

# Department of Agriculture and Markets 2022 Annual Report



**Agriculture  
and Markets**

## Table of Contents

Overview .....	3
Administration .....	3
Agricultural Development .....	6
Animal Industry .....	19
Food Laboratory .....	25
Food Safety and Inspection .....	29
Land and Water .....	33
Milk Control and Dairy Services .....	36
Plant Industry .....	39
Weights and Measures .....	51
The Great New York State Fair .....	54

## Overview

The New York State 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.

New York State is home to a thriving agricultural industry. It has abundant resources, good land, access to water, innovative farmers, and the best land grant system for agricultural education in the nation. Just over a quarter of our state's land mass is dedicated to agriculture – about seven million acres – from the field crops that feed New York's 620,000 dairy cows, to apple orchards, vineyards, and vegetable farms, to the maple trees harvested for syrup in the spring.

New York is known for having a diverse mix of home-grown farm goods, with over 650 farmers' markets and farm stands across the state. On top of that, the State has highly sophisticated operations shipping food and farm produced beverages across the globe. New York State ranks in the top ten in production of over 30 commodities. It is first nationally in the production of cottage cheese, sour cream, and yogurt; second in maple syrup, apples, cabbage, and snap beans; third in grapes; fourth in floriculture; fifth in milk production, green peas, and squash; and more.

Section 164 of the Executive Law directs AGM to annually submit a report of its activities to the Governor and the Legislature. This 2022 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 Resources, Milk Control and Dairy Services, Plant Industry, Weights and Measures, the Food Laboratory, and The Great New York State Fair.

## Administration

### Counsel's Office

Counsel's Office provides legal advice and representation to AGM officers under New York State 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 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 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 2022, Counsel’s Office completed the following:

<b>Litigation and Contested Matters</b>	199	<b>Regulations</b>	7
<b>Adjudicatory Proceedings</b>	91	<b>Ethics Law Reviews</b>	128
<b>Contracts</b>	851	<b>FOIL Requests</b>	397
<b>Opinions</b>	27	<b>Miscellaneous</b>	14
<b>Legislation</b>	2	<b>Penalty Litigation</b>	303
<b>Notices of Intent</b>	121	<b>Other Agency Proceedings</b>	3

## 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 AGM 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 2022, Fiscal Management completed the following:

<b>Contracts Processed</b>	627	<b>Travel Approvals</b>	139
<b>Vouchers Processed</b>	8,381	<b>Size of Vehicle Fleet</b>	168
<b>MWBE Spending</b>	28.74%	<b>SDVOB Spending</b>	1%

## 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.

The division’s major responsibilities include recruitment, position classification, exam development, labor relations, and employee development. 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 New York State Department of Civil Service;
- develops succession plans to ensure agency goals are continually met;
- administers the Performance Evaluation Program;
- presents or arranges for employee development opportunities;
- 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;
- liaises with the Business Services Center regarding health benefits, retirement, payroll, and administration of time and attendance;
- administers AGM’s Language Access Plan to ensure implementation is efficient and effective;
- coordinates with the Employee Assistance Program to ensure services are offered to employees statewide; and
- serves as AGM’s Domestic Violence Agency Liaisons in working with the New York State Office for the Prevention of Domestic Violence and employees who have experienced sexual or domestic violence.

In 2022, the division completed the following:

<b>New Hires/Appointments (Permanent)</b>	119	<b>Classification Actions</b>	125
<b>Separations (Permanent)</b>	56	<b>Reasonable Accommodations</b>	21
<b>Exam Development</b>	13	<b>Staff Trained on Mandatory Issues</b>	All
<b>Temporary Separations</b>	123	<b>Temporary Hires</b>	252

## Agricultural Development

### Staffing

The Division of Agricultural Development has a permanent staff of 29, with one each based in Brooklyn, Syracuse, and 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 2022, the division licensed 271 farm products dealers and received Non-Dealer Declarations from an additional 52 businesses.

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 2022.

If claims exceed an individual dealer's security, additional financial coverage is provided by the Agricultural Producers Security Fund, which is funded via fees paid by the farm products dealers. The size of the Agricultural Producers Security Fund was approximately \$3.28 million at the end of 2022, approximately \$120,000 higher than at the end of the prior year.

## Programs

### *Taste NY*

The Taste NY program continued to work closely with New York State producers in the wake of the impact on retail businesses during the COVID-19 pandemic. Total sales in 2022 increased to \$17.1 million, 21% over 2021's total sales. The Taste NY Markets in the State's 11 Welcome Centers recorded their highest annual sales, with an 11% increase over 2019. On the New York State Thruway, rebuilt service area locations began opening with a strong commitment to the Taste NY brand and expanded product selection of New York State products.

Special events continue to be a strong opportunity for Taste NY participants in 2022. The Taste NY Pop Up Market at the Great New York State Fair returned for the second year. The market featured 138 products from over 50 producers, and producers showcased product within the Taste NY Marketplace. Taste NY vendors also had the opportunity to show, in-person, at events such as the International Restaurant and Food Service Show; Specialty Food Association's Summer Fancy Food Show; New York Racing Association events at Saratoga Race Course and Belmont; pop-up markets at JFK Airport in New York City; the Adirondack Wine & Food Festival; and more. Taste NY products were prominently featured at the National Association of State Directors of Agriculture's annual meeting held in September in Saratoga Springs.

Taste NY continued to increase its presence at attractions across the state and added a new co-branded space at SUNY Cobleskill to the list of retail locations. Taste NY products continue to be available statewide, including:

- 11 New York State 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; and
- the New York State Office of Trade and Tourism in San Juan, Puerto Rico.

The exposure from Taste NY continues to help the New York farms and companies participating in the program reach more customers and increase online sales. 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*

New York State Grown & Certified (NYS G&C) participation continued to grow through 2022 as the program added approximately 110 new participants and gained approximately 27,000 acres. At the same time, NYS G&C producers continued to play a critical role in helping programs like Nourish New York and the 30% New York State Initiative to identify eligible producers. The program is a valuable resource to New York's food banks and schools as NYS G&C helps them to identify products grown in New York by producers who carry food safety certifications.

In 2022, NYS G&C launched a \$150,000 pilot marketing campaign to raise brand visibility and awareness through billboards, radio, print, and digital media. The campaign directed audiences to the web landing page, along with all social media channels, resulting in nearly 2.5 million people reached, over six million ads served, and two million video views. A new Specialty Crop Block Grant-funded \$1 million marketing request for proposals (RFP) will be released in 2023 to further expand on the impact of the previous campaign.

In response to one of Governor Kathy Hochul's 2022 State of the State Initiatives, the NYS G&C team developed a competitive RFP to select an administrator for the New York State Grown & Certified Infrastructure, Technology, Research, and Development Program. Through Round XII of the Regional Economic Development Council (REDC) Consolidated Funding Application process, the New York Farm Viability Institute (NYFVI) was selected. NYFVI will administer a total of \$5.8 million in grants for agricultural producers and processors, which includes \$5 million dedicated to capital projects designed to improve critical farm infrastructure or help farms implement innovative technologies and state-of-the-art equipment, and \$800,000 to fund research and development projects supporting the development of new products to be marketed under the NYS G&C program. Governor Hochul has committed a total of \$25 million over five years to support this new program.

In May, NYS G&C quadrupled its previous presence at the four-day National Restaurant Association show in Chicago with a four-booth pavilion featuring New York cheese and dairy products, apples, cider, and wine. Representatives from the New York Wine & Grape Foundation, the New York Apple Association, the New York Cheese Manufacturers Association, the Northeast Dairy Foods Association, and the New York Cider Association were present to speak with buyers from around the world. In October, NYS G&C had a booth at the Global Produce and Floral Show in Orlando displaying products the NYS G&C producers in attendance. NYS G&C also continued its significant presence at the



December New York Produce Show with a special pavilion space, branded breakfast, and chef demonstrations. At that show, NYS G&C shared booth space and partnered with New York State producer associations and producers to provide samples and meet with buyers.

The New York State Grown & Certified Agricultural Producers Program continues to provide capital funds to producers to improve food safety practices on their farms. To date more than \$3,000,000 of the available \$5,000,000 has been awarded to 105 producers across New York State.

### *Farm Product Marketing Order Programs*

AGM's agricultural marketing order programs funded 10 research projects using more than \$376,000 from assessments collected from New York State apple and cabbage growers. In addition to research, marketing order programs funded \$1.9 million for the promotion and marketing of apples. Services for the Apple Marketing Order (AMO) program were provided by the New York Apple Association through contracts administered by AGM and Empire State Development.

### *Farm-to-School Program*

The Farm-to-School Coordinating Committee met in 2022 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 eighth round of Farm-to-School grants was released through a competitive request for proposals and will be awarded in 2023.

AGM has continued to work closely with partners across the state, providing funding for regional Farm-to-School Coordinators at Cornell University and developing programmatic ties with regional and national farm-to-school organizations. AGM received a 2022 United States Department of Agriculture (USDA) Farm-to-School Grant to provide training to producers on how to better access the farm-to-school market. Trainings are planned in the Hudson Valley and Central New York.

### *30% New York State Initiative*

To incentivize school districts to use more New York State farm products, the 30% New York State Initiative increases the reimbursement schools receive for lunches from 5.9 cents per meal to 25 cents per meal for any district that purchases at least 30 percent ingredients for their school lunch program from New York farms. School districts that have reached the 30 percent threshold can apply for reimbursement. In line with Governor Hochul's State of the State and the Enacted budget, the Department took over the administration of this initiative from the State Education Department on July 1, 2022. During

the Department's first year administering the program, a total of 51 applications were certified as meeting the threshold. According to every application received, a total of \$6,462,459.65 was spent on New York State products during the 2021-22 school year.

### *FreshConnect Checks Program*

The FreshConnect Checks (FCC) Program provides incentive coupons for the purchase of eligible foods at any operating farmers' market or farm stand in New York. In 2022, for every \$5 in Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) benefits a customer exchanged for SNAP EBT tokens, the market manager could issue a \$2 FCC to the customer. 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. FCCs may be spent on any SNAP-eligible food item at a farmers' market or farm stand in New York State. In 2022, FCCs were issued at 47 market locations and 32 Division of Veterans Services offices and 30 county Veteran service agencies in New York State, amounting to \$629,444 in revenue for more than 700 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 United States. SNAP participants shop using an EBT card. The New York State 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 New York through technical assistance, training, and cost-sharing activities. In 2022, SNAP sales at more than 220 direct marketing venues (farmers' markets, farm stands, green carts, community supported agriculture programs, and mobile markets) amounted to more than \$6.9 million.

