



Agriculture and Markets

2020 Annual Report



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Overview

The New York State (NYS) Department of Agriculture and Markets (AGM) promotes New York agriculture and its high-quality and diverse products, fosters agricultural environmental stewardship, and safeguards the State's food supply, plant industry, land, and livestock to ensure the viability and growth of New York's agricultural industries.

Approximately 20% of New York's land area, or nearly 7 million acres, is farmland. The State is home to nearly 33,500 family farms producing some of the world's best food, helping to drive the economy. New York is a major agricultural state, ranking in the top ten in production of 30 commodities. It is the second largest producer of apples, snap beans, and maple syrup. It ranks third in cabbage, grapes, and dairy, which is the largest segment of the State's agricultural sector.

Section 164 of the Executive Law directs AGM to annually submit a report of its activities to the Governor and the Legislature. This 2020 Annual Report outlines AGM's actions through its central administration and programmatic divisions, including the divisions of agricultural development, animal industry, food safety and inspection, land and water, milk control and dairy services, plant industry, weights and measures, the Food Laboratory, and the Great NYS Fair.

This report also highlights the COVID-19 pandemic's impact on AGM and the agricultural industry. It identifies ways in which AGM has shifted resources, developed new internal and external policies, and implemented critical initiatives that allow AGM's operations to continue with health and safety a top priority.

COVID-19 Response

In response to the unprecedented COVID-19 pandemic, AGM implemented a series of protections to ensure the food supply chain remained open and operating, and adapted staff, resources, and operations to further support NYS' overall efforts to flatten the curve and educate and vaccinate New Yorkers. Critical COVID-19 initiatives and results are highlighted below.

Keeping the Food Supply Chain Open and Agriculture Operating

- AGM staff, with its partners, distributed more than 100,000 face coverings and tens of thousands of gallons of hand sanitizer to farms across the State.
- AGM launched on-farm COVID-19 testing for farm workers, in partnership with NYS Department of Health (DOH), in targeted areas of the State that see the greatest number of seasonal farm workers.
- AGM launched the COVID-19 resource page on the AGM website, which houses all guidance.
- AGM provided guidance for State's retail food stores, food manufacturers, farms, farmers' markets, and more to keep them operating safely and the supply chain moving for consumers.
- AGM provided guidance to restaurants and fisheries to allow them to operate temporarily as retail food stores without needing to apply for a retail food store license.
- AGM provided guidance to ensure animals continued to receive the care and

- products/services necessary to keep them fed and healthy.
- AGM held conferences with industry and federal stakeholders to ensure all aspects of the food supply chain remained unaffected by the pandemic.

Educating, Testing, and Vaccinating New Yorkers

- The NYS Fairgrounds was used by SUNY Upstate to conduct drive-through COVID testing.
- Staff provided planning and event assistance for food giveaway drive-through events for Nourish New York.
- The Fairgrounds hosted blood drives for the Red Cross on multiple days per week since April 2020.
- The Fairgrounds provided warehouse space for COVID-19 relief effort supplies, such as hand sanitizer, coolers, soap, and personal protective equipment (PPE).
- 238 AGM employees fulfilled critical roles in NYS's COVID-19 response, from conducting contact tracing to staffing testing sites and call centers. Additionally, employees continue to provide assistance at vaccination sites and with vaccination call centers.
- Staff assisted the State Liquor Authority with its enforcement efforts in New York City and Long Island.

Administration

Staffing

AGM's permanent administrative staff of 59 full-time employees perform the fiscal management, human resources, legal services, special projects, and executive management functions for the agency. All agency administration staff are based at the Albany headquarters.

Counsel's Office

Counsel's Office provides legal advice and representation to AGM officers under NYS and applicable federal law. Specifically, the division:

- advises on issues arising under State and federal law and responds to requests of governmental entities for interpretation of the Agriculture and Markets Law (AML);
- develops and coordinates the AGM's legislative program, including the drafting of proposals and support memoranda, negotiation of bill language, and the research and analysis of bills relevant to the Department's work;
- develops regulations and represents AGM in rulemaking proceedings;
- represents AGM in administrative, judicial, and other proceedings, seeking to enforce the AML and respond to challenges to the AGM's actions;
- administers and collects civil penalties;
- provides advice regarding procurement issues and best contracting practices;
- prepares, reviews, and negotiates contracts, grants, and memoranda of understanding;
- provides legal support services to the State Soil and Water Conservation Committee;
- represents the interests of agricultural resources and farmers in proceedings before the

- Public Service Commission;
- conducts investigations concerning, among other things, possible violations of the AML, AGM personnel matters, and ethics issues;
- performs risk analyses; and
- responds to requests for Department records in conformance with the Public Officers Law.

In 2020, the Division completed the following:

Litigation and Contested Matters	200	Regulations	6
Adjudicatory Proceedings	98	Ethics Law Reviews	71
Contracts	613	FOIL Requests	343
Opinions	45	Miscellaneous	19
Legislation	9	Penalty Litigation	338
Notices of Intent	177		

Fiscal Management

The Division of Fiscal Management provides financial and office services to support the programs and employees of AGM. The division ensures that State and other resources allocated to the Department are used effectively and in accordance with applicable laws and regulations. Fiscal Management administers all agency budget development, coordination, and execution activities, and all fiscal and business management services. Specifically, the division:

- prepares the annual agency budget request;
- assigns appropriated funds and prepares fiscal plans;
- performs revenue accounting, fiscal monitoring, and budget execution;
- reviews and processes contracts, purchases, and travel vouchers;
- manages all agency spending and reporting requirements for the Minority and Women Owned Business Enterprises program and the Service-Disabled Veterans Business Development program;
- acts as a liaison with the Business Services Center regarding the agency payroll;
- performs office services such as fleet management, space planning, and mailroom operations;
- completes federal grant applications, billings, and indirect cost proposals; and
- manages inventory systems and procedures to safeguard physical assets.

In 2020, the division completed the following:

Contracts Processed	533	Travel Approvals	35
Vouchers Processed	4,003	Size of Vehicle Fleet	176
MWBE Vendor Spending	30%		

Human Resources Management

The Division of Human Resources Management facilitates AGM's core mission by ensuring that

the agency's workforce is competent and productive. This is accomplished through the administration of Civil Service Law, rules and regulations, negotiated agreements, and other State and federal laws.

Major responsibilities include recruitment, position classification, exam development, labor relations, and training. Specifically, the division:

- manages agency recruitment and terminations;
- classifies jobs to ensure equitable salary distribution based on position requirements;
- administers disciplinary processes and procedures;
- develops examinations with the Department of Civil Service;
- develops succession plans to ensure agency goals are continually met;
- administers the Performance Evaluation Program;
- presents or arranges for employee training;
- administers compliance with the Americans with Disabilities Act, processes Reasonable Accommodation requests, researches Family Medical Leave Act issues, advises staff on Paid Family Leave Act eligibility, and manages the Ethics Law reporting system;
- administers State and AGM attendance and leave policies; and
- liaises with the Business Services Center regarding health benefits, retirement, payroll, and administration of time and attendance.

The division's workload has been heavily impacted by the COVID-19 pandemic. The realities of the overall fiscal environment have greatly reduced the division's recruitment, exam development, classification, and onboarding workload, requiring the division to develop new processes to ensure essential in-office and field staff remain safe and informed as the COVID-19 crisis continues. The division maintains the daily screening tool for employees reporting to a worksite and works with management to control building occupancy levels across the State. It also administers new policies, programs, and procedures pertaining to suspected and confirmed COVID-19 cases and coordinates the movement of staff to and from COVID-19 response projects.

In 2020, the division completed the following:

New Hires/Appointments (Permanent)*	12	Reasonable Accommodations	8
Separations (Permanent)	29	Training Referrals	127
Exam Development	1	Staff Trained – Mandatory issues	All
Temporary Separations	46	Temporary Hires	12
Classification Actions	37		

*January 2020-March 2020

Agricultural Development

Staffing

The Division of Agricultural Development has a permanent staff of 26, with four based in Brooklyn, one in Rochester, and the remainder in the Albany office.

Licenses

Farm Products Dealer

The division manages the Farm Products Dealer license. Farm products dealers are businesses that buy or receive at least \$20,000 worth of farm products from New York producers annually for the purpose of resale. In 2020, the division licensed 309 farm products dealers.

Licensed dealers are required to file security in the form of a bond or letter of credit with AGM. In the event of bankruptcy by a farm products dealer, or for failure to provide timely payment, impacted farms may file a claim with AGM to recover these funds. After review, eligible claims are paid from the bond or letter of credit provided by the farm products dealer. There were no claims in 2020.

If claims exceed an individual dealer's security, additional financial coverage is provided by the Agricultural Producers Security Fund, funded by fees paid by the farm products dealers. The size of the Agricultural Producers Security Fund was just under \$3 million at the end of the 2020-2021 license period, approximately \$90,000 higher than the year prior.

Programs

Vital Brooklyn

Announced in 2017, the Vital Brooklyn Initiative tackles social determinants of health in Central Brooklyn. AGM leads the Healthy Food portfolio of the initiative, which has encompassed various programs in the past including Mobile Markets, Youth Markets, and a Senior Food Insecurity Screening Pilot in partnership with SUNY Downstate.

While the bulk of those activities were completed in 2019, two components of the work continued through 2020: community interest in the Central Brooklyn Food Hub and the second round of projects funded via the Mobile Markets program.

Central Brooklyn Food Hub Feasibility Study: In 2019, the Central Brooklyn Food Hub Feasibility Study was completed by Bedford Stuyvesant Restoration Corporation (Restoration). Highlights included:

- the recommendation of a "Hub & Spoke" food hub model, whereby a central aggregation and distribution facility (the "hub") works with additional food supply chain infrastructure (the "spokes") in and around Central Brooklyn; and
- the hosting of a community engagement meeting in December of 2020 to check in with communities who gave input to the feasibility study and to discuss how COVID-19 has impacted food work happening in Central Brooklyn to date. 72 constituents attended the meeting.

Mobile Markets Grant Program: Mobile food access units are an important means to reach those who are often most in need of fresh, healthy food. Establishing mobile markets is more flexible and less expensive than constructing and operating full-scale grocery stores.

- In 2019 AGM announced awardees of the second round of funding for this program. Three entities were awarded approximately \$250K in round two.

- Due to COVID-19, projects were stalled through much of 2020; however, vendors are due to start work in 2021.
- The following projects were awarded in round two:
 - *The Doe Fund - Good Food Works Mobile Market Expansion - \$28,675* - The Good Food Works Mobile Market will expand a unique mobile market model that includes healthy prepared meals in addition to groceries. Products will be SNAP-eligible, locally sourced, and sold from a fleet of refrigerated, mobile vending carts in Central Brooklyn. Services will reach Brownsville, Bushwick, and Bedford Stuyvesant.
 - *Interfaith Medical Center - Central Brooklyn Farmacy Mobile Market - \$118,599* - The Central Brooklyn Farmacy Mobile Market will transport locally grown produce on a weekly basis to be sold at affordable prices in front of five Federally Qualified Health Center (FQHC) sites located in Central Brooklyn. Services will reach Brownsville, Bedford Stuyvesant, Crown Heights, Flatbush, and East New York.
 - *Metropolitan New York Coordinating Council on Jewish Poverty - Mobile Pantry Project - \$127,530* - The Mobile Pantry Project will increase access to healthy, fresh, locally sourced food for underserved residents of Central Brooklyn. Services will reach Crown Heights, Canarsie, East Flatbush, and East New York.

