

AGRICULTURAL FEED, SEED, AND FERTILIZER ADVISORY COUNCIL

**FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**



**SUMMARY REPORT OF THE
OCTOBER 1, 2019 MEETING**

BARTOW, FLORIDA

TABLE OF CONTENTS

<i>Table of Contents</i>	1
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<i>Table of Attachments</i>	1
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I.	Opening and Meeting Participation	2
II.	Meeting Summary and Overview	3
III.	Meeting Objectives and Agenda Approval	3
IV.	Agency (FDACS) Issues Updates	3
V.	Agency Enforcement Program Activities Briefing	4
VI.	Agency Briefings and Updates on Relevant Issues	4
VII.	Laboratory Updates	4
VIII.	Presentations	5
IX.	General Public Comments	5
X.	Council Member Comments and Issues	6
XI.	Next Meeting Overview and Issues	6

<i>Table of Attachments</i>	7-15
-----------------------------	------

I.	Council Membership	7
II.	Licensing/Enforcement Program Summaries: FEED	8
III.	Licensing/Enforcement Program Summaries: SEED	9
IV.	Licensing/Enforcement Summaries: FERTILIZER	10
V.	Agricultural Environmental Lab: TURNOVER TIMES	15

**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
SUMMARY REPORT OF THE COUNCIL'S OCTOBER 1, 2019 MEETING**

SUMMARY OF COUNCIL'S ACTIONS

TUESDAY OCTOBER 1, 2019

I. OPENING AND MEETING PARTICIPATION

The 20th meeting of the Agricultural Feed, Seed and Fertilizer Advisory Council (Council) was opened at 10:03 a.m., and the following 10 (10 of 12) Council members or their representative participated: Larry Mack, Stacy Mello, Jim LeFils, Pepe Rodriguez, John Beuttenmuller, Keith Davis, Tommy Watkins and Neil Richmond. Bridget Stice attended on behalf of Dr. Saqib Mukhtar. Roland Yee participated via teleconference.

Members Absent:

Bryan Belcher, Chris Myers.

(Attachment 1- Council Membership)

FDACS Participating

Deborah Tannenbaum, Kelly Friend, Patty Lucas, Teresa Rygiel, Patti Jones, John Bergquist, Hyatt Sudano, Chelsea Peebles, Scott McClure, Kansas Chambless, and David Durbin. Holly Bell participated via phone for her presentation. FDACS members George Hayslip, Tamara James, Steve Harley and Shaness Thomas joined the meeting via phone.

Public Participation

David Royal (The Nature Conservancy) and Mary Hartney (Florida Fertilizer & Agrichemical Association).

MEETING NOTES

Meeting notes were taken by Hyatt Sudano from FDACS.

II. MEETING SUMMARY AND OVERVIEW

On October 1, 2019, the Council conducted their twentieth 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 February 4, 2020 meeting will be held in the same area. Additional facilities in the region will be identified as potential meeting locations.

The Council reviewed, discussed and approved the Council Organizational and Procedural Policies and Procedures document. The Council reviewed and discussed the Council's Adopted Workplan document. The Council added hemp to the Workplan, while continuing to monitor and prepare for the potential impact of emerging pests and diseases. Discussion was held about adding Bengal dayflower and smut grass to the Workplan. The Council adopted the Workplan with the addition of the comments. The Council approved the Summary Notes from the Council meeting held in Bartow on June 4, 2019.

The Council heard from AES about the latest agency enforcement activities for the Feed, Seed, and Fertilizer Programs. The AES Laboratory updated the Council on the previous quarter's fertilizer sample turnaround time.

Scott McClure with the Division of Fruits and Vegetables gave an update on the Food Safety Modernization Act (FSMA), and David Royal with the Nature Conservancy provided a presentation on the "Four R's Nutrient Stewardship." Holly Bell, Director of Cannabis, gave a brief update on Florida hemp. The Council discussed possible agenda items for the next scheduled meeting on February 4, 2020.

III. MEETING OBJECTIVES AND AGENDA APPROVAL

The Council voted unanimously to approve as posted/presented the agenda, and the summary report from June 4, 2019. It was decided that the next meeting will take place in the same region.

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

Legislative and Budget Update

George Hayslip, Program Planning Coordinator with FDACS, provided the legislative and budget update. AES is looking at Chapter 487, Florida Statutes, to modify the requirements associated with commodity fumigation practices, as well as Chapter 570, Florida Statutes, to extend authority for AES's use of the Pest Control Trust Fund to provide partial support for other regulatory program activities conducted by the division. These proposed changes to statute are included in the current AG Bill (HB921). AES's 19-20 legislative budget request (LBR) seeks to add additional full-time employees and additional new vehicles.

Rules Update

Tamara James, Assistant Chief of the Bureau of Licensing and Enforcement, provided an update of the Rules to the Council. During the month of June, the FDACS held three hemp rule-making workshops, which had over 900 in attendance. The AES covers hemp as it relates to seeds, pesticides, fertilizer and animal feed; the Division of Plant Industry is responsible for the cultivation of the hemp; and the Division of Food Safety handles the processing, manufacturing and retailing of hemp products.