### *Concord Grape Summit*

Grant Programs resulting from 2018's Concord Grape Industry Summit continue to promote the Concord grape industry. Funding supported a marketing initiative for Concord grapes, targeting winemakers using the New York Wine & Grape Foundation's 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 350 acres of under-performing Concord vines and replanting of other grapes or agricultural crops.

The New York Concord Grape Innovation Award culminated in December 2022 and spurred the development of several new Concord-based products. A 100% grape juice pouch for the farm-to-school market produced by Westfield Maid Grape Co-op received

first place in the Best Concord Beverage category, and Stil-Bene, a powdered dietary supplement designed to improve digestive health made from grape pomace received first place in Best New Concord Product.

### *Council on Hunger and Food Policy*

Chaired by Commissioner Ball, the New York State Council on Hunger and Food Policy provides guidance to state policymakers on how to best address hunger and improve access to healthy, locally-grown food for all New York State residents. Council members include experts and leaders in the fields of agriculture, food policy, hunger prevention, and healthcare.

Building on lessons learned from the COVID-19 pandemic, the Council began 2022 focused on improving the resiliency and self-reliance of New York State's farm and food supply, especially as it related to mitigating food waste and difficulties getting farm foods to market. Members convened three times in 2022 to discuss priority concerns, make recommendations, and assess actionable activities. In 2022, Council members participated in the Department's Farm Bill listening sessions to inform national agriculture policy in the 2023 Farm Bill; submitted recommendations to inform the White House's second Hunger, Nutrition, and Health Conference in over fifty years; engaged in the rising profile of nutrition as a long-term medicinal strategy; and supported increased partnership activities between organizations and government agencies to address food insecurity.

In November 2022, Governor Hochul approved bills codifying the existence and purpose of the Council, so it no longer operates under executive order. The Governor signed amendments that further clarify the provisions relating to the establishment and priorities of the Council in March 2023. The Council is moving forward with renewed purpose in its collaborative efforts.

### *Nourish New York*

To help address food insecurity during the COVID-19 pandemic, the State launched the Nourish New York program in May 2020. The program, which is administered by AGM in collaboration with the New York State Department of Health, supports both families facing food insecurity and New York farmers who are struggling because of the loss of markets for their agricultural products during the pandemic. The impact of this program has been monumental. In the period of May 2020 to December 31, 2021, Nourish NY was funded a total of four times totaling \$85 million. These funds allowed food banks and other emergency food providers to purchase NYS-made milk, yogurt, cheese, vegetables, fruit, meat, and more. A total of over 49 million pounds of New York food products were purchased with this funding, equating to 41,400,000 meals.

In November 2021, Governor Kathy Hochul signed Nourish New York into permanent law in New York State. Nourish New York was then funded for \$62 million from January 1, 2022 to March 31, 2023. Awardees continue to maximize their impact with this program, both socially and economically. By the end of December 2022, food banks had purchased over 25 million pounds of food, creating an estimated 21 million meals for households in need. Additionally, the Nourish New York program has impacted an estimated 4,325 businesses across the state with the purchasing that food banks and pantries have done in the program.

### *The New York State Farm Directory*

In February of 2022, Section 16(52) of the AML was amended to require the Department to create a directory that includes every farm in New York State that does not opt out. The purpose of the directory is to connect consumers to producers of farm products, helping to strengthen the food supply chain across New York. As of December 2022, there were 793 farms actively participating in the online directory.

### *Diversity and Racial Equity in Agriculture*

In 2021, the Diversity and Racial Equity Working Group issued a report developed by 25 agricultural leaders and stakeholders from New York's Black, Indigenous, and People of Color (BIPOC) community. Following its release, the Department focused on reaching the goals outlined in the report and further connecting with the historically underrepresented and underserved.

In 2022, the Department hired an assistant commissioner to support diversity, equity, and inclusion efforts. The new executive staff member focused on strategic expansion of outreach to better connect with BIPOC farmers, organizations, and related stakeholders, such as this community's overlap with LGBTQ+ and rural operators. While visiting farms owned and operated by members of the BIPOC community, the Department developed new connections and reignited established relationships while witnessing operations firsthand, learning about contributions to the community, and listening to challenges experienced. Additionally, the Department established an outreach-focused monthly newsletter, email address, and contact number to increase direct access to the Department and facilitate information sharing.

Additionally, the Department's long-term goal to establish a strong agriculture workforce pipeline is supported by strategic national and state-level relationship-building with several organizations with interest in partnerships and inroads in agricultural diversity for the underserved within New York State.

The Department established the Diversity and Racial Equity Network – an evolving collection of diverse and informed growers, organizations, and leaders advocating for the

underserved in New York agriculture – to further support future diversity, equity, and inclusion efforts.

## Aid-to-Localities

### *Beginning Farmers and Socially and Economically Disadvantaged Farmers Programs*

The New York State Fiscal Year 2023 Enacted Budget included \$5,000,000 for grants to beginning farmers and socially and economically disadvantaged farmers. In November 2022, the Department hosted two informational webinar sessions to provide an overview of the available funding and receive stakeholder feedback on designing the grant opportunities. AGM released two RFPs seeking a program administrator for both grant programs. Administrators will be announced in 2023. Grants to farmers may be between a minimum \$5,000 to a maximum \$250,000 per beneficiary; with a matching requirement of up to five percent of the grant amount.

### *Agri-Business Child Development*

Agri-Business Child Development (ABCD) is committed to providing the highest quality early childhood education and social services to farm worker and other eligible families across New York State. As a non-profit provider of high quality culturally and linguistically diverse child development services for infants, toddlers, and preschoolers, ABCD ensures that each child receives comprehensive educational, health, and social services. ABCD centers are accredited by the National Association for the Education of Young Children and are licensed by the New York State Office of Children and Family Services. ABCD operates 13 childcare centers across New York State. Funding is used for daily operations of the childcare centers, staff salaries, and staff training.

In 2022, ABCD served over 600 children to better enable the children's parents to pursue work in New York's agricultural industry. Centers continue to actively recruit children of farm working families. Although attendance peaked most recently in June during the growing season, trends indicate that attendance is bouncing back from the stark decrease in attendance during the pandemic. October, November, and December 2022 showed an average increase of approximately 40 children per month over the same months in 2021. State funding was increased to \$10,300,000 from \$9,300,000 for 2022-2023 to allow for more family programming. Additionally, the Fiscal Year 2023 Enacted Budget included \$3,200,000 for capital improvements to the childcare centers to restore and preserve these facilities for long-term use.

### *Local and County Fairs*

AGM continues to administer the New York State Agricultural Fairgrounds Infrastructure Improvement Program, which provides capital funding to eligible county and youth fairs across New York State, to aid in improving fairgrounds.

In 2022, AGM worked closely with county and youth fairs to develop and implement projects from previous rounds of state funding. Approximately \$20,000,000 has been awarded to 52 fair organizations across the state. Another \$5,000,000 in state funding was provided in 2022-2023 and will be awarded in 2023.

### *New York Association of Agricultural Educators*

The New York State Association of Agricultural Educators received \$416,000 in 2021-2022 State funding. The purpose of the funding is to strengthen the state's agricultural sector through the preparation of 366 New York agricultural educators in 239 schools serving over 10,000 students. In 2022, many New York agricultural educators participated in teacher induction programming through the New York Association of Agricultural Educators. The program provided for thousands of contact hours in professional development programs, which included training camps, conferences, sessions, mentoring, and school visits.

### *New York Agriculture in the Classroom*

Established in 1985, New York Agriculture in the Classroom (NYAITC) is a partnership among Cornell University, AGM, the New York State Education Department, Cornell Cooperative Extension, and New York Farm Bureau. The program's 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. State funding increased to \$500,000 from \$380,000 for 2022-2023. This program reaches 500,000 youth each year and serves all 62 counties.

### *Future Farmers of America*

Future Farmers of America (FFA) funding supported programming at over 100 schools across New York in 2022. Funds were used to start or upgrade existing agricultural education and FFA programs. In 2022, New York FFA added 10 new secondary FFA chapters across the state. Over 2,000 registered participants attended the Annual State FFA Convention in Syracuse. New York FFA membership increased to approximately 9,300 students. State funding was increased to \$1,000,000 from \$842,000 for 2022-2023.

### *New York Farm Viability Institute*

AGM provided a total of \$2,287,000 in annual funding to the New York Farm Viability Institute (NYFVI) to support research and education projects. By implementing agricultural research and education programs, NYFVI helps New York's farmers become more profitable, and additionally helps to improve the long-term economic viability and sustainability of New York farms, food systems, and communities. As part of this funding, NYFVI administered \$61,000 in funding for New York State Berry Association research projects and \$76,000 for New York Corn and Soybean Growers Association research projects.

### *Community Gardens Task Force*

In 2021, Section 31-j of the AML was updated to establish the Community Gardens Task Force. This group works to study, evaluate, and develop recommendations to initiate and expand community gardens across New York State. Membership is comprised of 26 individuals representing state agencies, community garden members, municipalities, school districts, other special use districts, public authorities, and cooperative extension services. The Task Force meets biannually and additionally as needed to perform its functions, including preparing and submitting a report to the Governor and Legislature every five years beginning on January 1, 2023. The 2023 report is posted on AGM's website.

### *Urban Farms and Community Gardens Grant Program*

AGM offered \$800,000 through the New York State Urban Farms and Community Gardens Competitive Grant Program to support community growing spaces. Awards ranging from \$5,000 to \$25,000 were available to fund projects that improve local food access and food security while contributing to the holistic wellbeing of the communities they serve. AGM received a tremendous response to this program with 76 total applications. Awardees are expected to be announced in spring 2023.

### *Farmers' Market Resiliency Grant Program*

The Farmers' Market Resiliency Grant Program was designed to ensure a more resilient food supply chain by increasing farmers' markets' resiliency through developing and enhancing the farmers' market infrastructure, online sales, and/or delivery capabilities across the state. Awards totaling \$700,000 were given to 11 entities operating farmers' markets across New York. Funds will support the current and future resiliency of the farmers' markets in those communities.

## *Procurement Work Group*

Pursuant to Chapter 124 of the Laws of 2022, AGM established a Procurement Work Group to address improving urban and rural consumer access to locally produced healthy foods. This advisory group brings together representatives from agriculture, food access organizations, food retailers, and state agencies to identify strategies to expand access to healthy, locally produced food in underserved urban and rural communities in New York State. A group of 22 members contributed recommendations to a report that was submitted to the Governor and Legislature at the end of 2022. The Procurement Work Group will continue to meet and advise the Commissioner on matters related to food procurement in the state.