Taste NY

In addition to implementing safety guidelines and various operational adjustments during the course of the pandemic, Taste NY Markets developed new online ordering, curbside pickup, and virtual market options in 2020. These new purchasing options made it easier for consumers to shop local and support New York's food and beverage businesses while complying with social distancing guidelines. During this time, Taste NY store operators also worked one-on-one with producers to help them pivot their business models to adjust to consumer needs. As a result of these efforts, coupled with other new program initiatives described below, Taste NY helped more than 1,800 New York companies reach consumers across the State and globe. Despite the significant challenges of 2020, Taste NY gross sales revenues were more than \$6.5 million.

Taste NY developed a new online retail site, ShopTasteNY.com, that features a variety of regional products from throughout the State. Thanks to this new outlet, consumers can now search for local food, beverage, and agricultural products by product type or region and have New York products delivered right to their doorstep. Through Shop Taste NY more than 7,000 products were shipped to customers in 2020.

AGM continued to build upon the success of its regional business-to-business networking events by offering the first ever Taste NY Virtual B2B. This pilot event helped connect New York farms and food and beverage businesses with buyers from institutions, retail locations, restaurants, bars, and distributors, which was particularly critical for small businesses in 2020.

Taste NY continued to increase its presence at attractions across the State by adding kiosks at the new Moynihan Train Hall in New York City as well as at the newly renovated Buffalo-Exchange Street Amtrak train station. Taste NY products are now available at more than 70 locations statewide, including:

- 11 NYS Welcome Centers
- Stand-alone markets, such as Todd Hill and Front Street
- Thruway travel plazas

- State parks
- Airports
- Train stations
- Concessions at sports and entertainment venues
- NYS Office of Trade and Tourism in San Juan, Puerto Rico

The exposure from Taste NY continues to help the farms and companies participating in the program reach more customers, increase online sales, and expand the processing capacity of their businesses. Taste NY's food and beverage businesses also support the State's farmers by using New York grown and produced ingredients in their products.

NYS Grown & Certified

Governor Cuomo announced the creation of NYS Grown & Certified (NYS G&C) in 2016. The program provides marketing and branding opportunities for New York's farmers and agricultural producers and helps consumers easily identify foods that are produced locally and at higher food safety and environmental standards. Through 2020, 3,125 farms are participating in the program, representing more than 780,000 acres of farmland. There are also 33 participating dairy processors, sourcing milk from more than 2,605 dairy farms.

Additional program highlights for 2020 include the NYS G&C Agricultural Producers Food Safety Grant Program. This program administers \$4 million in funding to help producers complete projects that improve food safety protocols on their farms and fulfill the food safety requirements of the NYS G&C program. Through the end of the year, 89 projects, totaling \$3,434,000, have been funded.

Risk Management Agency Crop Insurance Education

New York was awarded funding for the Risk Management Agency (RMA) program in 2020-2021. Cornell University continued to provide crop insurance education opportunities to give producers complete information to make informed decisions on the availability and use of crop insurance and risk management tools. Further, the division provided program support to Cornell University by responding to inquiries.

Farm Product Marketing Order Program

AGM's Farm Product Marketing Order Program funded 14 research projects using more than \$441,000 from assessments collected from NYS apple, onion, and cabbage growers. In addition to research, the Marketing Order Program funded \$2.1 million for the promotion and marketing of apples. Services for the Apple Marketing Order programs were provided by the New York Apple Association through contracts administered by AGM

Farm-to-School Program

The Farm-to-School Coordinating Committee met online in 2020 to discuss issues related to farm-to-school programs. The Farm-to-School Coordinating Committee brings together stakeholders from across the State to share best practices to advance partnerships with local producers and to increase the use of local foods in schools. The sixth round of Farm-to-School grants was awarded to 55 schools that spent 30% or more of their school lunch budget on NYS produced products. AGM has continued to work closely with partners across the State, providing funding

for a regional Farm-to-School Coordinator at Cornell University, and developing programmatic ties with regional and national Farm-to-School organizations.

FreshConnect Check Program

The FreshConnect Check (FCC) Program provides incentive checks for the purchase of eligible foods at any operating farmers' market or farm stand in New York. For every \$5 in Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) benefits a customer exchanges for SNAP EBT tokens, the market manager may issue a \$2 FCC. Veterans, servicemembers, and their immediate family members may receive FCCs through the Division of Veterans' Services on a first-come, first-served basis, while supplies are available. Checks may be spent on any SNAP-eligible food item. In 2020, FCCs were issued at 95 farmers' markets, farm stands, and mobile market locations and 28 Division of Veterans Services offices in NYS, amounting to more than \$430,000 in revenue for 562 farmers' market vendors and farm stand operators.

Supplemental Nutrition Assistance Program (SNAP)

SNAP is the core feeding program for low-income, at-risk populations in the U.S. SNAP participants shop using an EBT card. The NYS Wireless EBT Program, administered in partnership with the Farmers Market Federation of New York, has successfully promoted the use of SNAP at farmers' markets and farm stands across NYS through technical assistance, training, and cost-sharing activities. In 2020, SNAP sales at more than 300 direct marketing venues (farmers' markets, farm stands, green carts, community supported agriculture programs, and mobile markets) amounted to more than \$3.4 million. This is an 80% increase in the number of venues and a 29% increase in dollars redeemed through those venues.

FreshConnect Food Box

The Supplemental Nutrition Assistance Program Education (SNAP ED) funded Food Box grantees sold approximately 24,200 food box shares to nearly 6,000 people across 25 distribution sites in neighborhoods across New York City with high poverty and limited access to fresh produce. These 25 sites represent an overall increase from 2019, nearly *tripling* the number of people served by this program. Increasing service numbers and regular requests for repeat funding indicates a high demand for this type of food box product and a good potential revenue model for small farms looking for new outlets in the city, especially in historically under-resourced communities.

The rapid increase in food insecurity brought on by the COVID-19 pandemic has spiked demand for food boxes in low-income communities. The number of customers participating in the program nearly tripled in 2020 (up from 2,313 in 2019), driving up the number of low-income customers and families served at each site from 105 to 240 annually.

The Food Box program continues to be an impactful investment in existing community-based food sovereignty initiatives, effectively connecting historically under-resourced communities to affordable, high-quality, NYS grown farm products. AGM also partners with GrowNYC and Just Food to offer food box operational training and technical SNAP/Food Nutrition Service (FNS) assistance to grantees free of charge to enhance their programs.

Wood Products Development Council

Established by statute in 2008, the Wood Products Development Council is tasked with supporting the practice of forestry and the manufacture of wood products. The Council works to improve public understanding of New York's forests and forest products, and to direct attention and funding to programs and ventures that sustain existing forest product markets and promote the development of new markets. As part of the 2019-2020 budget, funding doubled to \$200,000 to support Council operations. In 2020, the Council convened to discuss industry changes and challenges due to the COVID-19 pandemic and put forward important forestry recommendations for the Climate Leadership and Community Protection Act. The Council also made strategic investment decisions that contributed to workforce development, applied forestry and forest economy research, and more.

Concord Grape Summit

Governor Cuomo convened a Concord Grape Industry Summit on April 12, 2018 at the Grape Discovery Center in Westfield, Chautauqua County. Farmers, researchers, and industry leaders met with State and local officials to discuss industry growth challenges and explore new opportunities for growth. During the summit, several initiatives were announced to help strengthen the industry, including expanding research, investing in new product and new market development, and expanding marketing and promotional programs. Grant programs resulting from the summit continue to promote the Concord grape industry, including a program to increase consumption of New York grape juice in schools with one distributor reporting new sales of more than half a million cases. Funding also supported a marketing initiative for Concord grapes, targeting winemakers using the Wine and Grape Foundation's new brand, *Boldly NY*. AGM continues to partner with the Lake Erie Regional Grape Program to administer the \$1.325 million Vineyard Improvement Program and implement cost-sharing measures leading to the successful removal of 300 acres of under-performing Concord vines and replanting of other grapes or agricultural crops.

NYS Council on Hunger and Food Policy

Commissioner Ball chairs the State's Council on Hunger and Food Policy. Launched by Governor Cuomo in 2016 to address food insecurity statewide, this Council advises the State on programs and policies, and facilitates interagency coordination to address food insecurity.

In 2020, the Council conducted one meeting at which representatives of State agencies, nonprofit organizations, academia, and agricultural industries came together to address hunger in NYS and improve access to healthy locally grown food. Over the course of the year, the Council discussed barriers to food access as a result of the COVID-19 pandemic, addressed how emergency food providers could be connected to surplus agricultural products, delivered internal updates on ongoing projects, and more.

Nourish New York

To further address food insecurity during the COVID-19 pandemic, Governor Cuomo launched the Nourish New York program, providing \$25 in million in financial support to food banks and other emergency food providers to purchase NYS-made milk, yogurt, cheese, vegetables, fruit, meat, and more. The program, which is administered by AGM in collaboration with DOH, supports both families facing food insecurity and New York farmers who are struggling as a result of the

loss of markets for their agricultural products during the pandemic. The Governor and the Legislature expanded this critical initiative in 2020, providing an additional \$10 million. Total investment in the program in 2020 was approximately \$35 million, with food banks purchasing more than 21 million pounds of food, equivalent to 17.5 million meals, and impacting more than 4,100 farms.

Diversity and Racial Equity in Agriculture

On January 8, 2020 Governor Cuomo announced a proposal to increase diversity in the NYS agricultural industry as part of his 2020 State of the State agenda. Black, Indigenous, and People of Color (BIPOC) farmers and producers make up just 1.3% of producers in NYS, which demonstrated that AGM and the NYS agricultural industry were not meeting the needs of BIPOC constituents. This proposal follows decades of advocacy, research, and planning of BIPOC agricultural leaders statewide. The Commissioner was tasked with assembling a workgroup to develop recommendations for a strategic plan addressing these issues. AGM staff assembled a group of 25 stakeholders to participate in this initiative.

The workgroup met six times from November 2020 through March 2021 and submitted final recommendations in the spring of 2021.

Workgroup members and AGM met to develop recommendations on four key areas, including access to:

- infrastructure and resources;
- education and training;
- capital; and
- land.

New York Logger Training Program

AGM provided \$150,000 in support of the New York Logger Training, Inc., program, which helps loggers and the forest products industry remain compliant, competitive, and safe through focused training and business assistance. The comprehensive program focuses on careful risk selection, cost containment, effective claim management, and vigilance in loss prevention to reduce the frequency and severity of injuries.

Aid-to-Localities

Local and County Fairs

AGM continues to administer the NYS Agricultural Fairgrounds Infrastructure Improvement Program, which provides capital funding to eligible local county and youth fairs across NYS to aid in improving their fairgrounds. AGM awarded a fourth round of \$5 million to 52 eligible fairs in 2019, bringing the State's investment in local and county fairs to \$20 million. Each eligible fair was awarded \$96,153 in 2019, which was also the awarded amount allocated through the 2016, 2017, and 2018 programs. Eligible projects for funding include improvements to permanent or temporary facilities used to house or promote agriculture on local and county fairgrounds. Projects focused on repair or replacement of water systems, restrooms, and storm water management systems on fairgrounds were additionally made eligible for funding in 2018 and 2019.