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

Shaness Thomas, Environmental Manager, provided updates regarding enforcement activities pertaining to the Feed and Seed Programs. Steve Harley, Environmental Manager, gave updates to the Fertilizer Program. They provided a handout of the fourth quarter and fiscal year numbers for their perspective programs.

(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. has been 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. The newest analyst attended Federal Feed School, which is the first step in becoming a Certified Seed Analyst. Chief Lucas discussed the

fertilizer sample turnaround time is 25 days. The lab experienced an 80 percent turnover rate last year.

Chief Lucas indicated that there were no changes to Recommendations #2 and #7. She provided an update on Recommendation #5 and then discussed 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 lab is currently testing for 16 Cannabinoids and contaminant screening (mycotoxins, heavy metals, pesticides and others) in pet food, pet treats, specialty pet food and specialty pet treats. The BAEL received its Accreditation on August 30, 2019. The lab recently hired four new laboratory technicians who are undergoing training, and continued method work with Automated Kjeldahl System.

(Attachment 5 – AFSFAC Agricultural Environmental Lab: FERTILIZER TURNAROUND TIME)

VIII. PRESENTATIONS

FLORIDA HEMP UPDATE – MS. HOLLY BELL, DIRECTOR OF CANNABIS, FDACS

Ms. Holly Bell, Director of Cannabis, provided an updated presentation about the Florida Hemp Program. Ms. Bell discussed the roles for the Divisions of Agricultural Environmental Services (seeds, pesticides, fertilizer, and animal feed), Plant Industry (cultivation) and Food Safety (processing, manufacturing, and retailing). The three Rules Workshops across the state in June saw an attendance of over 900 with over 190 public comments. The Hemp Advisory Council, formed by Senate Bill 1020, held its first meeting on September 19 at the Capitol.

FOUR R'S NUTRIENT STEWARDSHIP – MR. DAVID ROYAL, THE NATURE CONSERVANCY

Mr. David Royal with the Nature Conservancy provided a presentation about the new 4R Nutrient Stewardship Certification Program. The estimated population of Florida in 2019 is 21.6 million people, with an estimated 1,000 people moving to the state every day. The best practices of the 4Rs refers to using the right source of nutrients at the right rate and right time in the right place. According to Mr. Royal's presentation, this approach "provides a science-based framework for plant nutrition management and sustained crop production, while considering specific individual farms' needs." The end results are better crop performance, improved soil health, and cleaner air and water.

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. It was determined that the next meeting would be in the Bartow area. Stacy Mello was selected to be the Vice-Chair of this Council.

XI. NEXT MEETING OVERVIEW AND ISSUES

Following are suggested agenda items for the February 4, 2020 meeting:

- Review Action Items and Assignments
- Identify Agenda Items for Next Meeting
 - Agency Updates (Administrative, Legislative, and/or Rule Development Initiatives)
 - Enforcement Programs Activities Report—FDACS
 - Agency Briefings—FDACS
 - Laboratory Update—FDACS
- Director Chris Pettit, Office of Ag Water Policy
- John Beuttenmuller, FFSP – Presentation about the seed certification process.

STAFF ASSIGNMENTS

None were requested.

NEXT MEETING DATE AND LOCATION

February 4, 2020 in the Bartow, Florida area and via teleconference/web.

ADJOURN

Council Action:

MOTION – The Council voted unanimously, 10 - 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
Jimmy LeFils	Beef Cattle Industry
Larry Mack	Feed Industry
Stacy Mello	Row Crop/Field Industry
Dr. Saqib Mukhtar	UF/IFAS
Chris Myers	Poultry
Pepe Rodriguez	Feed Industry
Tommy Watkins	Dairy Production Industry
Roland Yee	Vegetable Industry
MEETING COORDINATION	
Neil Richmond	FDACS

AFSAC Licensing/Enforcement Program Summaries

FEED

Feed Program Activity	FY 18-19 Q1 (Jul-Sep)	FY 18-19 Q2 (Oct-Dec)	FY 18-19 Q3 (Jan-Mar)	FY 18-19 Q4 (Apr-Jun)	FY 18-19
Feed Distributors Licensed	897	242	95	27	1,261
Feed Samples Reported	639	154	129	838	1,760
Feed Establishment Inspections (BSE)	8	4	46	12	70
Feed Marketplace Inspections	26	9	45	19	99
Warning Letters Issued for Delinquent Tonnage Reports	228	253	311	249	1,041
Feed Enforcement Action Issued for Failure to Meet Sampling Requirements	0	0	0	0	0
Feed Fines Collected	(2) \$1,273.00	0	0	0	(2) \$1,273.00
Feed Deficiency Penalties	(35) \$20,701.48	(10) \$1,030.41	(11) \$1,168.05	(31) \$4,150.95	(87) \$27,050.89

Condition of Feed Samples Submitted by Registrants	FY 18-19 Q1 (Jul-Sep)	FY 18-19 Q2 (Oct-Dec)	FY 18-19 Q3 (Jan-Mar)	FY 18-19 Q4 (Apr-Jun)	FY 18-19
Total # of Feed Samples Analyzed	639	154	129	838	1,760
Total # Deficient	37	20	10	30	97
% Deficient	5.79%	12.99%	7.75%	3.58%	7.53%