## **Federal Activity**

### *Local Food Purchasing Agreement—New York Food for New York Families*

AGM was awarded \$25,885,428 through a cooperative agreement with USDA to administer the Local Food Purchase Assistance Program (LFPA). The goal of LFPA is to facilitate the purchase of New York State products from socially disadvantaged and local producers and distribute that food to underserved communities. The Department's LFPA funding will be administered as the New York Food for New York Families program. Awards will be distributed through a competitive RFP process and a non-competitive request for applications (RFA) opportunity. The competitive RFP will fund projects ranging from \$200,000 to \$2 million. The non-competitive RFA will fund smaller projects ranging from \$10,000 to \$50,000. Together, the RFP and RFA opportunities attracted over 100 applications requesting over \$60 million in funding. The awards will be announced in 2023 pending USDA approval of additional funding.

### *SNAP-Ed Federal Funding*

In 2017, AGM began overseeing programs that address food-insecure communities by increasing access to fresh foods and providing education on healthy eating and gardening. In partnership with New York State Office of Temporary and Disability Services (OTDA), AGM administers the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Community Growers Grant Program. This statewide grant program is federally funded and available only to not-for-profits and government entities.

The 2022 SNAP-Ed Community Growers Grant Program provided direct support to community-led gardens and not-for-profit farms that are combating food insecurity in under-resourced areas and helping food insecure communities develop an interest and skillset to grow and cook healthy, locally produced food. Food-based gardening and education is a beneficial activity that leads to the economical production and consumption



of healthy and fresh food. This initiative recently expanded to serve nutritionally underserved communities across all of New York State. Additionally, the initiative has bolstered urban farm infrastructure, as project activities included installing new or repairing raised garden beds, installing new or updating existing water access points for the gardens, container gardening, and more.

In 2022, AGM awarded 23 Community Growers grants across the state, totaling \$1 million in funding. These grants continued to provide crucial resources for growing fresh produce at low or no cost as unemployment rates remained high due to the COVID-19 pandemic and disruptions in the supply chain put many communities at risk of more severe food insecurity. Nutrition education activities aim to increase fruit and vegetable consumption of SNAP-eligible consumers and to reduce the incidence of chronic disease.

Technical assistance for the 2022 Community Growers Grant Program was provided by Cornell Cooperative Extension New York City (CCE NYC) Harvest NY team. CCE NYC and AGM seek to contribute to the successful production, harvesting, safe food handling, sustainability, nutrition, and food access for community gardens across New York.

In 2021, through a separate grant program, the SNAP-Ed funded Food Box grantees sold approximately 10,997 food box shares to nearly 5,108 people across 18 distribution sites in neighborhoods across New York State with high poverty and limited access to fresh produce. Each of the sites provided nutrition education through:

- the distribution of healthy, low-cost recipes, and My Plate nutrition education materials;
- cooking demonstrations;
- ordering of fruits and vegetables for weekly shares;
- assembly of healthy balanced shares containing six to ten seasonal fruits and vegetables;
- technical assistance to customers with respect to the importance of a balanced diet in preventing diet related diseases and the use of fruits and vegetables in such a diet; and
- the distribution of weekly shares.

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, New York-grown farm products. In 2022, this program expanded to offer awards to 20 organizations. AGM also partners with organizations to offer food box operational training and technical SNAP/USDA Food and Nutrition Service assistance to grantees free of charge to enhance their programs. AGM receives regular requests for repeat funding, indicating a high demand for this type of food

box product. The rapid increase in food insecurity brought on by the COVID-19 pandemic continues to spike demand for food boxes in low-income communities.

### *Specialty Crop Block Grant Program*

The Specialty Crop Block Grant Program funding from the USDA's 2022 RFA provided New York with an allocation of \$1,310,855.05. Projects were aimed at improving the profitability and competitiveness of New York's specialty crop industries. Roughly half the funding supported scientific research focusing on disease management in hops, new kale varieties, frost resistance in grapes, soil health on small vegetable and perennial crop farms, irrigation management on apple farms, and education on the use of UV light to improve specialty crop health. Funding was made available to assist growers in attaining their farm food safety certifications. The remainder of the funds support marketing projects to promote New York specialty crops at various produce shows across the state.

### *Food Export USA–Northeast*

The Department is a member of Food Export USA-Northeast, a non-profit organization that promotes the export of food and agricultural products from the northeast region of the United States. In 2022, 390 New York food suppliers used funding through Food Export USA-Northeast's Market Access Program to help offset the cost of exhibiting at some of the larger trade shows or to offset international marketing costs such as website development, translations, and advertising. Also, during 2022, 280 New York companies participated in several Food Export USA-Northeast activities, including Buyers' Missions, the Trade Leads and Online Catalog Program, live and virtual consulting sessions, and seminars, webinars, and other learning and educational opportunities.

### *Farmers' Market Nutrition Program*

In 2022, Farmers' Market Nutrition Program (FMNP) benefits were distributed to 178,349 individuals through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and to 132,306 low-income seniors for the purchase of locally grown fresh fruits and vegetables. More than 800 farmers participated in FMNP at 693 authorized farmers' markets, farm stands, and mobile markets. The program generated more than \$3.5 million in direct produce sales to participating farms.

### *New York FarmNet – Farm and Ranch Stress Assistance Network Program*

New York State was awarded \$500,000 by the USDA's National Institute of Food and Agriculture under the Farm and Ranch Stress Assistance Network Program. These funds are being used to implement a project through New York FarmNet titled "Addressing Farm Stress in New York through Multifaceted Methodologies." New York FarmNet, operating through Cornell University, will use funds to expand and raise awareness of behavioral

health services available to the agricultural community. New York FarmNet will develop a group of skilled trainers in Mental Health First Aid (MHFA) and hold free workshops in MHFA and SAFETalk (suicide prevention) for farmers and agribusiness professionals across the state.

### *National Organic Cost Share Reimbursement*

The National Organic Cost Share Reimbursement Program reimburses organic producers and processors for a portion of certification costs. Producers and processors submit applications to AGM for reimbursement of 50% (up to \$500) of certification costs per inspection scope. Staff processed and approved 473 out of 496 applications received, distributing a total of \$262,604.91 to New York producers and processors. This number is down slightly from 2021 reimbursements of \$278,450. Producers and processors may also apply through the Farm Service Agency.

## 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 2022, there were 214 licensed pet dealers in New York. The division performed 365 pet dealer inspections and pet dealer educational visits in 2022 and investigated 14 consumer complaints.

There are an estimated 600 rescue organizations in New York and, as of November 2018, all rescues must now register with AGM. As of December 2022, 482 rescue organizations have registered.

#### *Domestic Animal Health Permits and Livestock Markets*

The division issues Domestic Animal Health Permits (DAHPs) 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 321 DAHP inspections on 319 DAHP holders in 2022.

Division field staff also inspect livestock markets to determine compliance with AGM laws and regulations with respect to animal health. 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 2022, DAI field veterinarians and animal health inspectors performed 91 livestock market inspections at 27 markets.

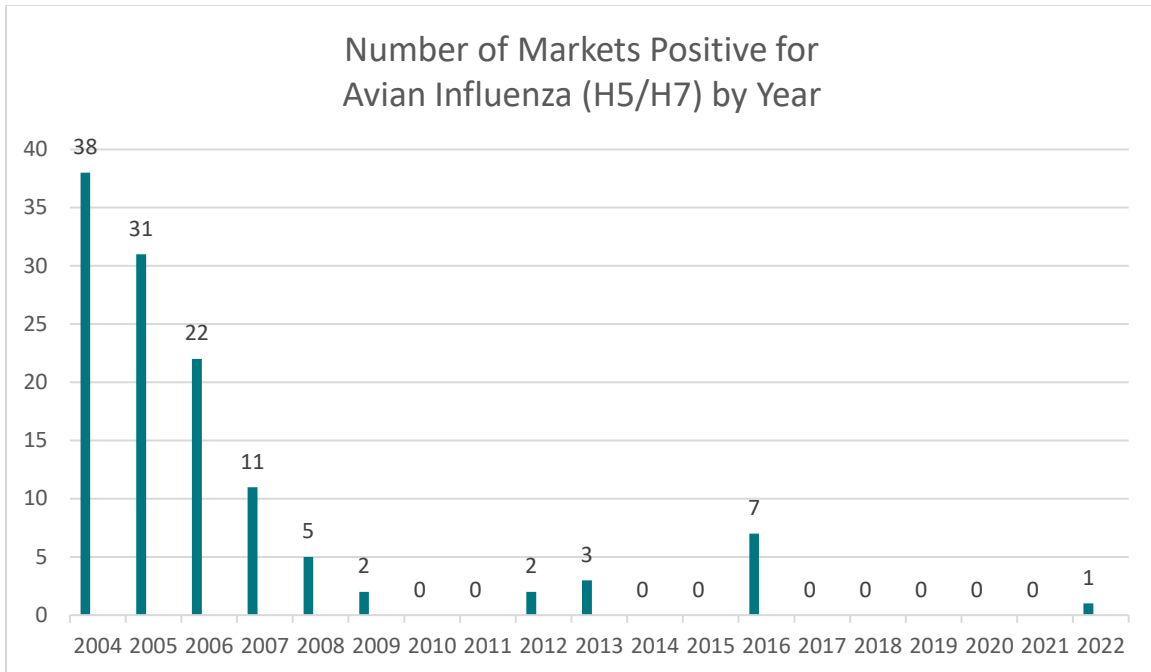
### *Captive Deer Farms*

At the end of 2022, there were 181 captive deer farms in New York, with a total of 210 separate herds. The division performed 189 captive cervid farm inspections in 2022. Division field staff conducted tuberculosis surveillance on 76 captive cervid farms in 2022 through a combination of antemortem testing and postmortem examination of carcasses and/or submission of tissues to the National Veterinary Services Laboratory. In addition, 652 samples were submitted to the Animal Health Disease Center at Cornell for Chronic Wasting Disease (CWD) surveillance. CWD is a transmissible spongiform encephalopathy; it remains undetermined if humans are susceptible.

### *Avian Influenza 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 (AI) types H5 and H7 in the markets. LBMs are inspected and tested at least once per quarter. During each inspection, poultry health is evaluated and records are reviewed for compliance with New York State 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 following chart.



One market tested positive for highly pathogenic avian influenza (HPAI) in November 2022. The market was immediately quarantined and cleaned and disinfected. Enhanced surveillance testing was swiftly initiated at live bird markets that were epidemiologically linked through poultry movements or personnel. All results were negative, and it was determined that the virus had not spread to other markets.

