafted and reviewed by AES. It is now with FDACS Legal for review. Once signed off, the Department will initiate rulemaking. The plan consists of a stepwise enforcement action to be taken with each consecutive quarter that tonnage is not submitted and each 1st quarter of the FY that samples are not submitted. With continued non-compliance, the fine increases as well as the action of placing products on stop sale,

suspending the registration and ultimately revoking the registration if compliance is not achieved. This happens at a much more accelerated rate than the current enforcement plan.

VII. LABORATORY UPDATE

Patty Lucas, Chief, Bureau of Agricultural Environmental Laboratories (BAEL), provided the Council an update on recent seed laboratory activities in preparation for the Hemp Program. She lauded BAEL's four AOSA Certified Seed Analysts and briefly discussed the certification process. Chief Lucas discussed the fertilizer sample turnaround time and noted that there was a five-day increase in turnaround time. The increase was due to staff turnover and the cattle mortality investigation.

Chief Lucas provided an update on Recommendations #2, 5 and 7, and then highlighted the report comparing the percentage deficient samples versus the percentage deficient nutrients. The development of an analytical methodology for the analysis of Cannabinoids in animal feed products was discussed in her presentation. The BAEL underwent an Accreditation Assessment in March 2019; Accreditation certificate will be coming soon.

VIII. PRESENTATIONS

FLORIDA'S OPEN MEETINGS AND PUBLIC RECORDS LAWS – Ms. COURTNEY FRAZIER, SENIOR ATTORNEY, OFFICE OF GENERAL COUNSEL, FDACS

Ms. Courtney Frazier, Senior Attorney with the Office of General Counsel, gave a presentation to members of the Council about Florida's "Open Meetings Law," often referred to the "Sunshine Law." Covered under Chapter 286, Florida Statutes, this law protects the public from "closed door" decision making and provides a right of access to governmental meetings. Ms. Frazier also discussed the "Public Records Law" under Chapter 119, Florida Statutes, which creates a right of access to records made or received in connection with official business of a public body.

FLORIDA HEMP – Ms. HOLLY BELL, DIRECTOR OF CANNABIS, FDACS

Ms. Holly Bell, Director of Cannabis, provided a presentation about the new Florida Hemp Program and Senate Bill 1020 that is awaiting signature from the Governor of Florida. Ms. Bell discussed the difference between marijuana and industrial hemp, noting that hemp is a multi-use crop that contains less than 0.3% THC. The goals of the Florida Hemp Program are to provide a viable crop and new revenue stream for Florida farmers, protect consumers by implementing smart regulation and testing practices, and gain national recognition for high quality "Fresh from Florida" hemp products.

BEST MANAGEMENT PRACTICES PROGRAM – MS. BONNIE WOLFF PELAEZ, PROGRAM PLANNING COORDINATOR, OFFICE OF AGRICULTURAL WATER POLICY, FDACS

Ms. Bonnie Wolff Pelaez, Program Planning Coordinator with the Office of Agricultural Water Policy, provided a presentation about Best Management Practices (BMPs) designed to improve water quality, conserve water and protect the environment. BMPs are considered the most effective and practicable means for agricultural producers to conserve water and reduce fertilizer and animal wastes from entering Florida's water resources. Chapters 403.067 and 373.4595, Florida Statutes, give FDACS the authority to develop and adopt BMPs by rule, in conjunction with the Florida Department of Environmental Protection (FDEP), Water Management Districts, affected farmers, public and private sector researchers, and environmental groups. There are currently nine approved manuals that contain BMPs that are initially verified as effective by the FDEP. In the Lake Okeechobee region, 80 percent of agricultural properties are enrolled in BMPs. The Florida Legislature has provided \$60 million over the last ten years for this program.

IX. GENERAL PUBLIC COMMENTS

Members of the public were provided with an opportunity to speak on each of the Council's substantive discussion issues throughout the course of the meeting. In addition, an opportunity was provided at the end of the meeting for general public comments.

X. COUNCIL MEMBER COMMENTS AND ISSUES

Council members were provided with an opportunity to make any additional comments they would like to offer.

XI. NEXT MEETING OVERVIEW AND ISSUES

Following are suggested agenda items for the October 1, 2019 meeting:

- Review Action Items and Assignments
- Identify Agenda Items for Next Meeting
 - Agency Updates (Administrative, Legislative, and/or Rule Development Initiatives)—FDACS: Two-year Cycle Workplan
 - Enforcement Programs Activities Report—FDACS
 - Agency Briefings—FDACS
 - Laboratory Update—FDACS
- Director Chris Pettit, Office of Ag Water Policy: Rotational Crop Project in Live Oak
- Biosolid plants in agricultural areas – Suggested by Roland Yee, 62-640 OAWP rule is addressing, get language.
- David Royal, Nature Conservancy – Discussion about 4Rs and 4R Certification (recommendations to the Commissioner to continue to support promotion of 4R nutrient stewardship across the state.)

STAFF ASSIGNMENTS

None were requested.

NEXT MEETING DATE AND LOCATION

October 1, 2019 in Bartow, Florida and via teleconference/web.

ADJOURN

Council Action:

MOTION – The Council voted unanimously, 11 - 0, to adjourn at 1:00 PM.

ATTACHMENT 1
COUNCIL MEMBERSHIP AND AFFILIATION

MEMBER	AFFILIATION/REPRESENTATION
Bryan Belcher	Citrus Industry
John Beuttenmuller	Seed Industry
Keith Davis	Fertilizer Industry
Kelly Friend	FDACS
Stacy Mello	Row Crop/Field Industry
Jimmy LeFils	Beef Cattle Industry
Larry Mack	Feed Industry
Dr. Saqib Mukhtar	UF/IFAS
Chris Myers	Poultry
Brent Sutton	Fertilizer Industry
Pepe Rodriguez	Feed Industry
Tommy Watkins	Dairy Production Industry
Roland Yee	Vegetable Industry
MEETING COORDINATION	
Neil Richmond	FDACS