New York Association of Agricultural Educators

In 2017, as part of record-level funding for agricultural education, Governor Cuomo invested \$416,000 to support the New York Association of Agricultural Educators (NYAAE) with a goal of doubling the number of certified agricultural educators. Funding remains flat for the program in the 2020-2021 budget. Due to COVID-19, just 38 New York agricultural educators participated in teacher induction programming.

New York Agriculture in the Classroom Program

Established in 1985, New York Agriculture in the Classroom (NYAITC) is a partnership among Cornell University, AGM, the NYS Education Department, Cornell Cooperative Extension, and the New York Farm Bureau. Its mission is to foster awareness, understanding, and appreciation of how we produce food and fiber, what we eat, and how we live by helping educators, students, and their communities learn about and engage with agriculture and food systems. In 2020-2021, NYAITC retained its historically high funding level at \$380,000 for 2020-2021. This program reaches 500,000 youth each year and serves all 62 counties.

Future Farmers of America

In 2020-2021, Future Farmers of America (FFA) retained their funding level at \$849,000. 102 schools across NYS received funds to start or upgrade existing agricultural education and FFA programs. At year's end, there were 136 FFA chapters statewide. Due to COVID-19, the FFA held a virtual convention, connecting with 18,000 students online.

New York Farm Viability Institute

The Department provided \$850,000 in annual funding of research projects under a State-funded, multi-year contract with the New York Farm Viability Institute (NYFVI). NYFVI is an independent nonprofit organization led by volunteer farmers that is funded primarily by NYS. By implementing agricultural research and education programs, NYFVI helps New York's farmers become more profitable to improve the long-term economic viability and sustainability of New York farms, the food system, and the communities they serve. In addition to core research funding, NYFVI administered \$48,000 in funding for NYS Berry Association research projects and \$60,000 for the NY Corn and Soybean Growers Association research project.

Federal Activity

SNAP ED Federal Funding

Since 2017, AGM staff in Brooklyn has worked with SNAP ED funding administered by NYS Office of Temporary and Disability Assistance to fund various programs addressing food insecurity and social determinants of health. These funds initially supported a pilot project with SUNY Downstate as a part of the Governor's Vital Brooklyn Initiative, and later expanded to grow the FreshConnect Food Box program, which provides resources to nonprofits in low-income communities to run food box programs, CSAs, and/or farm stands. In 2020, AGM administered a little more than \$1M in SNAP ED funding, leveraging a funding increase to establish the Community Growers Grant Program to support community-led, food producing gardens in low-income communities across the State.

Community Gardens and Urban Farms

AGM, through funding and technical assistance, supports the viability of community gardens and urban farms statewide. The Community Gardens Grant Program provided \$500,000 to 22 entities to support capacity building and infrastructure at community growing sites. The projects ran from August 2018 through January 2020. Project activities included building new garden sheds, installing new or repairing raised garden beds, installing new or updating existing water access points for the gardens, running youth education programming, and more.

Specialty Crop Block Grant Program

AGM was awarded \$1,229,000 in federal funds from the United States Department of Agriculture (USDA) Specialty Crop Block Grant Program in 2020. Projects aim to improve the profitability and competitiveness of New York's specialty crop industries. Roughly half the funding supported scientific research focusing on improving pest management across multiple crops, improving the storage of apples, and diversifying marine aquaculture. Funding continues to assist growers in attaining their farm food safety certifications. The remainder of the funds support marketing projects to promote New York crops. Representation at industry tradeshow was virtual in 2020.

Food Export USA–Northeast

AGM is a member of Food Export USA-Northeast, a nonprofit organization that promotes the export of food and agricultural products from the northeast region of the United States. In 2020, 60 NYS food suppliers used Market Access Program (MAP) funding through Food Export USA-Northeast to help offset the cost of exhibiting at some of the larger international tradeshow early in the year, and during the pandemic to offset international marketing costs such as website development, translations, and advertising. 135 different NYS suppliers also participated in several Food Export USA-Northeast activities, including trade missions traveling virtually or in person to markets in Canada, Mexico, Colombia, the Philippines, Korea, the Middle East, and Guatemala. During 2020, there were 135 unique activity participants, 336 overall activity registrations and 60 branded participants.

Farmers' Market Nutrition Program

In 2020, Farmers' Market Nutrition Program (FMNP) benefits were distributed to 192,816 families through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Additional benefits were distributed to 128,307 low-income seniors for the purchase of locally grown fresh fruits and vegetables. More than 800 farmers participate in FMNP at 678 authorized farmers' markets, farm stands, and mobile markets. The program generated more than \$4.7 million in direct sales to participating farms.

Community Growers Grant

In 2020, AGM was able to pilot a program using \$800,000 of the Supplemental Nutrition Assistance Program Education (SNAP ED) funding to support various garden-based nutrition education interventions across the State. Despite the pandemic, AGM partnered with 17 community grower groups, serving both rural and urban communities, in the program's first year of operation. The program provided crucial resources for growing fresh produce at low or no cost just as unemployment rates were rising and disruptions in the supply chain put many communities at risk of more severe food insecurity. Grants were awarded to nonprofits that provide gardening

space, supplies, education, and technical assistance to community gardens, community farms, and home gardening projects.

Because of the COVID-19 pandemic, several grantees were able to leverage the home gardening allowance to deliver basic garden supplies and educational materials to low-income households. Households were additionally supported by online learning about gardening best practices and growing and preparing healthy foods at home. The program reached a total of 19,250 people across the State.

Animal Industry

Staffing

The Division of Animal Industry (DAI) has a permanent staff of 36 employees, including field and central office veterinarians, animal health inspectors, a director, and support staff.

Licenses and Inspections

Pet Dealer

At the end of 2020, there were 246 licensed pet dealers in New York, which is a slight increase from the previously reported total of 241. The division performed 364 pet dealer inspections in 2020 and investigated 12 consumer complaints.

In 2017, the pet dealer law was amended to clarify the definition of exempted entities. Previously, not-for-profit dog and cat rescue organizations were unregulated. There are an estimated 500 rescue organizations in New York and as of November 2018 all rescues must now register with AGM. As of December 2020, 448 rescue organizations have registered. 70 entities have permanently closed, and five filed as pet dealers. These statistics are all slightly higher from the previous year.

Domestic Animal Health Permits and Livestock Markets

Domestic Animal Health Permits (DAHPs) are issued to livestock and poultry dealers. AGM laws and regulations require dealers to properly identify animals and record the details of all transactions to allow for tracing to the point of origin and disposition. DAI veterinarians and animal health inspectors conducted 373 DAHP inspections on 280 DAHP holders in 2020.

Division field staff also inspect livestock markets to determine compliance with AGM laws and regulations. In general, market inspections are performed quarterly and consist of a facility inspection, evaluation of cleaning and disinfection procedures, and an inspection of animal identification and recordkeeping practices. In 2020, DAI field veterinarians and animal health inspectors performed 116 livestock market inspections at 29 markets.

Captive Deer Farms

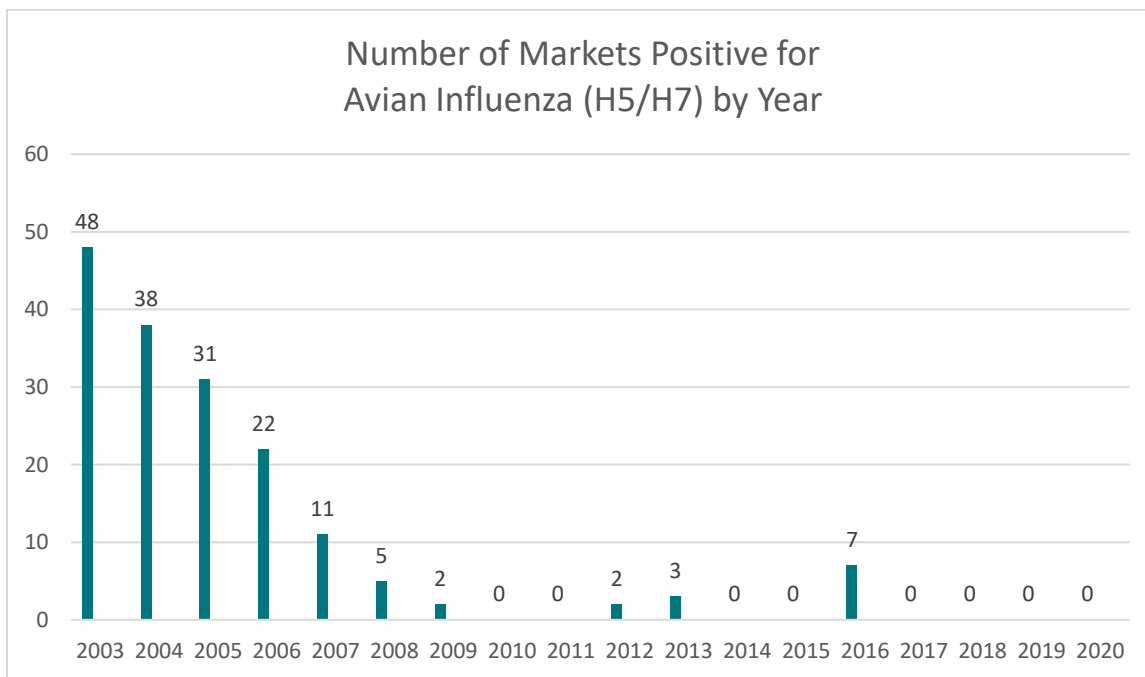
At the end of 2020 there were 182 captive deer farms in New York, representing a total of 209

separate herds. The division performed 200 captive cervid farm inspections in 2020. Division field staff conducted tuberculosis surveillance on 78 captive cervid farms in 2020 through a combination of antemortem testing and postmortem examination of carcasses and/or submission of tissues to the National Veterinary Services Laboratory. In addition, 682 samples were submitted to the Animal Health Disease Center at Cornell for Chronic Wasting Disease (CWD) surveillance. CWD is a transmissible spongiform encephalopathy, and it remains undetermined if humans are susceptible.

Avian Influenza (AI) Surveillance

New York has 87 live bird markets (LBMs): one in Schenectady, one in Syracuse, one in Buffalo, and 84 in or near New York City. The division is active in reducing the threat of Avian Influenza types H5 and H7 in the markets. Live bird markets are inspected and tested at least once per quarter. During each inspection, poultry health is evaluated, and records are reviewed for compliance with NYS regulations. Poultry dealer facilities are inspected once per quarter and cleaned and disinfected at least three times per year. Distributor vehicles are inspected if their trucks are curbside at markets when inspections are occurring.

The division’s success is reflected in the chart shown below.



2020 Surveillance	Live Bird Markets	Dealers	Total
Number of inspections – LBMs, poultry dealers	306	29	335

Number of C&D Inspections	284	13	297
Number of birds tested	18,142	574	25,121
Number of environmental samples tested (#swabs)	3,390	130	4,870
Number of RRT-PCR tests (poultry samples)	4,795	97	4,892
Number positive tests (H5/H7)	0	0	0
Number of RRT-PCR Environmental	221	0	221
Number of virus isolation tests (environmental)	457	26	483
Number positive tests (H5/H7)	0	0	0

Avian Influenza Testing in Other Poultry Sectors (non-LBM):

Avian influenza testing was also performed in commercial egg-layer flocks (eight), backyard and exhibition flocks (57), raised-for-release upland game bird flocks (three), and egg-type multiplier flocks (seven). For these flocks, there were 365 Real-time Reverse Transcription Polymerase Chain Reaction (RRT-PCR) tests and 2,077 Agar Gel Immunodiffusion (AGID) tests conducted during 2020. The total number of birds tested (non-LBM) was 4,121. All results were negative for avian influenza.