2022 Surveillance	Live Bird Markets	Dealers	Total
Number of Inspections – LBMs, Poultry Dealers	437	11	448
Number of C&D Inspections	382	15	397
Number of Birds Tested	30,251	110	30,361
Number of Environmental Samples Tested	5,030	140	5,170
Number of RRT-PCR Tests (Poultry Samples)	3,807	19	3,826
Number Positive Tests (H5/H7)	7	0	7
Number of Virus Isolation Tests (Environmental)	1,006	28	1,034
Number Positive Tests (H5/H7)	0	0	0

#### AI Testing in Other Poultry Sectors (Non-LBM)

AI testing was also performed in commercial egg-layer flocks (eight), backyard and exhibition flocks (61), raised-for-release upland game bird flocks (three), raised-for-release upland game bird flocks (three), and egg-type multiplier flocks (seven). For these flocks, there were 395 RRT-PCR tests and 1,439 AGID tests conducted during 2021. The total

number of birds tested (non-LBM) was 4,861. All results from NPIP testing were negative for avian influenza.

In 2022 there were 10 detections of HPAI in New York poultry flocks in eight counties. Most of these detections were in backyard flocks. The Division of Animal Industry worked closely with other government stakeholders to respond to these incidents. Additionally, DAI has been active in the permitting of birds entering New York from HPAI control areas to ensure continuity of business in both our state and other affected states. Approximately 1000 permits have been approved in New York since April 2022.

### *New York State Cattle Health Assurance Program*

The New York State 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 2022, there were 610 active farms in NYSCHAP: 408 dairy farms, 101 beef herds, 95 sheep and goat farms, and six other farms.

NYSCHAP covers approximately 37% of New York State dairy cows, or approximately 230,000 dairy cows of the 630,000 total dairy cows in the state. Out of the approximately 3,500 dairy farms in New York State, 12% of these participate in NYSCHAP. Approximately 40% of the 15.0 billion pounds of milk produced in New York State annually is from NYSCHAP farms.

In 2022:

- there were 41 new enrollments in NYSCHAP (11 dairy, 11 beef, and 19 sheep and goat herds);
- 250 NYSCHAP visits occurred;
- there were various outreach activities to promote NYSCHAP, including presentations and articles published on herd health; biosecurity; disease identification, prevention, and control; animal care; food safety; and drug residue avoidance;
- the NYSCHAP course resumed at the Cornell Veterinary School. Seven third- and fourth-year veterinary students interested in food animal medicine attended the course. The course included identification, prevention, and control of cattle diseases; addressing herd management challenges; and herd planning. Three farm trips allowed the students to work through the NYSCHAP process and begin their NYSCHAP certification; and
- program initiatives included:

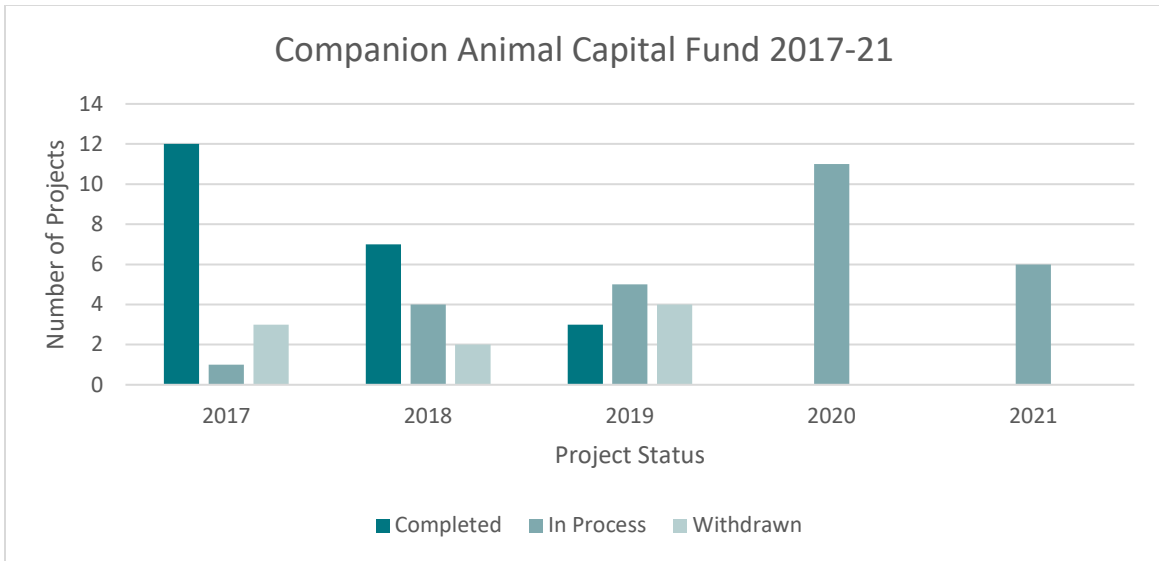
- the NYS Grown & Certified program added NYSCHAP as a Food Safety and Animal Health Quality Assurance Program that their farms can utilize to meet their food safety requirement;
- the division worked with Cornell to create additional subsidized testing for NYSCHAP and New York State Sheep/Goat Health Assurance Program (NYSSGHAP) farms to manage common herd/flock diseases; and
- an Ovine Progressive Pneumonia (OPP) Certification Program was created for NYSSGHAP sheep farms. This program will help New York sheep farms eradicate OPP in their flocks through testing and proper management.

### *Dog Control Officers and Municipal Shelters*

DAI field staff are responsible for evaluating the conduct of dog control officers (DCOs) and municipal shelters. There are 413 DCOs and 240 municipal shelters in New York State. Routine inspections occur on an annual basis. All shelter inspections are unannounced. DAI staff conducted 643 DCO inspections and 335 municipal shelter inspections in 2022. Inspectors assess transport, housing, veterinary care, and disposition of seized dogs as required under AML Article 7, Sections 113, 114, and 117 and NYCRR Title I, Parts 77, 78, and 79.

### **Programs**

Through the Companion Animal Capital Fund (CACF), grant funds in the amount of \$6 million were available for the costs of capital projects, including construction, renovation, rehabilitation, installation, acquisition, or expansion of buildings, equipment, or facilities necessary for the care of sheltered dogs and cats. DAI staff monitored 27 projects throughout 2022. Of those, 17 contracts are currently active from previous grant cycles. Since the start of the grant program, twenty-two construction projects were completed; nine entities withdrew from their contracts primarily due to COVID-19 hardships.



## Federal/Interstate Activity

### *Interstate Movement of Livestock*

Division staff examine Certificates of Veterinary Inspection (CVIs) for animals imported and exported in and out of the state. In 2022, DAI clerks processed a total of 35,812 CVIs for animals imported into New York, and 12,416 CVIs for animals exported.

The following table shows the distribution by species.

Export CVIs		Import CVIs	
Bovine	2,378	Bovine	1,507
Equine	7,800	Equine	9,466
Swine	389	Swine	539
Ovine	248	Ovine	230
Caprine	243	Caprine	219
Cervid	30	Cervid	7
Camelidae	192	Camelidae	100
Avian	14	Avian	85
Canine/Feline	1,122	Canine/Feline	23,659

### *Foreign Animal Disease Investigations*

DAI has ten 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 58 FAD investigations on numerous species including seven bovine, one swine, 20 rabbits, two goats, and 28 poultry. All



laboratory results were negative for foreign animal diseases, except for several premises that tested positive for highly pathogenic avian influenza.

DAI field staff conducted 144 inspections of swine feeder premises in 2022. These inspections provide the opportunity to disseminate information on garbage feeding prohibitions, foreign animal diseases (African Swine Fever and hog cholera or 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.

## Aid-to-Localities

The division received federal funding to provide official radio-frequency identification (RFID) ear tags to producers to help move towards a proposed federal transition to exclusive use of RFID tags. In 2022, 210,760 tags were distributed.

## Food Laboratory

### Staffing

In 2022, the Food Laboratory had 33 permanent staff. Senior staff at the Food Laboratory have degrees in the natural sciences, with majors in biology, chemistry, environmental sciences, microbiology, or other related fields. Additional temporary staff scientists work under the supervision and direction of other Food Laboratory personnel.

### Licenses and Accreditations

The Food Laboratory holds accreditation from the International Organization for Standardization (ISO/IEC 17025:2017) and additional criteria established by the International Association of Official Analytical Chemists American Laboratory Accreditation Criteria Committee (AOAC-I ALACC). In 2022, the Food Laboratory performed testing on 63 chemistry proficiency samples (736 analyses with 99% acceptable results), 41 microbiological proficiency samples (22 analyses with 100% acceptable results), and three Pesticide Data Program (PDP) proficiency rounds (32 compounds reported with 100% acceptable results). Participation in proficiency testing programs is necessary to maintain the Laboratory's ISO accreditation status through the American Association for Laboratory Accreditation.

### Programs

In 2022, the Food Laboratory confirmed the presence of *Listeria monocytogenes* (in raw milk and buffalo-style chicken deli meat) and *Salmonella* species (in raw cow's milk). It also

played a role in testing more than 90 environmental samples as part of a local investigation on determining the source of *L. monocytogenes* contamination.

## Federal/Interstate Activity

The Food Laboratory managed a cooperative agreement with the USDA Agricultural Marketing Service to support the PDP. In 2022, the Laboratory continues as a grantee of the FDA Laboratory Flexible Funding Model. FDA offered nine project options; the Food Laboratory proposed five projects and received funding for all of them. These funds are used to increase the amount of testing for biological and chemical contaminants and maintain the whole genome sequencing program. Twenty-four data packages of violative samples were shared with the FDA. One of the results triggered a firm to voluntarily recall its product nationwide. Four other results triggered one foreign supplier to be added to the Import Alert (based on FDA and State samples), and FDA entered import screening into their database for the remaining three samples.

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

## Analytical Tests and Outcomes

In 2022, the Food Laboratory received 20,016 samples and performed approximately 436,197 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, or color additives; contamination with filth, spoilage, or tetrahydrocannabinol (THC); and the presence of foodborne pathogenic bacteria. Approximately 93% of samples were found to be properly labeled and/or free of contamination or adulteration. A total of 154 recalls were triggered by laboratory test results.

Per the Food Laboratory's USDA cooperative agreement concerning the PDP, the Laboratory reported results of 1,796 samples, resulting in the generation of 377,160 results for pesticide residues. Of those, 94 samples 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 32<sup>nd</sup> year and has nine participating states, including New York State.