AFSFAC Licensing/Enforcement Program Summaries

SEED

Seed Program Activity	FY 18-19 – Q1 (Jul-Sep)	FY 18-19 – Q2 (Oct-Dec)	FY 18-19 – Q3 (Jan-Mar)	FY 18-19-Q4 (Apr-Jun)	FY 18-19
Seed Dealers Licensed	2493	78	212	18	2,801
Seed Samples Reported	427	490	653	521	2,091
Seed Marketplace Inspections	3	4	11	7	25
Seed Enforcement Actions: Stop Sales, Mislabeled, Illegal Violations, Warning Letters	147	162	244	89	642

Condition of Seed Samples Reported	FY 18-19 Q1 (Jul-Sep)	FY 18-19 Q2 (Oct-Dec)	FY 18-19 Q3 (Jan-Mar)	FY 18-19 Q4 (Apr-Jun)	FY 18-19
Total # of Seed Samples Reported	427	490	653	521	2,091
Total # Illegal	35	31	47	29	142
Total # Mislabeled	112	127	189	53	481
% Illegal	8.2%	6.3%	7.2%	5.6%	6.83%
% Mislabeled	26.2%	25.9%	28.9%	10.2%	22.8%

FERTILIZER QUARTERLY REPORT



FY: 2018-2019

Fertilizer Program Activities	Q1 2018	Q2 2018	Q3 2019	Q4 2019	FY: 2018-2019
Fertilizer Manufacturers Licensed	670	17	36	11	734
Specialty Fertilizers Registered	2,144	17	22	17	2,200
Fertilizer Samples Taken	462	468	569	649	2,145
Fertilizer Samples Reported (Includes Samples in Referee Process)	379	481	630	614	2,104
Fertilizer Consumer Request Samples Reported	26	31	86	67	210
Fertilizer Marketplace Inspections	11	7	36	23	77
Fertilizer Enforcement Actions	124	125	179	70	498
Fertilizer Labels Reviewed	170	204	187	298	859
Misbranded Bulk Fertilizer Labels	6	10	12	7	35

FERTILIZER QUARTERLY REPORT



Fertilizer Samples Bag, Bulk, and Liquid (Q1)	Total Samples	Deficient Samples	% Deficient
Bag (6 consumer requests)	83	24	29%
Bulk (9 consumer requests)	202	27	13%
Liquid (11 consumer requests)	96	13	14%
Total	381	64	17%

Fertilizer Samples Bag, Bulk, and Liquid (Q2)	Total Samples	Deficient Samples	% Deficient
Bag (8 consumer requests)	87	17	20%
Bulk (20 consumer requests)	288	53	18%
Liquid (3 consumer requests)	104	7	7%
Total	479	77	16%

FERTILIZER QUARTERLY REPORT



Fertilizer Samples Bag, Bulk, and Liquid (Q3)	Total Samples	Deficient Samples	% Deficient
Bag (6 consumer requests)	151	48	32%
Bulk (78 consumer requests)	360	49	14%
Liquid (2 consumer requests)	111	2	2%
Total	622	99	16%

Fertilizer Samples Bag, Bulk, and Liquid (Q4)	Total Samples	Deficient Samples	% Deficient
Bag (24 consumer requests)	168	76	45%
Bulk (40 consumer requests)	309	60	19%
Liquid (3 consumer requests)	137	19	14%
Total	614	155	25%

FERTILIZER QUARTERLY REPORT



Fertilizer Sample Summary Deficiency	Jul-Sept 2018	Oct-Dec 2018	Jan-March 2019	April-June 2019
Total # of Fertilizer Samples Reported	381	479	622	614
Total # Deficient	64	77	99	155
% Deficient	17%	16%	16%	25%

FERTILIZER 1st QTR. DEFICIENT PENALTY ASSESSMENTS:

Paid to the Consumer: \$ 14,749.48
 Paid to the State: \$ 94.64
 Total: \$ 14,844.12

FERTILIZER 2nd QTR. DEFICIENT PENALTY ASSESSMENTS:

Paid to the Consumer: \$ 18,899.70
 Paid to the State: \$ 261.49
 Total: \$ 19,161.19

FERTILIZER QUARTERLY REPORT



FERTILIZER 3rd QTR. DEFICIENT PENALTY ASSESSMENTS:

Paid to the Consumer:	\$ 35,710.66
Paid to the State:	<u>\$ 358.97</u>
Total:	\$ 36,069.63

FERTILIZER 4th QTR. DEFICIENT PENALTY ASSESSMENTS:

Paid to the Consumer:	\$ 52,828.68
Paid to the State:	<u>\$ 5,881.61</u>
Total:	\$ 58,710.29

FERTILIZER YEAR TO DATE TOTAL PENALTY ASSESSMENTS:

Paid to the Consumer:	\$ 122,188.52
Paid to the State:	<u>\$ 6,596.71</u>
Total:	\$ 128,785.23

Fertilizer Sample Turnaround Time