NYS Cattle Health Assurance Program

The NYS Cattle Health Assurance Program (NYSCHAP) is an integrated disease prevention program whose purpose is to increase herd health, productivity, and profitability while boosting food safety, public health, and consumer confidence in dairy and beef products. As of December 2020, there were 630 active farms in NYSCHAP: 459 dairy farms, 87 beef herds, 77 sheep and goat farms, and five other farms.

NYSCHAP covers approximately 45% of NYS dairy cows (there approximately 285,000 dairy cows in NYS under NYSCHAP out of 625,000 total dairy cows in the State). Out of the 3,893 dairy farms in NYS, 12% of these are participating in NYSCHAP. Approximately 45% of the 15 billion pounds of milk produced in NYS annually is from NYSCHAP farms. In 2020:

- there were 34 new enrollments in NYSCHAP (11 dairy, 9 beef, and 14 sheep and goat herds);
- 310 NYSCHAP visits occurred;
- eight outreach activities took place to promote NYSCHAP, including presentations and articles published on herd health; biosecurity; disease identification, prevention and control; animal care and food safety; and drug residue avoidance; and
- approximately 45% of milk produced in NYS was from NYSCHAP farms out of 15 billion total pounds of milk produced in the State.

Dog Control Officers and Municipal Shelters

As field representatives of AGM, DAI field staff are responsible for evaluating the conduct of dog control officers (DCOs) and municipal shelters. Inspectors assess transport, housing, veterinary care, and disposition of seized dogs as required under AGM Law Article 7, Sections 113, 114, and 117 and NYCRR Title I, Parts 77, 78, and 79. Routine inspections occur on an annual basis. All shelter inspections are unannounced. There are 574 DCOs and 272 municipal shelters in the State. Division staff performed 613 DCO inspections and 348 shelter inspections during 2020.

Aid-to-Localities

- The division received supplemental federal funding to provide handheld radio-frequency identification (RFID) ear tag scanners to livestock markets and licensed dealers to help build the infrastructure required for a proposed federal transition to exclusive use of RFID tags. These readers were distributed to 40 large volume dealers and markets.
- DAI conducted 5 regional meetings with livestock markets and licensed dealers to discuss items including the proposed federal rule for requiring 840 RFID tags as the only accepted official identification method of cattle, as well as official identification of bob veal calves. In addition, DAI field staff conducted 145 inspections of swine feeder premises in 2020. These inspections provide the opportunity to disseminate information on garbage feeding prohibitions, foreign animal disease education for African Swine Fever and hog cholera, swine brucellosis, and official identification and movement requirements for swine. Many small producers are unaware of these issues prior to being contacted by division staff.

AGM administers a Food and Drug Administration (FDA) contract for judicious antibiotic use and drug residue avoidance initiatives. DAI completed the following deliverables under this contract in 2020:

- hosting continuing education meetings for veterinarians (prior to the impletion of COVID-19 related restrictions);
- conducting virtual outreach events to present information on judicious drug usage and drug residue avoidance; and
- disseminating educational materials as well as treatment record booklets to aid farms with proper recordkeeping of drug administration.

Federal/Interstate Activity

Interstate Movement of Livestock

Staff examine Certificates of Veterinary Inspection (CVIs) for animals imported and exported in and out of the State. In 2020, DAI clerks processed a total of 8,784 CVIs for animals imported into New York, and 33,844 CVIs for animals exported.

The following table shows the distribution by species:

EXPORT CVIs		IMPORT CVIs	
Bovine	1,738	Bovine	1,407
Equine	5,174	Equine	6,140

Swine	373	Swine	409
Ovine	112	Ovine	167
Caprine	20	Caprine	89
Cervid	20	Cervid	16
Camelidae	126	Camelidae	51
Avian	21	Avian	172
Canine /Feline	1,200	Canine/Feline	26,800

Foreign Animal Disease Investigations

DAI has 13 Foreign Animal Disease Diagnosticians (FADDs) on staff to investigate possible cases of foreign animal disease. Rapid detection of foreign animal disease is critical for containment and eradication. In total, DAI performed 27 FAD investigations on numerous species including five bovine, five swine, 12 rabbits, two equine, one camelid, one avian, and one cervid. All laboratory results were negative for foreign animal diseases except for one rabbit that tested positive for Rabbit Hemorrhagic Disease.

One Health Commission

Division staff also serve as the contact point for veterinarians, researchers, and zoological institutions who have concerns about testing animals for the SARS-CoV-2 virus. In 2020, DAI staff were consulted on testing approximately 160 animals and assisted with collecting samples on the first pet felines confirmed to be infected with the virus in the United States. Division staff are reporting numbers of consultations as well as raw numbers of positive and negative test results to the Centers for Disease Control and Prevention's (CDC's) One Health Commission.

Food Laboratory

Staffing

In 2020, the Food Laboratory had 35 permanent staff. Senior staff at the Food Laboratory have degrees in the natural sciences with majors in biology, chemistry, environmental, microbiology, or other related fields. Additionally, temporary staff scientists work under the supervision and direction of Food Laboratory personnel.

Licenses and Accreditations

The Food Laboratory holds the International Organization for Standardization (ISO/IEC 17025:2017) accreditation and additional criteria established by the International Association of Official Analytical Chemists American Laboratory Accreditation Criteria Committee (AOAC-I ALACC). In 2020, the Food Laboratory performed testing on 62 chemistry proficiency samples (656 analyses with 99% acceptable results), 77 microbiological proficiency samples (39 analyses with 95% acceptable results), and three Pesticide Data Program (PDP) proficiency rounds (34 compounds reported with 97% acceptable results). Participation in proficiency testing programs

is necessary to maintain the laboratory's ISO accreditation status through the American Association for Laboratory Accreditation.

Aid-to-Localities

In 2020, the Food Laboratory confirmed presence of *Listeria monocytogenes* in raw milk, raw milk cheese potato salad, and tuna salad. It also played a role on testing environmental samples as part of local investigation on determining the source of *L. monocytogenes* contamination.

During the COVID-19 pandemic, Food Laboratory staff continued to report to work on-site and conduct routine work. In addition, staff played a critical role assisting with the Emergency Operations Center, COVID-19 testing sites, and NYS Department of Labor (DOL) assignments. In April 2020, 37% of the Food Laboratory staff were involved on COVID-19 related activities and thus sample load was reduced to accommodate Food Laboratory staff shortage.

Federal/Interstate Activity

The Food Laboratory managed a cooperative agreement with the USDA Agricultural Marketing Service to support the PDP. In 2020, the laboratory became a grantee of the FDA Laboratory Flexible Funding Model where 11 of 12 projects were funded. These funds supplement regulatory activities for human and animal food testing for biological and chemical contaminants, maintain whole genome sequencing programs, and build laboratory capability and capacity.

Food Laboratory staff also participated in three National Partnership for Food Protection workgroups and helped implement significant components of the Food Safety Modernization Act.

To improve collaboration and integration of sample collection and the analysis of data between state and federal governments, the Food Laboratory concluded the Mutual Reliance Pilot, a program to establish a process for data acceptance by the Department and FDA, and activities implemented during this pilot are being adopted nationwide.

In 2020, two products from China (waxberries), one from Vietnam (sweet young coconuts) and one from Russia (dried fruits) with excessive levels of sulfites were included in the import alert after FDA accepted the samples and laboratory information for regulatory action.

Analytical Tests and Outcomes

In 2020, the Food Laboratory received 19,210 samples and performed approximately 433,542 analytical tests on various food, feed, industrial hemp, and fertilizer products to determine compliance with regulatory standards; adulteration with inferior or substitute ingredients; undeclared or non-permitted preservatives, heavy metals, color additives; contamination with filth, spoilage, tetrahydrocannabinol (THC); and foodborne pathogenic bacteria. Approximately 94% of samples were found to be properly labeled and/or free of contamination or adulteration. A total of 199 recalls were triggered by laboratory test results.

In accordance with the Food Laboratory's USDA cooperative agreement, the Pesticide Data Program (PDP), the laboratory reported results of 1,808 samples, resulting in the generation of 379,680 results for pesticide residues. From those, 105 were violative; either no tolerance existed for the compound in the commodity tested or the amount found exceeded the tolerance. This

nationwide program is in its 30th year and has 10 participating states, including NYS. In 2020, five NYS samples were tested for pesticides as consumer complaints and none were found to be violative.

The Food Laboratory also performed analytical testing on samples received from various external sources. These included samples involved in foodborne illness investigations requested by NYS DOH, as well as from neighboring states (New Hampshire and Vermont) unable to perform specific analyses.

In accordance with the National Conference of Interstate Milk Shipments (NCIMS) Split Sample Program, the Food Laboratory prepared 100 proficiency samples for the dairy laboratories certified by AGM's Division of Milk Control and Dairy Services. In addition, 9 states contracted with the Food Laboratory to have 27 proficiency samples prepared and shipped to certified dairy laboratories within their respective states. Additionally, the laboratory also provided 125 sets of antibiotic residue samples to the same laboratories.

Source of Sample	Number of Samples Received	Number of Samples Reported ^(a)	Number of Tests ^(a)
Total	19,210	18,892	433,542
PDP program	1,772	1,808	379,680
Food Safety Inspection staff	2,734	2,882	53,862 ^(b)
MCDS staff	14,337	13,794	
Plant Industry staff	169	178	
Other ^(c)	198	230	

(a) Includes results from samples collected at end of 2019.

(b) Number represents number of testing for division of FSI, MCDS, PI and Others.

(c) Others: other New York State departments, State/Federal agencies or proficiency testing providers

Number of Samples Received (excluding PDP and Liquor authority)	Number of Tests Performed (excluding PDP and Liquor Authority) ^(a)	Number of Violations
Total	17,433	990
Microbiology ^(b)	13,404	400
Chemistry ^(c)	4,029	590

(a) Includes results from samples collected at end of 2019.

(b) Microbiology testing includes: total aerobic plate counts, total coliforms, *Escherichia coli*, *E. coli* O157:H7 and other enterohemorrhagic *E. coli*, *Salmonella enterica*, *Listeria monocytogenes*, *Campylobacter coli*, *C. jejuni* and *C. lari*, *Shigella* spp. *Staphylococcus aureus*, enterotoxin, yeasts, molds, presence of antimicrobials in dairy products, verification of pasteurization, and proficiency testing.

(c) Chemistry testing includes: standards of identity and nutritional labeling, adulteration, the presence of undeclared and potentially harmful allergens, preservatives and artificial colors, specific chemical hazards such as heavy metals, aflatoxins, antibiotic residues, and the identification of impurities, foreign material, proficiency testing analysis request, and plant industry related analysis,

Number of Samples Tested for Division of Plant Industry	Number of Violations
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Total	178	39
Fertilizer	75	33
Lime	12	6
Industrial hemp (THC only)	92	N/A*

*Determination of violation for industrial hemp is at discretion of Division of Plant Industry

Continued Research

As a leader in food laboratory analytical testing and method development, the Food Laboratory participated in working groups and committees in the Association of Official Analytical Communities International, the International Association of Food Protection, the Association of Public Health Laboratories, the Association of Food and Drug Officials, the American Association of Feed Control Officials, and the American Association of Plant Control Officials.