The Food Laboratory also performed analytical testing on samples received from various external sources. These included samples involved in investigations of animal poisoning (Cheektowaga Police Department), food contaminated with lead (New York State Department of Health), consumer complaint about allergic reactions after consuming ice

cream (joint Department and FDA investigation), chicken pate contamination with *Campylobacter* species (Massachusetts State Department of Public Health), and *Salmonella* outbreak foodborne illness investigations (New York State Department of Health).

Through the National Conference of Interstate Milk Shipments' Split Sample Program, the Food Laboratory prepared 42 proficiency sample sets for the dairy laboratories certified by AGM's Division of Milk Control and Dairy Services. In addition, 14 states contracted with the Food Laboratory to have 40 proficiency sample sets prepared and shipped to certified dairy laboratories within their respective states. Additionally, the Laboratory also provided 124 sets of antibiotic residue samples to the same laboratories.

Source of Sample	Number of Samples Received	Number of Samples Reported <sup>(a)</sup>	Number of Tests <sup>(a)</sup>
Total	20,016	19,760	436,197
PDP	1,786	1,796	377,160
Division of Food Safety and Inspection Staff	2,726	2,786	59,037 <sup>(b)</sup>
Division of Milk Control and Dairy Services Staff	15,225	14,823	
Division of Plant Industry Staff	70	82	
Other <sup>(c)</sup>	209	273	

(a) Includes results from samples collected at end of 2021.

(b) Number represents the number of testing for AGM's divisions of Food Safety and Inspection, Milk Control and Dairy Services, Plant Industry, and others.

(c) Others: other New York State agencies, state or federal agencies, or proficiency testing providers.

Number of Samples Received (excluding PDP and Liquor Authority)	Number of Tests Performed (excluding PDP and Liquor Authority) <sup>(a)</sup>	Number of Violations
Total	18,226	59,029
Microbiology <sup>(b)</sup>	13,936	30,142
Chemistry <sup>(c)</sup>	4,290	28,887

(a) Includes results from samples collected at end of 2021.

(b) Microbiology testing includes total aerobic plate counts, total coliforms, *Escherichia coli*, *E. coli* O157:H7, *Salmonella enterica*, *Listeria monocytogenes*, *Campylobacter coli*, *C. jejuni* and *C. lari*, *Staphylococcus aureus* (Staph), staphylococcal enterotoxins (SET), 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 harmful allergens, preservatives, and artificial colors, specific chemical hazards such as toxic

metals, aflatoxins, antibiotic residues, and the identification of impurities, proficiency testing analysis request, and plant industry related analysis.

Number of Samples Tested for the Division of Plant Industry		Number of Violations
Total	82	41
Fertilizer	69	38
Lime	11	3
Industrial hemp (THC only)	2	N/A*

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

## Continued Research

As a leader in 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 work actively with partners to determine safe limits of contaminants such as environmental chemicals, heavy metals, and suspected carcinogens. In 2022, the Food Laboratory collaborated with AGM’s Division of Food Safety and Inspection and the New York State Department of Health’s Bureau of Toxic Substance Assessment to publish a manuscript entitled “Regulatory Policies for Heavy Metals in Spices – a New York Approach” in the Journal of Regulatory Science. The article focused on determining reasonable limits for inorganic arsenic, cadmium, and lead in spices.

Results of collaborative work on whole genome sequencing between the Food Laboratory and the Facultad de Medicina Veterinaria y Zootecnia (Ecuador) were presented in France during the International Symposium Salmonella and Salmonellosis. The title presentation was “Investigating the Dynamics of Salmonella Contamination in Integrated Poultry Companies using a Whole Genome Sequencing Approach.”

The Food Laboratory was accepted as one of the host laboratories for a fellowship program run by the Association of Public Health Laboratories (APHL) and Centers for Disease Control and Prevention (CDC). This fellowship program is a partnership between APHL and CDC to train and prepare scientists for careers in public health laboratories and support public health initiatives. In 2022 and 2023, in a joint placement with AGM and the New York State Department of Health, a fellow is working on projects of interest for the Food Laboratory and the Wadsworth Center.

Also in 2022, FDA selected the Food Laboratory to host an FDA training video on the Advanced Instruments Fluorophos Test for the detection of alkaline phosphatase in milk.

Finally, the Food Laboratory hosted tours for visitors from the Light and Health Research Center (Icahn School of Medicine at Mount Sinai); the USDA Food Emergency Response Network program; the New York State Executive Chamber; and SUNY Cobleskill.

## Food Safety and Inspection

### Staffing

The Division of Food Safety and Inspection (FSI) has a permanent staff of 144, 103 of whom are in field-based positions with the rest assigned to offices in Albany, Buffalo, Rochester, Syracuse, New Windsor, Hauppauge, and Brooklyn.

### Licenses

In 2022, the division issued the following licenses:

Licenses	Number Issued During 2022
20-C Food Processing Establishments	10,906
Article 28 Retail Food Stores	3,511
Article 28 Food Warehouses	774
Slaughterhouses	9
Food Salvagers	12
Refrigerated Warehouses	1
Inedible Meal Disposal Plants and Vehicles	6
Inedible Meat Transportation Service and Vehicles	5
Pet Food Brands Registration	654
Feed Tonnage	469
Feed Facility Registrations	33
Commercial Feed Licenses	97
Home Processor Registrations	1,872

### 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 101 license revocation hearings and 79 injunction actions in 2022.

In 2022:

- 482 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; and
- FSI participated in produce safety outreach, including:
  - attendance at multiple Produce Safety Alliance trainings;
  - attendance at several On Farm Readiness Reviews, non-regulatory farm visits designed to assist with the interpretation of the produce safety rule;
  - distribution of New York State produce safety rule documentation; and
  - publication of media advertisements regarding the availability of produce safety resources.

## Federal Activity

FSI conducts manufactured food inspections for FDA under a contract agreement. Through this agreement, it conducted 198 inspections during 2022. This included 112 FDA contract Good Manufacturing Practice (GMP) inspections as well as completed 33 Preventive Controls inspections under the FDA contract.

The Manufactured Foods Regulatory Program Standards 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.

New York State 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.

The Produce Safety program established an on-farm produce inspection unit within FSI. The Produce Safety Unit conducted 121 produce safety inspections during 2022.

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 36,000 regulated food establishments on a routine basis. Inspectors performed 29,498 on-site inspections in 2022 and 75% of those inspections were found to be in substantial compliance with

department health and safety requirements. During 2022, the Division also conducted 169 Preventive Controls for Human Foods inspections.

Food inspectors collect routine and for-cause food samples at regulated food establishments. Inspectors submitted 2,786 food samples to the Food Laboratory in 2022, with 9% of those samples found to be in violation. Food inspectors executed over 2,264 food seizures in 2022 (for adulterated or misbranded food items), resulting in over 281,558 pounds of food seized. Inspectors also investigated 2,157 consumer complaints in 2022.

The Farm Products Unit conducted produce grading inspections, inspecting more than 169 million pounds of produce and issuing more than 3,000 certificates in 2022 on behalf of USDA. A summary of all FSI efforts in 2022 is listed in the table below.

Activity	Total
Food Safety Inspections	29,498
FDA Contract Inspections	198
Compliance Rate (% passing inspections)	75%
Number of Consumer Complaints	2,157
Number of Food Seizures	2,264
Food Seized (pounds)	281,558
Number of Food Samples	2,786
Percent of Food Samples That Were Violative	9%
Number of Feed Samples	463
Feed Samples That Were Violative	50 (11%)
Number of Food Recalls	154
Number of Hearings Requested	101
Number of Injunctions Requested	79
Number of Penalties Issued	3,752
Human Food Licenses Processed	15,204
Animal Food Licenses/Registrations Processed	130
Produce Safety Inspections	121
Terminal Market Inspection Certificates (pounds graded)	64,985,069
Shipping Point Inspection Certificates (pounds graded)	101,680,104
Pesticide Date Program Sampling	1,500
County of Origin Labeling Audits	207
Good Agricultural Practices Audits	219
Poultry Voluntary Residence Grading (Number of Cases of Eggs Graded)	44,965
Poultry Grading (number of pounds)	0
Poultry Shell Egg Surveillance (Number of Cases of Eggs Inspected for Quality)	31,592
Quality Control	0
Shipping Point Contract Inspections (pounds graded)	3,338,400
New York State Branding Law (number of establishments)	260



# 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.

## Programs

The division, in partnership with the New York State Soil and Water Conservation Committee (State Committee), 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 2022, staff assisted New York's 58 county Soil and Water Conservation Districts (SWCDs) across the state in a wide array of operations, programs, and project areas. Division field-based staff work closely with SWCD staff and boards 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 communicate program deadlines, funding opportunities, State Committee policies, and significant achievements.

Division staff work with the State Committee to deliver four programs: the New York State Agriculture Nonpoint Source Abatement and Control Program (AgNPS) for the implementation of best practices to address on-farm water 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 the impacts of a changing climate; and the State Aid to Districts Program, designed to help SWCDs increase and maintain capacity to carry out natural resource management programs.

The division also administers programs to maintain viable agricultural lands and farm operations and the production of crops, livestock, and livestock products through its agricultural districts and farmland protection programs. This includes all elements of AML Article 25-AA (Agricultural Districts) and AML Article 25-AAA (Agricultural Protection and Development).

Each agricultural district in New York State is reviewed every eight years. At the end of 2022, there were 151 agricultural districts, providing benefits to 26,182 farms, totaling 9,204,174 acres. In 2022, 18 eight-year reviews were completed, and 33 counties provided annual inclusions to 51 agricultural districts.

During 2022, the division processed numerous formal and informal responses to requests for review of local laws and ordinances. It conducted eight formal 305-a investigations. No agriculture in nature opinions were provided in 2022; however, the Department responded to several dozen eligibility inquiries. One landowner declined a sound agricultural practice investigation. Additionally, the division processed 130 Notices of Intent (NOIs) and seven waivers to minimize adverse impacts on agriculture from commercial utility projects. The Department continues to see a high volume of notices, which is predominantly due to the siting of commercial solar arrays on agricultural lands within agricultural districts. More specifically, the Department received 97 NOIs concerning solar development totaling 541 megawatts (MW).

Since August 2021, the Agricultural and Farmland Protection Program has protected over 12,200 acres of viable agricultural lands from conversion to non-farm uses through perpetual agricultural conservation easements on 26 farms. Overall, more than 104,000 acres on 363 farms have been permanently protected to date.

The division is also a statutory party under Article VII and Article ten of the Public Service Law (PSL), as well as the new Executive Law 94c, for the review and mitigation of agricultural impacts resulting from the construction and maintenance of major fuel gas pipelines, utility-scale wind electric generating facilities, and utility-scale solar photovoltaic and energy generating facilities. In 2022, there were nine active high-voltage electric transmission projects certified under Article VII of the PSL, totaling over 651 miles. The 2022 renewable energy projects exceeding 25 MW included 13 utility-scale wind energy generation facilities and 23 photovoltaic solar energy projects. These utility-scale energy generation projects together represent more than 5,423 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. Significant active grants in 2022 are listed below.

- Farmland Protection Implementation Grants Program: In 2022, there were a total of 34 awards to protect 10,905 farmland acres issued in response to the RFA to purchase perpetual agricultural conservation easements.
- Farmland Protection Planning Grants Program: Three municipalities and three counties were awarded a total of \$215,000 in 2022.
- AEM Program: The 2022-2023 (Round 17) AEM Base Funding Program made available \$12.2 million to reimburse SWCDs' technical assistance time and provide financial assistance to farmers for the implementation of Best Management Practices (BMPs). Round 17 builds on the successful outcomes of the previous AEM Base Contract Round 16, where approximately \$9 million was made available to

reimburse SWCDs for technical assistance provided to farms and \$3 million was made available to cost-share 160 projects on 152 farms including 390 conservation BMP systems.

- Climate Resilient Farming Grant Program: Round six awards were issued in 2022 totaling \$8.4 million. AGM received 69 applications totaling \$13.2 million, exceeding available funding. In 2021, 12 contracts were completed.
- AgNPS Program: Round 28 awards were issued in 2022 totaling \$13.1 million. AGM received 80 applications totaling \$29 million, exceeding available funding. In 2022, 50 contracts were completed.
- State Aid to Districts Program: \$14.5 million was awarded to all 58 SWCDs under the annual State Aid to Districts Program. Funding is distributed through three components: Part A, which reimburses SWCDs for technical services up to \$60,000; Part B, which provides conservation project financial assistance up to \$6,000; and Part C, which awards funding based on meeting performance measures utilizing the balance of funding. This funding year represents the highest amount of state aid ever provided to SWCDs. A SWCD that earned full aid payments received a total of \$245,000.

## New York State Soil and Water Conservation Committee

The State Committee is an agency of the State that is housed within the division. The Department provides administrative, leadership, and staff support for the State Committee, which was established through Soil and Water Conservation District Law in 1940. State Committee voting membership is comprised of five voting members who are appointed by the Governor to serve five-year terms. Soil and Water Conservation District Law further states that representatives from nine agencies shall serve as advisory or consulting members of the State Committee. These advisory agencies are:

- New York State Department of Agriculture and Markets
- New York State Department of Environmental Conservation
- USDA Natural Resources Conservation Service
- College of Agriculture and Life Sciences (CALS), Cornell University
- New York State Conservation District Employees' Association
- SUNY College of Environmental Science and Forestry (ESF)
- Cornell Cooperative Extension
- New York State Department of State
- New York State Department of Health

This collaborative and cooperative approach is important to continue the advancement of common natural resources conservation goals and support of SWCDs. The State

Committee met nine times in 2022 including a special meeting held in November to conduct a conservation tour in the Lake George/Lake Champlain region. The tour focused on SWCD collaboration with a local community college, urban agriculture, municipal stormwater pollution prevention, and soil health.

## Wood Products Development Council

The Wood Products Development Council (WPDC) works with wood-using manufacturers to increase the economic contributions and employment opportunities related to the practice of forestry and manufacture of wood products in the State, giving priority to increasing export and market opportunities for New York Forest products. The Council is composed of 13 members, including the Commissioner of Agriculture and Markets, the Commissioner of Environmental Conservation, and the Commissioner of Empire State Development as ex-officio members, and ten industry representatives appointed by the Governor. Administrative responsibilities for the WPDC were recently transferred to the Division of Land and Water Resources from the Division of Agricultural Development. There are currently three active contracts that include statewide economic analysis of the forestry and wood products industry, including an assessment of impacts to New York State economic development regions. These are inclusive of Climate and Applied Forest Research Institute (CAFRI) work totaling \$2 million. The division is actively working with project principals at SUNY ESF and Cornell CALS to complete programming associated with the WPDC and CAFRI.

## Milk Control and Dairy Services

### Staffing

The Division of Milk Control and Dairy Services (MCDS) has a permanent staff of 56. Most of the staff are field based; 16 are assigned to the Albany headquarters. The field staff conduct public health inspections across the nearly 350 permitted facilities and oversee 98 Certified Milk Inspectors (CMIs), who provide direct oversight to New York's nearly 3,200 dairy farms.

### Licenses

The division licenses milk plant operators, producer cooperatives, milk distributors, haulers, and brokers. The number of issued and active licenses in 2022 is as follows:

Licenses	Number Issued and Active
Milk Dealers (haulers, brokers, bargaining cooperatives)	125
Distributors	232
Plant Operators	97
Operating Cooperatives	17
Frozen Dessert Handler	120
Frozen Dessert Manufacturer	122
Part 2 Processing Permits	407
Milk Receivers	4,194
Bacteria Licenses	1,035
Processing Plant Superintendents	282
Certified Milk Inspectors	95
Equipment Installers	276

## 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 state fiscal year 2021-2022, this fund secured the milk purchases of about 45 licensed dealers. The fund balance as of February 28, 2023, was \$12.5 million.

### *Western New York Milk Marketing Order*

The Western New York Milk Marketing Order is responsible for setting the producer prices and value of milk marketed in the western third of New York State that is not otherwise covered by the federal milk marketing 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 New York State Dairy Promotion Order collects ten cents per hundredweight of milk produced in New York State 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 \$15.35 million was collected to fund these marketing and research programs.

## *Statistics*

MCDS staff process approximately 4,000 monthly statistical reports each year 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 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 initiatives and 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.

## **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 participates in several other regulatory discussions with groups, including the Interstate Milk Shippers Program, the Dairy Practices Council, the FDA Atlantic Midwest Dairy Equipment Review Committee, the National Association of Dairy Regulatory Officials, and the 3-A Sanitary Dairy Equipment Standards. 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 4,506 on-site inspections in 2022: 2,855 milk plant sanitary and pasteurizer inspections and 1,651 milk receiver inspections and bulk vehicle inspections.

Per the PMO, every milk and dairy product must be sampled every month. MCDS staff submitted 15,875 product samples in 2022. Of those, 12,799 were sampled for regulatory analyses with public health significance and were submitted to the Food Laboratory for testing.

In addition, every dairy farm in New York State is inspected at least twice a year by a CMI who is certified by AGM. In 2022, CMIs conducted approximately 10,000 dairy farm inspections, reviewing the sanitary conditions of farms, the health of cows, and the health of the farm's employees. AGM conducted 286 evaluations of CMI proficiency in 2022.

Division laboratory evaluation officers conduct full on-site evaluations once every two years in 91 milk testing laboratories. Each laboratory 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 2022. These included:

- presenting on multiple topics at the New York State Association for Food Protection annual conference;
- presenting annual outreach in four regional locations to about 98 CMIs;
- presenting two virtual processing plant superintendent seminars to the nearly 350 permitted facilities; and
- conducting two office conferences on compliance and enforcement corrective action plans.

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

- provided an annual weeklong training for new CMIs;
- conducted three hands-on pasteurization training courses; and
- educated dairy laboratory staff in a virtual seminar covering approximately 91 industry laboratories.

## Plant Industry

### Staffing

The Division of Plant Industry consists of 53 permanent employees, including office staff and field staff. The division also hires up to 90 seasonal employees to work on survey and eradication programs.

## 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 4500 nursery grower and dealer inspections in 2022. Division inspectors also inspected and certified over 900 domestic and foreign shipments to leave New York State. Inspection activities in 2021 are summarized as follows:

Nursery Grower Inspections	2,520
Nursery Dealer Inspections	1,980
Shipment Inspections (incoming domestic and foreign)	6
Shipment Inspections (incoming foreign)	3
Shipment Inspections (outgoing domestic)	449
Shipment Inspections (outgoing foreign)	389

## Plant Regulatory and Quarantine Programs

### *New York State Hemp Program*

The 2022 hemp growing season was the first season administered under the USDA-approved New York State Hemp Program plan and the parameters established in the 2018 federal Farm Bill. Prior to 2022, all hemp production in New York State was done under the authority of the now expired Industrial Hemp Agricultural Research Pilot Program.

The expiration of the Pilot Program forced the expiration of 750 hemp grower licenses in New York State. Consequently, the New York State Hemp Program began in 2022 with no licensed hemp growers. The Department began taking applications for the 2022 growing season on January 1, 2022, and by the end of the year had issued 241 hemp grower licenses. For the first time in 2022, the Department began licensing retail hemp seed sellers. A total of 23 hemp seed retail licenses were issued in 2022.

A significant change that occurred in 2022 was that Division of Plant Industry horticultural inspectors were no longer the primary sampling agents for hemp growers. Instead, growers contracted with certified sampling agents to take the required hemp samples for THC testing. Similarly, the Department’s Food Laboratory was no longer the primary testing facility for hemp samples. Beginning in 2022, hemp sample THC tests were conducted at the grower’s expense at private labs recognized as qualified by the Department.

To ensure enough sampling agents and laboratories, the division trained and certified 58 sampling agents and identified 22 labs that had the qualifications to conduct hemp sampling for New York growers.



Like recent years, 2022 was a challenging year for hemp growers who continued to deal with the fallout of the COVID-19 pandemic, weather conditions that were less than ideal, and a chronic oversupply of hemp that kept prices low.

In late 2022, the division coordinated the efforts of a Hemp Fiber and Grain Workgroup to explore ongoing research into the uses of hemp and to discuss the need for hemp fiber and grain processing facilities in New York State. Additionally, the division increased the number of licensed hemp growers from zero to 241 in 2022. Of the 241 licensed growers, 102 planted hemp in 2022 on approximately 115 acres outdoors and approximately 80,000 square feet indoors.

### *Box Tree Moth*

The Division of Plant Industry surveyed for the invasive pest box tree moth (*Cydalima perspectalis*) (BTM), which was first detected in Niagara County in 2021. Traps and visual surveys were used to monitor for BTM at high-risk nurseries within the established quarantine area.