The Food Laboratory continued to be an active member of the Center of Excellence on Food Research to establish dietary reference intake levels for emerging food additives and to determine safe limits of contaminants such as environmental chemicals, heavy metals, and suspected carcinogens. In 2020, the Food Laboratory worked with the Division of Food Safety and Inspection and DOH Bureau of Toxic Substance Assessment on determining reasonable limits for inorganic arsenic, cadmium, and lead in spices.

In 2020, the Food Laboratory became a state advisor for the Baby Food Council. This group represents academia, infant and toddler food companies, and federal and state agency advisors seeking to reduce heavy metals in baby food.

Food Safety and Inspection

Staffing

The Division of Food Safety and Inspection (FSI) has a permanent staff of 148. 124 are field-based positions and the rest are assigned to offices in Albany, Buffalo, Rochester, Syracuse, New Windsor, Hauppauge, and Brooklyn.

Licenses	Number Issued Annually
20-c food processing establishments	7,640

Article 28 retail food store	2,156
Article 28 food warehouse	454
Slaughterhouse	139
Food salvager	22
Refrigerated warehouse	2
Inedible meal disposal plant and vehicles	11
Inedible meat transportation service and vehicles	14
Pet food brands registration	626
Feed tonnage	569
Feed facility registration	841
Commercial feed license	110
Home processors registrations	1,645

Programs

The division employs a progressive enforcement program to encourage compliance with food safety laws and regulations. Enforcement tools include food seizure, warning letters, civil penalties, education sessions, license revocation, and injunctive actions. The Department pursued 31 license revocation hearings and 48 injunction actions in 2020.

Aid-to-Localities:

In 2020:

- One educational presentation was provided to food industry groups and local regulatory agencies.
- 389 industry compliance sessions were provided to food establishment operators. These educational sessions are intended to assist food establishments that are struggling to comply with regulatory requirements.
- AGM participated in the Institute for Food Safety at Cornell University’s COVID-19 “Office Hours” throughout 2020, answering questions relating to the pandemic. There have been a total of 44 sessions held with just under 3,000 external participants and more than 500 questions answered.
- The division participated in Cornell Cooperative Extension (CCE) webinars held on the following topics: Dispelling Consumer Myths on COVID-19 and Learning the Facts about COVID-19; Validation, Verification and Development of a COVID-19 Control “Culture”; and COVID-19 What We've Learned – Best Practices for the Food Industry and Managing Customer Relations During COVID-19.
- The division participated in produce safety outreach, including:
 - attendance at multiple Produce Safety Alliance (PSA) trainings;
 - attendance at several On Farm Readiness Reviews (OFRRs), non-regulatory farm visits designed to assist with the interpretation of the produce safety rule;
 - distribution of NYS produce safety rule documentation; and
 - publication of media advertisements regarding the availability of produce safety resources.

Federal Activity

The division conducts manufactured food inspections for FDA under a contract agreement. It conducted 336 inspections under the 2020-2021 contract.

The Manufactured Foods Regulatory Program Standards (MFRPS) is a quality management system intended to create nationwide consistency between State and FDA inspection programs. FDA provides AGM with funding annually to support conformance with standards established by FDA and states.

The Rapid Response Team program is intended to improve State and federal response to all hazardous food emergencies. FDA provides AGM with funding annually to support staff, training, and program development.

NYS adoption of the Food Safety Modernization Act, Produce Safety Rule, and Preventive Controls for Human Food Rule occurred in the summer of 2017. This enables AGM to complete food and produce safety inspections under the new regulatory regime. FSI conducted 161 FDA contract Good Manufacturing Practice (GMP) inspections as well as completed four Preventive Controls inspections under this grant. This was the first year of FDA Preventive Control grant inspections, which began in October of 2020.

The Produce Safety program established an on-farm produce inspection unit within the FSI. The Produce Safety Unit conducted 135 produce safety inspections during 2020.

The Farm Products Unit conducted grading, sampling, and auditing programs on behalf of USDA under USDA cooperative agreements.

Inspections and Samples

FSI food inspectors perform inspections at more than 30,000 regulated food establishments on a routine basis. Inspectors performed 31,141 on-site inspections in 2020 and 76.4% of those inspections were found to be in substantial compliance.

Food inspectors collect routine and for-cause food samples at regulated food establishments. Inspectors submitted 2,734 food samples to the Food Laboratory in 2020 with 11% of those samples found to be in violation.

Food inspectors executed over 969 food seizures in 2020 (for adulterated or misbranded food items), resulting in over 220,461 pounds of food seized and over 108,854 pounds of adulterated foods destroyed.

Inspectors also investigated 2,449 consumer complaints in 2020.

The Farm Products Unit conducted produce grading inspections, inspecting more than 138 million pounds of produce and issuing more than 3,287 certificates in 2020 on behalf of USDA.

A summary of all Divisional efforts is listed in the table below:

Activity	Total	Revenue
Food safety inspections	31,141	
FDA contract inspections	336	(\$15,219)
Compliance rate (% passing inspections)	55.1%	
Consumer complaint	2,449	
Investigations food seizures	969	
Food seized (lbs.)	220,461	
Food samples	2,734	
% of food samples that were violative	11%	
Feed samples	661	
Feed samples that were violative	36	
Food recalls	222	
Hearings requested	80	
Injunctions requested	48	
Penalties issued	3,789	(\$3,042,271)
Licensing revenue for human food		\$2,580,525
Human food licenses processed	10,252	
Licensing/registration revenue for animal food		\$1.04 million Pet Food (Registration) \$84,000 Commercial Feed (License)
Animal food licenses/registrations processed	2,250	
Produce safety inspections	135	
Terminal market inspection certificates (pounds graded, and revenue generated)	53,170,309	(\$419,323)
Shipping point inspection certificates (pounds graded)	85,587,144	(\$126,075)
Pesticide date program sampling	1,512	(\$231,954)
County of origin labeling audits	309	(\$194,000)
Good agricultural practices audits	210	(\$171,235)
Poultry voluntary residence grading (# cases of eggs graded)	149,710	(\$115,494)
Poultry grading (# lbs.)	2,785	(\$10,429)
Poultry shell egg surveillance (# cases of eggs inspected quality)	53,204	(\$24,277)
Quality control	1	(\$6,418)
Shipping point contract inspections	0	
NYS branding law (# establishments)	314	
COVID inspections/investigations	2,318	
FSI Revenue		\$8,061,220

Land and Water

Staffing

The Division of Land and Water Resources has 17 permanent and six temporary staff. Approximately half of the staff are field based, with the remaining staff located in Albany or Rochester.

Programs

The division administers programs to prevent or reduce water pollution, enhance soil health, mitigate greenhouse gas emissions from agriculture, and increase agricultural and community resiliency to a changing climate, in partnership with the NYS Soil and Water Conservation Committee (State Committee). Staff assisted 58 Soil and Water Conservation Districts in a wide array of operations, programs, and project areas in 2020. Division field-based staff work closely with Conservation District staff to prioritize decisions for the advancement of conservation programming. Staff in the Albany office have primarily focused on providing operational and technical support through the development of training modules, training events, direct research, and thorough administrative support. Monthly reports are provided regionally to articulate program deadlines, funding opportunities, State Committee policies, and significant achievements.

Division staff work with the State Committee to deliver four programs: the NYS Agriculture Non-Point Source Abatement and Control Program (AgNPS) for the implementation of best practices to address on-farm pollution concerns; the Agricultural Environmental Management (AEM) Program for conservation planning purposes; the Climate Resilient Farming Program to mitigate greenhouse gas emissions and help farms adapt to a changing climate; and the State Aid to Districts Program, designed to help Conservation Districts increase and maintain capacity to carryout natural resource management programs.

The division helps maintain viable agricultural lands and farm operations and the production of crops, livestock, and livestock products through its Agricultural District program and the Farmland Protection programs. It administers AML Article 25-AA (Agricultural Districts) and AML Article 25-AAA (Agricultural Protection and Development).

Each agricultural district in the State is reviewed every eight years. As of January 2021, there are 165 agricultural districts, providing benefits to 26,227 farms, totaling 9,149,836 acres. In 2020, 13 agriculture reviews were completed, and 30 counties provided annual inclusions to 54 agricultural districts.

During 2020, the division processed numerous formal and informal responses to requests for review of local laws and ordinances. It conducted 13 formal investigations, completed two sound agricultural practice investigations, and provided one agriculture in nature opinion. Additionally, the division processed 183 Notices of Intent and seven waivers to minimize adverse impacts on agriculture from commercial utility projects. For a second time, this represents a 100% increase from the previous year, predominantly due to the siting of commercial solar arrays on agricultural lands within agricultural districts.

Since 2011, the Agricultural and Farmland Protection Program has protected over 44,078 acres of viable agricultural lands from conversion to non-farm uses through perpetual agricultural

conservation easements. The number of acres protected to date total 85,599.

The division is also a statutory party under Article VII and Article 10 of the Public Service Law for the mitigation of agricultural impacts resulting from the construction of major gas pipelines, industrial wind turbines, solar photovoltaic energy generation, and electric power line facilities. In 2020, one gas pipeline segment, 12 electrical transmission segments, 18 wind turbine fields, and 40 solar energy arrays were active. These energy generation projects represent more than 50,000 MW of renewable energy.

Environmental Protection Fund (EPF) Program Highlights

The division administers 12 unique grant solicitations on an annual or semi-annual basis supported by the EPF. Due to the COVID-19 pandemic and resulting financial challenges, all new solicitations and scheduled awards for the 2020 calendar year were temporarily put on hold. Significant active grants in 2020 include:

- **Farmland Protection Implementation:** In 2020, no awards were issued in response to Request for Applications to purchase perpetual conservation easements on transitioning farm operations undergoing a business or ownership transition. AGM received 30 applications for financial assistance to protect 15,600 acres of farmland in perpetuity.
- **Farmland Protection Planning:** No awards were issued in 2020. Currently AGM has six pending applications.
- **Agricultural Environmental Management (AEM):** The 2019-2020 (Year 15) AEM Base Funding Program provided \$2 million in reimbursement of Conservation District technical assistance to farmers. Conservation Districts spent 44,195 hours providing technical assistance to 380 new farms, conducting 248 environmental resource assessments, creating 275 farm plans, implementing 254 conservation practices, and conducting 502 AEM evaluations.
- **Climate Resilient Farming Grant Program:** No awards were issued in 2020. 4 projects were completed. AGM received 47 applications for financial assistance, which eclipsed the available funding.
- **Agriculture Non-Point Source Pollution Prevention (AgNPS):** No awards were issued in 2020. 54 projects were completed. AGM received 110 applications for financial assistance, which exceeded all available funding.
 - **State Aid to Districts Program:** \$10.5 million was awarded to all 58 Conservation Districts under the annual State Aid to Districts Program. This is among the highest amount of state aid provided to Conservation Districts. A Conservation District that earned full Part A reimbursement received a \$6,000 conservation project, and those that met all performance measures received a total \$178,000. Part C awards have never been so high with a total maximum earned at \$112,000. This indicates a positive trend that more Conservation Districts are meeting and exceeding performance measures.