A total of 142 traps were deployed at 71 high-risk establishments in and around the BTM quarantine. BTM in various life stages were found during trapping and visual surveys within Niagara County. In 2022, there was an adult detection of BTM in Erie County which was a first for this county. Visual surveys for BTM were conducted at 135 nursery growers and dealers within the quarantine; 66,709 Buxus plants were inspected for any signs of BTM; infested host material was placed under quarantine.

Outside the quarantine area visual surveys were conducted at 366 nursery grower and dealers with a total of 79,821 Buxus plants inspected for any signs of BTM. BTM trapping surveys concluded at the beginning of November 2022 and visual surveys concluded in December 2022. No signs of BTM were observed outside the quarantine area.

### *European Cherry Fruit Fly*

European cherry fruit fly (*Rhagoletis cerasi*) (ECFF), is a pest of sweet and tart cherries of the Prunus species. ECFF also feeds on Lonicera, commonly known as honeysuckle, and other plants. This insect is native to Europe and parts of Asia. It was first discovered in New York State in 2017. The quarantine area for European cherry fruit fly remained unchanged for 2022 and includes the counties of Niagara, Erie, Orleans, Monroe, and Wayne. No orchard trapping was conducted this growing season. Division personnel conducted float tests in the orchards of all fresh cherry fruit that would be leaving the quarantine area. 520 pounds of cherries were collected to conduct 260 in-orchard float tests. No ECFF larva was found. No other insect larva was found. Cherries leaving New York State were also float tested prior to leaving the quarantine area at approved packing house receiving stations. No ECFF larva was found. No other insect larva was found.

## *Asian Longhorned Beetle*

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

Although 16 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. In 2022, areas were targeted for a final survey based on risk models provided by the United States Forest Service. Since no signs of infestation were found in those areas, the Department plans to reduce its quarantine area by approximately 25%.

## 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. To effectively manage and control the movement of wood and ensure proper disposal and destruction of host material, the program trains and educates green industry professionals on ALB regulations.

Once trained, the companies are issued a compliance agreement requiring them to inspect host wood for infestation and properly dispose of it in an approved manner.

In 2022, the division:

- monitored 514 general compliance agreements, which included five nursery/garden center agreements;
- made 1,076 site inspections along with 343 vehicle inspections;
- issued nine regulated material certificates for firewood inspections;
- issued three quarantine orders and three limited permits to authorize controlled movement of regulated materials; and
- issued one violation for improper disposal of ALB host wood.

The ALB program continued to place high priority on outreach, education, and training to bring awareness and understanding of this destructive pest to the public's attention. The division provided 16 on-site compliance trainings; one compliance training workshop; and additional trainings to 48 individuals and 17 companies and organizations. The division exhibited a regulatory booth with inspectors educating and answering questions at a conference focusing on the landscape, arborist, and green industry.

### *Golden Nematode*

The golden nematode (GN) is a destructive potato pest which threatens New York State's potato industry and other solanaceous crops. It is extremely difficult to eradicate GN since it is undetectable at low levels and can persist in soil for up to 30 years. New York is the only state in the United States that has a quarantine in place for this pest. Since the 1940s, New York State, in cooperation with the USDA, has maintained an effective and comprehensive control program to minimize golden nematode. Managing and regulating GN protects the export of New York potatoes, nursery stock, and other agricultural commodities which are exposed to soil. This work has successfully kept GN controlled within New York State and prevented the spread to other states.

### GN Management Activities

In 2022, the division:

- sanitized farm and construction equipment (293 power washed, 14 steam heat treated) to prevent the spread of GN via soil movement;
- collected potato leaf samples from 29 fields for DNA analysis to confirm adherence to the resistant variety crop rotation. All fields complied;
- reached its original goal to deregulate 90% of regulated acreage, in cooperation with USDA. On September 21, 2022, 11,648 acres were released from regulation in Southold Township and the quarantine amended. This brings the total of acres removed from the GN quarantine to 1,198,288 with 90,307 acres still under regulation. Work is continuing to reduce this regulated acreage in eight remaining counties; and
- issued 31 compliance agreements to ensure other agencies or businesses are aware of and follow any GN restrictions.

Systematic soil surveys are conducted cooperatively with the USDA in potato producing areas of New York to monitor for GN and to confirm that currently regulated fields are below detectable levels of GN cysts. In 2022, 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. A total of 2,322 samples from 51

fields comprised of 542.23 acres in nine counties were collected and sent to the USDA Avoca Lab for testing. Results are pending.

### *Plum Pox Virus*

Plum pox virus (PPV) was declared eradicated from New York in 2021. Post eradication surveys for plum pox virus continue to be important due to the presence of plum pox virus in areas of Ontario, Canada adjacent to western New York State. Monitoring surveys for plum pox virus will be incorporated into the 2023 routine stone fruit commodity survey. Niagara County remains under a propagation ban for stone fruit due to the risk posed from PPV in Canada.

The eradication of plum pox virus from New York State was possible due to the strong cooperation among the USDA, New York State Agriculture and Markets, Cornell University, and stone fruit producers in New York State.

### *Spotted Lanternfly*

Spotted lanternfly (*Lycorma delicatula*) (SLF), is a planthopper native to China, India, and Vietnam. SLF feeds on 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 infested areas. SLF was first detected in the United States in Pennsylvania in 2014, and established populations have since been confirmed in 14 states. Strategies for monitoring and control of SLF are continuing to be developed, as this pest has only recently been established as an invasive species in the United States, and its biology is still not fully understood.

A total of 757 traps were deployed to monitor for presence of SLF in high-risk areas of New York State. Trapping results, visual inspections, and response to public reports verified SLF presence in 2022 in Albany, Broome, Delaware, Erie, Greene, Nassau, Onondaga, Orange, Rockland, Suffolk, Sullivan, Tioga, Tomkins, Ulster, and Westchester Counties, and all five boroughs of New York City. In 2022, inspectors surveyed 6,241 properties representing 70,129 acres. Trapping, physical removal of SLF nymphs and adults, and egg-mass scraping were performed in all affected counties. Reports from throughout the state are to be investigated to detect any additional populations. As part of horticultural inspectors' daily routines, 273,000 plants at 415 establishments were inspected for signs of spotted lanternfly infestation.

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 spotted lanternfly; 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 the year to ensure compliance with the quarantine.

### *Oak Wilt*

Oak wilt is a disease of oak trees caused by a fungus that develops in the tree's xylem. All oaks are susceptible to this fungus. Oak wilt was first confirmed in New York in Schenectady County in 2008 and resurfaced after treatment in 2013.

In 2016, oak wilt was then 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 these detections the New York State Department of Environmental Conservation has enacted a protective zone within the following counties of New York: Suffolk, Kings, Ontario, Schenectady, and Yates. In 2022 the Department of Environmental Conservation detected oak wilt in the Town of Bristol, Ontario County, and the Town of Middlesex, Yates County. At each site, four infected trees were detected and destroyed.

The Department of Environmental Conservation is currently conducting visual surveys, collecting leaf and branch samples of symptomatic material for diagnosis, and eradicating infected material to control the spread of the pathogen within each protective zone. AGM may authorize the movement of oak nursery stock out of a protective zone under a compliance agreement and a limited permit issued by a horticultural inspector. In 2022, the division issued 32 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 2022.

### *Beech Leaf Disease*

Again in 2022, 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 New York State. Seventeen horticultural inspectors completed visual surveys of beech nursery stock for symptoms of beech leaf disease. In total almost 6,500 host trees were surveyed at 117 sites with a positive detection of the pathogen found during a routine inspection. Due to this detection, quarantine and corrective action were taken.

The New York State Department of Environmental Conservation surveyed for the presence of beech leaf disease. Fifteen New York counties were confirmed in 2022 for the presence of beech leaf disease from samples confirmed by Cornell University Plant Disease Diagnostic Clinic.

## Aid-to-Localities

The division administered several research contracts with Cornell University and grower organizations based in New York State. 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 New York State.

## Federal/Interstate Activity

The division managed 15 cooperative agreements awarded by the USDA. These included both plant-pest surveys and 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 Plant Protection and Quarantine program and the United States Forest Service.

## Commodity Inspection, Sampling, and Analysis

### *NYS Seed Testing Laboratory*

The New York State Seed Testing Laboratory (NYSSTL) received 624 service samples consisting of 194 species, of which 623 samples were completed. Samples were submitted from 72 New York growers, and one grower each in Pennsylvania and Vermont. Service sample testing consisted of:

	Number of Tests 2018	Number of Tests 2019	Number of Tests 2020	Number of Tests 2021	Number of Tests 2022
Germination	624	665	764	903	765
Purity	123	107	122	91	82
Cold Test	65	64	48	125	55
Fluorescence Test	0	6	0	0	0
Moisture	5	18	12	13	11
Seed Count	3	16	5	7	11
Rush	5	1	1	0	2

The table below shows service samples by crop category.

	2017	2018	2019	2020	2021	2022
<b>Agriculture</b>	49.60%	36.75%	37.40%	38.54%	29.53%	27.2%
<b>Flower</b>	2.99%	13.09%	21.55%	25.07%	22.69%	14.08%
<b>Lawn</b>	7.37%	12.15%	1.90%	4.87%	6.84%	4.16%
<b>Range/Restoration</b>	1.79%	2.05%	0.32%	0.00%	0.00%	0.00%
<b>Tree</b>	0.00%	0.63%	0.00%	0.00%	0.00%	0.16%
<b>Vegetable</b>	38.25%	35.33%	38.83%	31.52%	40.94%	54.40%

The NYSSTL received 213 regulatory samples for testing, of which 202 were completed. Ten 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*

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

In 2022, 215 seed samples were taken and analyzed. Of the samples, 75% were found to be accurately labeled. Approximately 30 seed labelers were sampled.

Seed	Turf/Lawn	Flower	Agriculture	Vegetable
<b>Samples Analyzed</b>	47	1	136	18
<b>Samples in Compliance with Labeling</b>	36	0	109	8
<b>Samples with Violations</b>	11	0	33	6

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

In 2022, 60 commercial fertilizer samples were obtained for analysis and comparison to their labeled guarantees. Of the fertilizer products sampled, 49 percent were found to be compliant to their stated guarantees. In addition, seven agricultural liming materials were also sampled for analysis.

	Fertilizer	Lime Brands	Soil and Plant Inoculants
<b>Firms or Brands Licensed</b>	619	170	808
<b>Samples Taken</b>	60	7	N/A

### *Ammonium Nitrate Inspection*

In 2021, there were nine establishments registered as ammonium nitrate retailers. Ammonium nitrate retailers in state are subject to quarterly inspections by New York State horticultural inspectors. An annual inspection is done in conjunction with the New York State Department of Homeland Security and the New York State Police Counterterrorism Unit. All facilities in the state were inspected and found to be following the regulations.