Milk Control and Dairy Services

Staffing

The Division of Milk Control and Dairy Services (MCDS) has a permanent staff of 46. Most of the

staff are field based; 12 are assigned to the Albany headquarters. Staff also oversee and evaluate 85 Certified Milk Inspectors (CMIs), who provide direct oversight to New York’s nearly 3,600 dairy farms.

Licenses

The division licenses milk plant operators, producer cooperatives, milk distributors, haulers, and brokers. The number of issued and active licenses is as follows:

Licenses	Number Issued and Active
Milk Dealers (haulers, brokers, bargaining cooperatives)	490
Plant Operators	109
Operating Cooperatives	17
Frozen Dessert Handler	199
Frozen Dessert Manufacturer	184
Part 2 Processing Permits	334
Milk Receivers	4,170
Bacteria Licenses	1,033
Processing Plant Superintendents	291
Certified Milk Inspectors	97
Equipment Installers	252
Import Milk Permits	144

Programs

The Milk Producer Security Fund (MPSF) provides milk dealers an option to provide required security by joining a shared risk pool. Dealers who join the MPSF are required to pay an assessment based on their monthly purchases of milk. In 2019-2020, this fund secured the milk purchases of about 50 licensed dealers. The fund balance as of January 31, 2021 was \$11.3 million.

Western New York Milk Marketing Order

The Western New York Milk Marketing Order (WNYMMO) is responsible for setting the producer prices and value of milk marketed in the western third of NYS that is not otherwise covered by the Federal Milk Market Order. This order was initiated at the request of dairy producers to ensure the orderly marketing of milk in this area by requiring that all producers be paid uniformly for their milk, regardless of the value of the product produced.

Dairy Promotion Order

The NYS Dairy Promotion Order collects 10 cents per hundredweight of milk produced in NYS from producers to fund marketing and research projects approved by a board of New York dairy producers. The board serves a three-year term, with the current board appointed in June of 2020. This assessment is a one-to-one offset from dairy producers’ 15 cent per hundredweight obligation to the federal milk marketing order. During the last year, more than \$15 million was collected to fund these marketing and research programs.

Statistics

MCDS staff process approximately 4,400 monthly statistical reports annually to tabulate information on the health and activity of New York's dairy industry. From this information, the division publishes an annual statistical bulletin. These reports are used by the USDA's National Agricultural Statistics Service to ensure that its own data is complete and accurate. Additionally, this information is used to generate other statistical reports, on demand, as requested by agricultural economists and government decision makers to ensure that economic development, regulatory, and public policies are having their desired outcome. This is the best source of reliable information for the largest segment of the agricultural economy of the State.

Aid-to-Localities

The division does not administer aid-to-localities grants.

Federal/Interstate Activity

The division administers the Pasteurized Milk Ordinance (PMO) through a cooperative agreement with FDA and the National Conference on Interstate Milk Shipments (NCIMS). MCDS staff is continuously engaged in dairy regulatory policy in the United States. NCIMS is the controlling authority for Grade A dairy products, dairy farm regulations, dairy plant regulations, technical dairy processing equipment, and approved processes nationally.

New York participated in several other regulatory discussions with groups, including the Interstate Milk Shippers Program, the Dairy Practices Council, the FDA Northeast Dairy Equipment Review Committee, the National Association of Dairy Regulatory Officials, the 3-A Sanitary Dairy Equipment Standards, and the National Mastitis Council. The division's presence at meetings is vital to ensure the changes proposed meet and address New York's interests and initiatives.

The impact of dairy on the New York economy makes participation in the NCIMS vitally important to achieving AGM's mission to strengthen the dairy industry.

Inspections and Samples

Per the PMO, each fluid plant, manufacturing plant, and wholesale frozen dessert plant in New York State must be inspected every 90 days. Staff performed 5,404 on-site inspections in 2020: 3,250 milk plant sanitary and pasteurizer inspections and 1,446 milk receiver inspections and bulk vehicle inspections.

Per the PMO, every milk and dairy product must be sampled every month. MCDS staff submitted 14,449 product samples in 2020. Of those, 12,087 were sampled for regulatory analyses with public health significance and were submitted to the State Food Laboratory for testing.

In addition, every dairy farm in NYS is inspected at least twice a year by a CMI who is certified by AGM. In 2020, CMIs conducted approximately 11,000 dairy farm inspections, reviewing the sanitary conditions of farms, the health of cows, and the health of the farm's employees. AGM conducted 327 evaluations of CMI proficiency in 2020.

Division Laboratory Evaluation Officers conduct full on-site evaluations once every two years in

101 milk testing laboratories. Each lab is also inspected every six months to ensure the accuracy of sample testing.

By regulation, any person who installs equipment on a dairy farm or in a milk plant must register with AGM. They are responsible for technical installations and meeting applicable construction and fabrication requirements of the PMO, and dairy material and design requirements, such as 3-A Sanitary Standards.

Education and Outreach

The division completed several education and outreach efforts in 2020. These included:

- providing an annual weeklong virtual training for new CMIs with Cornell University and annual outreach to about 85 CMIs;
- presenting two virtual Processing Plant Superintendent seminars to more than 350 permitted facilities;
- conducting two office conferences on compliance and enforcement corrective action plans; and
- providing food manufacturer specific guidance to more than 350 permitted facilities on how to help stop the spread of COVID-19.

In conjunction with Cornell University Department of Food Science and Extension, the division additionally:

- conducted two hands-on pasteurization training courses; and
- educated dairy laboratory staff in a virtual seminar covering approximately 101 industry laboratories.

Plant Industry

Staffing

The Division of Plant Industry consists of 44 permanent employees, including office staff and field staff. The division also hires up to 91 seasonal employees to work on survey and eradication programs. The COVID-19 pandemic presented many challenges for both field and office-based staff in the division. Despite these challenges, survey inspections and regulatory work continued throughout the State. Division staff worked diligently and safely following all COVID-19 precautions and directives. Several of our division staff provided support to COVID-19 response efforts including testing, outreach and public information, and vaccination clinics.

Plant Licensing and Inspection

As part of the division's mission to prevent and control insects and diseases of plants and trees, New York's horticultural inspectors conducted more than 3,000 nursery grower and dealer inspections in 2020. Division inspectors also inspected and certified more than 800 domestic and foreign shipments to leave the State. Inspection activities in 2020 are summarized as follows:

Nursery Grower inspections	1,940
Nursery Dealer inspections	1,445
Shipment inspections (incoming domestic)	29
Shipment inspections (incoming foreign)	3
Shipment inspections (outgoing domestic)	482
Shipment inspections (outgoing foreign)	350

Plant Regulatory and Quarantine Programs

Industrial Hemp Agricultural Research Pilot Program

The NYS Industrial Hemp Agricultural Research Pilot Program has continued to grow since its inception in 2016. 2020 proved to be a challenging year for the industry with low hemp prices and large stocks of stored hemp material from the 2019 growing season.

Responsibility for the registration of processors transitioned to the NYS DOH during 2020. In addition, the USDA's Agricultural Marketing Service released interim rules for hemp programs based upon the 2018 Farm Bill that allow NYS to continue operating the Hemp Agricultural Research Pilot Program under the 2014 Farm Bill Authority until the end of 2021. NYS Plant Industry Horticultural Inspectors continued to inspect and sample registered hemp growing operations within NYS during 2020.

Table 1 Growth by Year:

	2016	2017	2018	2019	2020	Total
New growers registered	2	54	59	373	216	704

Table 2 Inspections Performed and Samples Collected in 2020

2020	
Inspections performed	1,033
Samples collected	55

European Cherry Fruit Fly

In 2020, the quarantine area for European Cherry Fruit Fly (*Rhagoletis cerasi*) was expanded to include all of Orleans County to the already quarantined area consisting of Niagara and Erie Counties.

European Cherry Fruit Fly trapping was conducted in nine counties by Division of Plant Industry personnel. A total of 610 traps were placed with 3,830 collections.

Three European Cherry Fruit Flies were found on traps in untreated areas of Monroe County.

Many of these traps were placed in honeysuckle which is an alternate host for the European Cherry Fruit Fly. Honeysuckle is an extremely invasive plant species that is widely prevalent in NYS.

County	Untreated	Treated	Total Set	Total Number of Services	Positives
Cayuga	10	0	10	49	0
Chautauqua	24	0	24	168	0
Columbia	9	11	20	98	0
Erie	20	6	26	159	0
Livingston	24	0	24	120	0
Monroe	124	8	132	798	3
Niagara	14	162	176	1,366	57
Orleans	0	37	37	242	0
Wayne	58	103	161	830	0
	283	327	610	3,830	60

Asian Longhorned Beetle Eradication

The Asian Longhorned beetle (ALB) is a dangerous pest of hardwood trees. Native to China, Japan, and Korea, the insect likely was transported into North America in solid wood packing materials used for international shipping. The first North American infestation was discovered in Brooklyn in 1996, and infestations have subsequently been found in Long Island, New Jersey, Illinois, Massachusetts, Ohio, and Ontario, Canada. In these areas, tens of thousands of trees have been cut down to prevent the spread of ALB.

Through a cooperative effort, and with the help of program contractors, the NYS ALB program has declared eradication in several areas over the years including Brooklyn, Western Queens, Eastern Queens, Manhattan, Staten Island, and Islip. The only quarantine remaining in New York is in Central Long Island.

Although 20 infested trees were discovered by our survey crews this past year, all were in the core area and did not alter survey or quarantine boundaries.

Regulatory Activities

- The total area under regulation for ALB is 53 square miles. The Central Long Island area include the towns of Amityville, Massapequa, Massapequa Park, Farmingdale, Melville, Copiague, Lindenhurst, West Babylon, Babylon, Wyandanch, and Wheatley Heights. The NYC boroughs of Brooklyn and Queens (Kings and Queens Counties) were deregulated on January 22, 2020, reducing the total regulated area by 58 square miles.
- To effectively manage and control the movement of wood and ensure proper disposal and destruction of host material, the program spends numerous hours training and educating green industry professionals. Once trained, the companies are issued a compliance agreement where they inspect host wood for infestation and properly dispose of it in an

- approved manner.
- 562 General Compliance Agreements and six Nursery/Garden Center Agreements were monitored in 2020.
- 1,094 site inspections were made along with 294 vehicle inspections. Nine Regulated Material Certificates were issued for firewood inspections. 19 Quarantine Orders and 15 Limited Permits were issued to authorize controlled movement of regulated materials.
- The Asian Longhorned Beetle Program continues to place high priority on outreach, education, and training to raise public awareness and understanding of this destructive pest. Four on-site compliance trainings were provided; a total of 13 individuals and four companies/organizations were provided training.

Golden Nematode Quarantine and Management Program

The Golden Nematode (GN) is a destructive potato pest which threatens the State's potato industry and other soil-bearing crops. It is extremely difficult to eradicate GN since it is undetectable at low levels and can persist in the soil for up to 30 years. New York is the only state in the U.S. that has a confirmed population of this pest. Since the 1940s, NYS has maintained an effective and comprehensive control program to minimize GN's spread to other areas and to protect the export of New York potatoes, nursery stock, and other agricultural commodities. Maintaining an effective GN program has facilitated both international and interstate agricultural trade as other countries and states strive to protect their territories from any consequences of exposure to GN. GN program activities have successfully kept GN controlled within NYS and prevented the spread to other areas. Program activities in 2020 included:

- sanitizing farm and construction equipment (573 power washed, and 21 steam heat treated) to prevent the spread of GN through the movement of soil;
- collecting leaf samples for DNA analysis to confirm adherence to the Resistant Variety Crop Rotation (32 fields were sampled; all leaf samples were in compliance); and
- issuing 69 Compliance Agreements to ensure other agencies or businesses are aware of and follow any GN restrictions.

Since 2010 AGM, in cooperation with the USDA, continues to make progress toward the goal to de-regulate 90% of the currently regulated acreage. To date, over 1,186,639 acres have been removed from the GN quarantine with 101,995 acres remaining. Work is continuing to reduce this regulated acreage further.

Systematic soil surveys are conducted in potato-producing areas of NYS to determine if new introductions of GN are present and to confirm that currently regulated fields remain below detection limits for GN cysts. In 2020, soil samples were taken in seed potato production fields, at potato grader stations, in fields considered for deregulation, and in fields known to be infested or exposed to infestation. In fourteen New York counties, a total of 3,149 samples from 98 fields comprised of 1,114.6 acres were sampled. Of the samples tested, all were found to be negative for signs of GN. There are still some samples that remain to be tested and results are pending.

Plum Pox Virus Quarantine and Eradication Program

AGM, in cooperation with the USDA and Cornell University, is using a multi-tiered approach of survey, control, and education to eradicate Plum Pox Virus (PPV) from NYS. Division of Plant Industry personnel planned, coordinated, and conducted the survey for the commercial stone fruit

orchards. No plum pox virus positive trees were found in the 2020 survey.

The quarantine area of Ulster, Orange, and Dutchess counties remains unchanged. As part of the eradication survey, program staff surveyed 493 commercial stone fruit blocks in three counties for a total of 17,344 leaf samples collected. All samples tested negative using Enzyme-Linked Immunosorbent Assay (ELISA) by the PPV National Plant Protection Laboratory Accreditation Program's (NPPLAP) Certified Laboratory under the direction of Dr. Marc Fuchs Cornell University Agriculture Experiment Station.

The PPV Eradication program is on target to reach the goal of eradication within the six-year timeline for the counties of Ulster, Orange, and Dutchess. One more year of negative test results is needed for the quarantine area to be released. Cooperation from growers, landowners, and the nursery industry has been critical to the success realized so far.

PPV Survey 2020		
County	Sample Count	Block Count
Dutchess	2,024	73
Orange	3,529	131
Ulster	11,791	289
Total	17,344	493

Spotted Lanternfly Survey and Management Program

Spotted Lanternfly (SLF) is a planthopper native to China, India, and Vietnam. SLF is known to utilize more than 70 plant species, including cultivated grapes, apples, stone fruits, other fruit trees, the invasive tree of heaven, and many species of hardwood trees. SLF is expected to have a negative impact on agriculture, forest product, and recreation industries in areas of infestations. SLF was first detected in the United States in Berks County, Pennsylvania in 2014, and established populations have since been confirmed in Delaware, New Jersey, Maryland, Virginia, and West Virginia. Strategies for monitoring and control of SLF are still in development, as this pest has been established as an invasive species in the United States for fewer than five years, and its biology is still not well understood.

A total of 124 traps were deployed to monitor for presence of SLF in high risk areas of NYS. Trapping results, visual inspections, and response to public reports verified SLF presence in select areas.

In July 2020, SLF was confirmed in Richmond County (Staten Island), New York. By September 2020, positive reports were confirmed in Kings County (Brooklyn), Queens County, and New York County (Manhattan). Thorough inspections were hindered by high Covid-19 infection rates in parts of New York City. Additional finds of SLF were confirmed as positive in Port Jervis (Orange County), Ithaca (Tompkins County), Orangeburg (Rockland County), and Sloatsburg (Rockland County). The Orangeburg, Ithaca, Sloatsburg, and Port Jervis areas were further inspected to establish the location and boundaries of the SLF infestations.

Survey and inspections for SLF were also performed in Westchester County along the New York-Connecticut State line after confirmation of SLF in Greenwich, Connecticut. These inspections did not detect the presence of SLF in that area of New York.

A single dead SLF adult was identified in Seneca County. No further signs of SLF were found after a thorough inspection of the area.

The SLF Response Team previously established an external quarantine in September 2018 to help prevent the transport of SLF into New York from areas where it is established. The quarantine regulates various articles that originate from quarantined areas or have traveled through quarantined areas, including living SLF; tree and plant materials; yard and landscaping waste; remodeling and construction waste; firewood; packing materials; and outdoor household items such as lawn mowers, grills, patio furniture, and stone. Inspections of incoming regulated articles continued throughout 2020 to ensure compliance with the quarantine.

Oak Wilt

Oak wilt is a disease of oak trees that is caused by a fungus that develops in the tree's xylem. All oaks are susceptible to the fungus.

Oak wilt has been found in four locations in Glenville, Schenectady County. Oak wilt was first confirmed here in 2008 but resurfaced after treatment in 2013. In 2016, oak wilt was discovered in Islip, Riverhead, and Southold in Suffolk County; Brooklyn in Kings County; and Canandaigua in Ontario County. In 2018 and 2019, oak wilt was found in South Bristol in Ontario County and Middlesex in Yates County, respectively.

In response to current detections the NYS Department of Environmental Conservation (DEC) has enacted a protective zone within the following counties of New York: Suffolk, Kings, Ontario, Schenectady, and Yates.

DEC is currently conducting visual surveys, collecting leaf samples of symptomatic material for diagnosis, and removing infected trees to control the spread of the pathogen within each protective zone. AGM authorizes the movement of oak nursery stock out of a protective zone under compliance agreements and limited permits issued by a horticultural inspector from the Division of Plant Industry. In 2020, the division issued 33 compliance agreements and limited permits in Suffolk County to establishments shipping oak nursery stock out of the Suffolk County protective zone. In addition, horticultural inspectors completed inspections of sales records and field surveys of oak nursery stock during the summer 2020.

Phytophthora Ramorum Nursery Survey

The *Phytophthora ramorum* pathogen causes a disease called Sudden Oak Death which has caused a great deal of damage in the western United States. The Division of Plant Industry conducted a survey at one nursery location that was determined to be high-risk for *Phytophthora ramorum* based on prior detections of the pathogen. The survey was conducted from May to July 2020 and consisted of water baiting traps, visual surveys, leaf sampling, and an environs survey of the nursery. At the nursery, all water baited traps yielded negative detections; subsequent visual surveys did not produce a detection in host plant material at the nursery. Additionally, an environs survey was conducted which returned negative results for *Phytophthora ramorum*.

Beech Leaf Disease Survey

In 2020, New York received reports of Beech Leaf Disease in several neighboring states; a survey of beech nursery stock was conducted at nursery grower and dealers across NYS. Twenty-five

horticultural inspectors completed visual surveys of beech nursery stock for symptoms of Beech Leaf Disease. In total almost 4,000 host trees were surveyed at 97 sites with no positive detections of the pathogen found. AGMs Division of Plant Industry along with the DEC Division of Land and Forests surveyed for the presence of the Beech Leaf Disease on public lands across the State. For 2020, six New York counties were confirmed for the presence of Beech Leaf Disease from suspect samples confirmed by the official identifier, Cornell University’s Plant Disease Diagnostic Clinic.

Aid-to-Localities

The division administered several research contracts with Cornell University and grower organizations based in NYS. These contracts often focus on new and improved methods for managing pests and diseases that pose a threat to economically important agricultural commodities produced within NYS.

Federal/Interstate Activity

The division managed 14 cooperative agreements awarded by the USDA. These included both plant-pest surveys as well as control activities such as pest containment or eradication.

Division staff participate in several committees of the Eastern and National Plant Boards. Participation in these organizations and programs helps AGM regulate businesses in efficient, effective, and innovative ways. Participation in regional and national projects also strengthens the working relationship with regulatory authorities in other states and with our Federal Partners including the USDA Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) program, and the United State Forest Service (USFS).

Commodity Inspection, Sampling, and Analysis

NYS Seed Testing Laboratory

In 2020, the NYS Seed Testing Laboratory (NYSSTL) received 698 service samples consisting of 161 species, of which 698 samples were completed. Samples were submitted from 71 NYS growers, and 1 grower each in Connecticut and Vermont.

Service sample testing consisted of:

	Number of tests 2018	Number of tests 2019	Number of tests 2020
Germination	624	665	764
Purity	123	107	122
Cold test	65	64	48
Fluorescence test	0	6	0
Moisture	5	18	12
Seed count	3	16	5
Rush	5	1	1

Service samples by crop category:

	2017	2018	2019	2020
Ag	49.60%	36.75%	37.40%	38.54%
Flower	2.99%	13.09%	21.55%	25.07%
Lawn	7.37%	12.15%	1.90%	4.87%
Range/restoration	1.79%	2.05%	0.32%	0.00%
Tree	0.00%	0.63%	0.00%	0.00%
Vegetable	38.25%	35.33%	38.83%	31.52%

NYSSTL received 219 regulatory samples for testing, of which 218 were completed. 15 samples were received and forwarded to the USDA Federal Seed Laboratory in Gastonia, North Carolina for trueness-to-variety testing.

Seed Inspection, Sampling, and Certification (A&M Law, Article 9)

Agriculture and Markets Law provides for the inspection, sampling, and analysis of seed that is offered or exposed for sale in New York State. The division works closely with Cornell University's New York Seed Improvement Project to certify seed as NYS Certified. The designation of seed as certified indicates that it is of a known variety produced under strict standards to maintain varietal purity.

In 2020, 219 seed samples were taken and analyzed. 74% of the samples were found to be accurately labeled. Approximately 41 seed labelers were sampled. There were 250 seed inspections performed.

Seed	Turf/Lawn	Ag	Vegetable
Samples analyzed	60	135	23
Samples in compliance with labeling	23	103	17
Samples with violations	15	23	3
Pending	22	9	2 & (1 void)

Fertilizer, Lime, and Soil and Plant Inoculants (Article 10, 9A, 10A)

In 2020, 61 commercial fertilizer samples were obtained for analysis and comparison to their labeled guarantees. 59% of the fertilizer products sampled were found to be compliant to their stated guarantees. In addition, 7 agricultural liming materials were also sampled for analysis.

	Fertilizer	Lime brands	Soil and plant inoculants
Firms or brands licensed	600	193	799
Inspections performed	211	19	32
Samples taken	61	7	N/A

Ammonium Nitrate Inspection

There were 11 establishments registered as ammonium nitrate retailers. Ammonium nitrate retailers in NYS are subject to quarterly inspections by NYS horticultural inspectors. An annual inspection is done in conjunction with the NYS Department of Homeland Security and the NYS Police Counterterrorism Unit. All facilities in the State were inspected and found to be following the regulations.

Stop Sale Orders

AGM issued 64 Stop Sale Orders on products/distributors were issued at approximately 30 facilities.

Unsolicited Seed

In July 2020, consumers around the United States began receiving unsolicited packages of seed through several e-commerce platforms. Reports of consumers receiving seeds continued through the fall months. AGM received more than 1,500 reports of unsolicited seed packages. Division staff responded to each of these reports via email or phone call and instructed the consumers on safe destruction of these seeds.

Subsequent investigations by USDA indicated that these seeds were part of a “brushing” scam which is intended to increase the number of positive reviews an online seller reports to their customers. These seeds were shipped in violation of the federal seed act and NYS seed laws and regulations.