### *Stop Sale Orders*

AGM issued 76 Stop Sale Orders on seed, fertilizer, lime and soil and plant inoculants. These orders were issued for out-of-date seed, unlicensed products, or improperly labeled products.

## **Invasive Species and Noxious Weeds**

### *Regulated Invasive Species*

During 2022, there were 4,655 total grower and dealer inspections conducted by the division. Of those establishments, only 230 had plants regulated under Part 575. Including establishments that were re-inspected, there were a total of 238 inspections of plants regulated under Part 575. There were 332 individual prohibited plants detected at 18 establishments. A total of 115 total issues with plants regulated and prohibited under Part 575 were recorded. Of these issues, there were 95 instances of plants not properly tagged detected at 51 locations. The compliance rate for the invasive plant aspect of Part 575 remains very high at 99% of all inspected establishments. This is a good indication of the continued excellent cooperation the division has had from our regulated community.

Challenges in compliance occurred because of the addition of a new conditionally exempt cultivar of Japanese Barberry and confusion among suppliers concerning this change of the regulation. The change only exempts the specific conditionally exempt cultivar 'Mr. Green Genes,' not all varieties thought to be sterile.

The 95 issues found for regulated plants were typically for labeling deficiencies that were corrected either during the horticultural inspectors' visits or shortly after. There were 25 quarantines issued for prohibited plants. Quarantined prohibited plants were destroyed.



Of the inspections of establishments having plants covered by Part 575, 70% were compliant. This reflects a 11% rate of prohibited plant issues.

There was a total of 115 issues (regulated and prohibited) from a total of 230 establishments that had plants regulated under Part 575. This is an increase from years past to 50% of the segment of establishments that had plants regulated under Part 575.

The Department follows up with a reminder letter to all establishments found to be noncompliant of these regulations including out of state suppliers.

The Invasive species coordinator has engaged with all eight Partnerships for Regional Invasive Species Management (PRISMs) around the state. This has included attendance at 29 PRISM meetings and events. Division staff continue to participate and act in leadership roles with both the Invasive Species Council and the Invasive Species Advisory Committee.

### *Cooperative Agricultural Pest Survey*

The 2022 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 27 horticultural inspectors across New York. The State visual targets were boxwood blight and late blight on tomato. The federal visual targets were cucurbit beetle, Japanese Wax Scale, and southern bacterial wilt (*Ralstonia*).

Visual surveys were completed by horticultural inspectors at nursery and greenhouse sites. Surveys inspected for pests and diseases on multiple host plants. Over 2,600 sites and just over 9.3 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 Cornell University's Plant Disease Diagnostic Clinic in Ithaca, New York.

In addition, four other target species were surveyed: flighted spongy moth complex, oak ambrosia beetle, oak processionary moth, and tomato leaf miner. A total of 136 traps were deployed at 68 sites across the state. Horticultural inspectors submitted 13,272 specimens for determination. There were no positive target identifications made by the official identifier Insect Diagnostic Laboratory in the Department of Entomology at Cornell University.

All 2022 results were entered into the National Agricultural Pest Information System program. Federal and state visual targets from the highest predicted impact pest lists were used to evaluate a targeted survey of various plant commodity groups for 2022.

### *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 honeybee population.

The 2022 apiary inspection season began in April and ran through October with four apiary inspectors covering all counties within New York State. These inspectors:

- inspected 591 apiary yards made up of 11,302 colonies;
- issued 129 certificates for the sale of 4,815 nucleus colonies, 30,555 queens, and 58 full-sized colonies produced in New York;
- identified and abated 18 colonies infected with American Foul Brood in five beekeeping operations;
- issued 66 interstate certificates for movement of 48,880 colonies and 7,190 nucs to leave New York;
- participated for the third year in the multi-state, non-native wasp survey by trapping for invasive wasps in three locations within New York;
- supported the Cornell University Beekeeper Tech Team in its work to teach BMPs to New York beekeepers; and
- participated in the quarterly New England Lunch and Learn webinar series with four other New England states, an educational series for regional beekeepers.

New York was one of 42 states that participated in the National Honeybee Survey. Nineteen beekeepers were inspected and sampled in this survey.

The goals of the National Honeybee Survey are to identify potentially invasive pests, develop a baseline of colony health within the United States, and identify risk factors and protective factors that predict colony health and operational success over time. AGM inspectors collected bees and bee bread from eight colonies in each yard. The samples were analyzed for varroa mite and *Nosema* sp. levels, ten different viruses, and 204 different pesticides broken out as insecticides, herbicides, fungicides, and varroacides. The returned samples showed a clear correlation between beekeepers who migrated and pollinated multiple crops and increased pesticide and viral loads compared to stationary beekeepers who were not involved in pollination services and had lower levels of pesticides and viruses.

### *Northern Giant Hornet*

Northern Giant Hornet (formerly called the Asian Giant Hornet) reports continued in 2022. The state apiculturist and invasive species coordinator worked together to address these inquiries. In 2022, the public submitted 651 reports of suspected Northern Giant Hornet.

None of these reports were confirmed as Northern Giant Hornet. The Cornell Insect Diagnostic lab also assisted with determining some of the less common lookalike species. Most of the reports were identified as European Hornet, which has been established in North America for some time.

## Weights and Measures

The Division of Weights and Measures is responsible for assuring measurement accuracy and uniformity in commerce throughout New York State 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 New York State get what they pay for, and businesses enjoy a marketplace based on fair competition.

### Staffing

The division had 21 permanent staff in 2022, including 11 weights and measures field specialists, three laboratory metrologists, two 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.

2022	Number Tested	Revenue
Large-Capacity Vehicle Scales	33	\$6,600
Airport Refuelers	113	\$11,300
Liquefied Petroleum Gas Truck Meters	1,157	\$115,700
<b>Total</b>	<b>1,303</b>	<b>\$133,600</b>

#### *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 2022, the division tested 1041 scale pairs and 19 deck scales from 54 different police agencies, for a total revenue of \$53,950.

### *Metrology Laboratory*

The division provides measurement services through its Metrology Laboratory, which is accredited by the National Institute of Standards and Technology (NIST) and the National Voluntary Laboratory Accreditation Program. The Metrology Laboratory provides high accuracy calibration services that are traceable to national standards in the areas of mass, length, volume, and time.

Customer	Number of Tests <sup>1</sup>	Revenue
Municipal Weights and Measures	51	\$35,785
Other Government	90	\$16,700
Private Industry	273	\$53,380
Total		\$105,865

<sup>1</sup> All tests combined equal 6,005 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	Number of Evaluations	Revenue
New York State Laboratory	18	\$27,721
Other Laboratories	38	\$3,800
Total	56	\$31,521

### *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	Number of Failures <sup>1</sup>
Gasoline	11,432	265 (2.3%)
Diesel	1,532	48 (3.1%)

<sup>1</sup> Does not include summer RVP failures which are enforced by 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, but are also common in contract bulk sales. The division issued 2,966 weighmaster licenses in 2022 for total revenue of \$44,490.

### *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. The New York State Energy Research and Development Authority (NYSERDA) had ceased operating its portable emergency generator plan and the numbers of retail gas stations in full compliance dropped dramatically as a result. With outreach and site visits conducted by the Department, the number of gas stations in full compliance is increasing again. As of December 2022, 625 downstate retail gas stations were in full compliance and ready to deploy generators in the event of an energy emergency.

### *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 2022, the division issued 159 bulk milk tank poundage charts.

## **Federal/Interstate Activity**

- New York State Department of Environmental Conservation:
  - On December 15, 2022, the division supplied the Department of Environmental Conservation 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 to determine if they have legal for trade status. This includes cooperation with a United States/Canada mutual recognition agreement for certain types of devices.
- National Conference on Weights and Measures:
  - The division continues to be involved at the National Conference. Director Jim Willis is serving a five-year term on the Specifications and Tolerance Committee.
- 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 the Committee on Laboratory Weights and Precision Mass Standards.

- Electric Vehicle Charging Stations:
  - The division participates on State workgroups with the Department of Environmental Conservation and the New York State Department of Public Service. The division also presented to a committee organized by the Utilities Commission regarding testing standards and experience testing these devices. It also participates on a national workgroup with the National Institute of Standards and Technology, 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 2022, the division provided 2,642 hours of training to 128 inspectors from 51 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).

## The Great New York State Fair

In 2022, the Great New York State Fair welcomed 878,110 patrons back to The Fairgrounds to explore the best that New York State has to offer in agriculture, entertainment, family fun, and delicious food as it presented the first *Full Fair Experience* following challenges presented by the COVID-19 pandemic. Held from August 24 through Labor Day, September 5, The Fair maintained its tradition to preserve and enhance the agricultural legacy of New York State and promote agricultural awareness. Founded in 1841, the Great New York State Fair is known for showcasing the best in New York agriculture and providing top-quality entertainment, while growing the Central New York economy through tourism. It is the oldest state fair in the United States, and consistently ranks among the top five largest fairs in the country.

New exhibits, including the New York State Energy & Environment Experience in the Center of Progress Building and a Skilled Trades & Manufacturing Exhibit in the Science and Industry Building, helped educate visitors of all ages. Meanwhile, time-honored traditions such as viewing the Sand Sculpture and the Butter Sculpture, both commemorating the 50<sup>th</sup> anniversary of Title IX – which advanced equality in sports for female athletes – continued to delight fairgoers. To complement the Butter Sculpture, The Fair introduced an interactive social media exhibit where fairgoers could see what they'd look like if they were made of butter. Participants scanned a QR code to cue up a “butterizer” filter, which superimposed their faces onto a bust of butter for social media sharing.

This year saw the return of animals at The Fair for the first time since 2019. The agriculture office at The Fair filed over 10,000 competitive entries for animals, youth, and fine arts competitions. Foodies rejoiced as many food vendors as possible who were on-site in 2021 returned to showcase the best in Fair cuisine, and 15 new vendors served up new favorites.

Patrons enjoyed a jam-packed music schedule with 113 concerts spread across The Fair's 13 days, marking the most diverse line-up of music that The Fair has ever hosted. In 13 days, the Chevrolet Music Series brought 51 concerts to Chevy Park and Chevy Court. Of these, four performances ranked among the top 20 all-time audiences at The Fair, and a record 43,000 fans packed the lawn surrounding the Experience Stage at Chevy Park to watch Nelly. In addition to the Chevrolet Music Series, the Pan African Village hosted 43 performing acts, and the Latino Village hosted 19 performances.