Analysis showed that some of the seeds could be considered noxious weeds or invasive species. Seeds are also capable of transmitting pathogens that can cause plant disease. Consumers were particularly sensitive to these packages as many of them originated in Asia where the COVID-19 pandemic began.

Invasive Species and Noxious Weeds

Regulated Invasive Species

During 2020, there were 3,512 total grower and dealer inspections conducted by the division. Of this total number, 376 had plants present that are regulated as invasive species. There were 59 prohibited plants detected at three locations. Regulated plants not properly tagged were detected at 53 establishments. The compliance rate for the invasive plant aspect of Part 575 is unchanged from the previous year and remains at 98% of all inspected establishments. This is an indication of the excellent cooperation the division has had from our regulated community.

There were also 53 violations found for regulated plants at 35 individual establishments. These were typically labeling violations. AGM will follow up with a reminder letter to all establishments

found to be in violation of these regulations.

The Invasive Species Coordinator engaged with all eight Partnerships for Invasive Species Management (PRISMs) around the State. This included attending 36 individual PRISM meetings and events, most of which were conducted in a virtual environment.

Cooperative Agricultural Pest Survey

The 2020 Cooperative Agricultural Pest Survey (CAPS) program looked for ten invasive targets (three state targets and seven federal invasive targets on the Federal Priority Pest List). A total of six visual targets were surveyed by 25 horticultural inspectors across the State. The State visual targets were Boxwood Blight and Late Blight on Tomato. The federal visual targets were Cucurbit Beetle, Groundnut Bud Necrosis, and Southern Bacterial Wilt.

Visual surveys were completed by horticultural inspectors at nursery and greenhouse sites. Surveys inspect for pests and diseases on multiple host plants. Almost 2,000 sites and just over 5.2 million host plants across the State were surveyed. There were six specimens collected for determination resulting in detections of Boxwood Blight confirmed by the official identifier located at the Plant Disease Diagnostic Clinic, Cornell University, Ithaca, New York.

In addition, four other target species were surveyed: Asian gypsy moth, large pine weevil, pine processionary moth, and six-toothed bark beetle. A total of 136 traps were deployed at 68 sites across the State. Horticultural inspectors submitted almost 3,100 specimens for determination. There were no positive target identifications made by the official identifier Insect Diagnostic Lab in the Department of Entomology at Cornell University.

All 2020 results were entered into the National Agricultural Pest Information System (NAPIS) program. Federal targets and State visual from the highest predicted impact pest lists were used to evaluate a targeted survey of various plant commodity groups for 2021.

Apiary Inspection and Honeybee Health

The primary purpose of the Apiary Inspection Program is to prevent the introduction, spread, and dissemination of all contagious or infectious diseases or parasites into New York's managed honey bee population.

The 2020 apiary inspection season began in April and ran through November with three apiary inspectors covering all counties within NYS. These inspectors:

- visited 541 apiary yards and inspected 9,839 colonies;
- issued 73 certificates for the sale of 4,028 nucleus colonies and 6,983 queens produced in New York;
- identified and abated 139 colonies infected with American Foul Brood in 14 beekeeping operations; and
- issued 67 Interstate Certificates for movement of 41,459 colonies and 7,440 nucs to leave New York.

AGM was one of 37 states that participated in the National Honey Bee Survey. Nineteen beekeepers were inspected and sampled in this survey.

The goals of the National Honey Bee Survey are to identify potentially invasive pests, develop a baseline of colony health within the US, and identify risk factors and protective factors that predict colony health and operational success over time.

Asian Giant Hornet

Due to a focused public outreach and media campaign to determine if Asian Giant Hornet (AGH) was present in the United States, AGM responded to 1,014 reports of possible AGH (*Vespa mandarinia*) sightings. None of these reports were identified as AGH. With help from across the division, including the State Apiculturist, and support from the Cornell Insect Diagnostic Lab, the Invasive Species Coordinator was able to react to the influx of AGH reports quickly and effectively.

The vast majority of insects reported were European Hornet (*Vespa crabro*) and Eastern Cicada Killer Wasp (*Sphecius speciosus*). Other reports received were determined to be hummingbirds, moths, crickets, bees, wasps, and other insects. Outreach materials were produced, vetted, and distributed by a collaborative effort from the Invasive Species Coordinator, AGM's Press office, and the Cornell Insect Diagnostic Lab. This aided in responding to a broader audience in a short period of time, helping to ease the public's concern. The outreach materials also assisted the public in self-identifying insects native or naturalized to NYS.

Weights and Measures

The Division of Weights and Measures is responsible for assuring measurement accuracy and uniformity in commerce throughout NYS in accordance with Article 16 of the Agriculture and Markets Law. The division works in cooperation with municipal offices of weights and measures throughout the State to assure accuracy in all commercial transactions based on weight or measure, and the quality of petroleum products offered for sale. These activities assure equity so that consumers in NYS get what they pay for and businesses enjoy a marketplace based on fair competition.

Staffing

The division had 23 permanent staff in 2020, including 12 weights and measures field specialists, three laboratory metrologists, three supervisors, a division director, an assistant director, and support staff.

Programs

Special Details

The division tests and certifies large-capacity vehicle scales, terminal rack meters, and liquefied petroleum gas truck meters on a fee basis. The division limits its device-testing to those devices that are generally not tested by municipalities because they cannot justify the cost of the special equipment, training, or facilities.

2020	# Tested	Revenue
Large-capacity vehicle scales	45	\$9,000
Terminal rack meters	74	\$21,500
Liquified petroleum gas truck meters	1,097	\$109,000
Total =	1,216	\$139,500

Police Axle-Weigh Scales

The division maintains a testing facility at its Western New York regional office for testing axle-weigh scales used by various police departments throughout the State to enforce roadway weight limits. In 2020, the Bureau tested 1,022 scale pairs and 23 deck scales from 52 different police agencies, for a total revenue of \$52,400.

Metrology Laboratory

The division provides measurement services through its Metrology Laboratory, accredited by NIST and NVLAP. The laboratory provides high accuracy calibration services that are traceable to national standards in the areas of mass, length, volume, and time.

Customer	# of Tests ¹	Revenue
Municipal W&Ms	43	\$11,162
Other Government	59	\$8,885
Private Industry	137	\$32,880
Total		\$52,927

¹ All tests combined equal 8,999 pieces calibrated.

Type Evaluation

The division maintains one of five national laboratories in the United States that evaluate new weighing and/or measuring devices to determine if they are “Legal for Trade.”

Type of Evaluation	# Evaluations	Revenue
By the NYS Lab	17	\$24,481
By other Labs	66	\$6,600
Total		\$31,081

Petroleum Quality

The division administers the Petroleum Quality Program to assure the quality of petroleum products dispensed in the State. Regulated products are sampled at both the retail and terminal levels. Municipal officials collect the samples at the retail stations and AGM specialists collect samples at wholesale terminals.

Product	Samples Taken	# Failures ¹
Gasoline	10,857	368 (3.4%)
Diesel	1,482	52 (3.5%)

¹ Does not include summer RVP failures which are enforced by NYS DEC.

Weighmaster Licenses

The weighmaster license program is intended to provide a higher level of accountability in bulk transactions where the buyer is typically not present. By law, these transactions include bulk sales of coal, coke, feed for domestic animals, fertilizer, lime, and household goods (e.g. when hiring a moving company), but are also common in contract bulk sales. The division issued 2,945 weighmaster licenses in 2020 for total revenue of \$44,175.

Fuel-NY

To prepare for future emergencies and severe weather events, certain critical gas stations in the downstate area are required to have both a transfer switch and a plan for back-up power, such as a generator. As of December 2020, 815 downstate retail gas stations were ready to deploy.

Milk Tank Poundage Charts

Municipal weights and measures offices test bulk milk tanks on farms and send the data to the division's central office. The test data is used to create a tank poundage chart that is used by both the farmer and processor to determine the amount of milk sold. In 2020, the division issued 153 bulk milk tank poundage charts.

Federal/Interstate Activity

- NYS DEC:
 - On October 16, 2020, the division supplied DEC with the 2020 annual report of petroleum quality analysis relating to the Clean Air Act.
- National Type Evaluation Program (NTEP):
 - The division receives training and participates at meetings with NTEP which evaluates commercial weighing and/or measuring devices for legal for trade status. This includes cooperation with a United States/Canada mutual recognition agreement for certain types of devices.
- NYS Energy Research and Development Authority (NYSERDA):
 - In 2020, the Fuel-NY program involved frequent communication and collaboration with NYSEERDA.
- National Conference on Weights and Measures:
 - The division made multiple proposals to revise national standards for commercial weighing devices, including a proposal to correct a problem impacting the jewelry industry.
- American Petroleum Institute:
 - The division continued to be an active member of the RP1637 workgroup for "Color Symbols for Petroleum Products" for gas station fill-ports.

- American Society for Testing and Materials (ASTM):
 - The division continued its involvement with ASTM as a member of the committee on “Petroleum Products, Liquid Fuels and Lubricants” and “Laboratory Weights and Precision Mass Standards.”
- Electric Vehicle Charging Stations:
 - The division participates on State workgroups with DEC and the NYS Department of Public Service (DPS). It also participates on a national workgroup with the National Institute of Standards and Technology (NIST) which is working on a national standard for these devices.

Local Government

The division supervises the 60 municipal weights and measures programs to promote uniform enforcement of the provisions of Article 16 and exercises concurrent authority with them. The division evaluates each municipal program on an ongoing basis, provides feedback and assistance to municipal programs, and provides training to municipal officials. In 2020, the division provided 1,219 hours of training to 116 inspectors from 55 municipalities.

Certifications

The division maintains three certifications:

- Certificate of Traceability to NIST;
- Certificate of Accreditation in accordance with ISO/IEC 17025 from the National Voluntary Laboratory Accreditation Program (NVLAP); and
- National Type Evaluation Program (NTEP) certification from the National Conference on Weights and Measures (NCWM).

NYS Fair

The annual Great NYS Fair, traditionally held for 13 days ending on Labor Day, preserves and enhances the agricultural legacy of the State of New York and promotes current and future agricultural awareness. For the first time since the Fairgrounds was used as a training camp during World War II, the State Fair and its year-round events were canceled in 2020 due to the COVID-19 pandemic.

The Fairgrounds played a critical role in the COVID-19 response. The Fairgrounds was used by SUNY Upstate to conduct drive-through COVID-19 testing, and the Exposition Center was used to host blood drives for the Red Cross multiple days a week for several months. The Fairgrounds also provided warehouse space for COVID-19 relief effort supplies, such as hand sanitizer, coolers, soap, plywood, and personal protective equipment.

In addition, the Fairgrounds provided space for large-scale, drive through Nourish New York food distribution events, allowing the Food Bank of Central New York to deliver nutritious, local dairy products, vegetables, fruits, and more to upwards of 1,000 households during each distribution event.

In the summer of 2020, the Fair held a full slate of virtual Great New York State Fair special events and activities allowing New Yorkers to safely enjoy aspects of the Fair. Fair fans were able to enjoy the drive-through Fair food events and drive-in movies on the Fairgrounds, virtual visits to farms to witness live dairy cow births, and the live stream of the Fair's annual Butter Sculpture reveal. Other activities included online contests and virtual celebrations to mark some of the Fair's long-standing traditions.