

# Department of Agriculture and Markets 2023 Annual Report



**Agriculture  
and Markets**

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## 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 630,000 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 660 farmers' markets, farm stands, and mobile markets 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 cream cheese, cottage cheese, and yogurt; second in sour cream, maple syrup, apples, cabbage, and snap beans; third in grapes; fourth in floriculture; fifth in milk production, total cheese 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 2023 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 NYS and applicable federal law. Specifically, the division:

- advises on issues arising under State and federal law and responds to requests of governmental entities for interpretation of the Agriculture and Markets Law (AML);
- develops and coordinates 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 2023, the division completed the following:

<b>Litigation and Contested Matters</b>	121	<b>Regulations</b>	10
<b>Adjudicatory Proceedings</b>	163	<b>Ethics Law Reviews</b>	109
<b>Contracts</b>	999	<b>FOIL Requests</b>	280
<b>Opinions</b>	37	<b>Miscellaneous</b>	18
<b>Legislation</b>	1	<b>Penalty Litigation</b>	491
<b>Notices of Intent</b>	96	<b>Other Agency Proceedings</b>	0

## 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 2023, Fiscal Management completed the following:

<b>Contracts Processed</b>	1,021	<b>Travel Approvals</b>	224
<b>Vouchers Processed</b>	9,866	<b>Size of Vehicle Fleet</b>	171
<b>MWBE Spending</b>	31.74%	<b>SDVOB Spending</b>	2.17%

## 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;
- administers the Department’s internal diversity, equity, and inclusion program;
- 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 2023, the division completed the following:

<b>New Hires/Appointments (Permanent)</b>	109	<b>Classification Actions</b>	117
<b>Separations (Permanent)</b>	59	<b>Reasonable Accommodations</b>	36
<b>Exam Development</b>	7	<b>Staff Trained on Mandatory Issues</b>	All
<b>Temporary Separations</b>	71	<b>Temporary Hires</b>	223

## Agricultural Development

### Staffing

The Division of Agricultural Development has a permanent staff of 45, with representatives based in Brooklyn, Hauppauge, and Rochester, and the remainder in the Albany office.

### Licenses

#### *Farm Products Dealers*

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 2023, the division licensed 269 farm products dealers and received Non-Dealer Declarations from an additional 53 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. One claim was filed in 2023 and successfully resolved.

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

\$3.49 million at the end of 2023, approximately \$209,000 higher than at the end of the prior year.

## Programs

### *Taste NY*

Taste NY saw a strong rebound in sales in 2023, with an increase to over \$21 million, nearly meeting the record-breaking number set in 2019. The State's 11 Welcome Centers continue to trend upward in sales, with the total sales increasing over 2022 by 24%, and two markets reporting sales in excess of \$1 million each.

Taste NY turned ten in 2023. To celebrate this milestone, the program launched a yearlong *Taste Turns 10* initiative, with a special logo and events at markets across the state. These events featured producers who shared impact stories on how the Taste NY program has supported their businesses, as well as comments from local legislators, store operators, local tourism partners, local municipal partners, and Commissioner Ball. The Taste Turns 10 initiative also featured a special video from producers and agency partners to share in the excitement of a decade of supporting New York State food and beverage businesses and, of course, New York agriculture.

The PGA Tournament at Oak Hill returned to Rochester in 2023. In coordination with Empire State Development (ESD), a cobranded Taste NY and I LOVE NY booth, the NYS Tasting Yard, was featured next to the PGA shops. This unique space allowed for food and beverage producers to sample and engage with PGA attendees, putting New York State food and agriculture on an international stage. Over the course of the seven-day tournament, nearly 100 producers from across New York State rotated through the space.

In a new and improved location across from the Maple Booth in the Horticulture Building, the Taste NY Pop Up Market at The Great New York State Fair returned for its third year and producers showcased additional products within the Taste NY Marketplace. Also at The Fair, the NYS Tasting Yard from the PGA Tournament was rebuilt in Suburban Park to give New York State breweries the unique opportunity to sell New York beer during two scheduled concerts each day.

Additionally in 2023, Taste NY vendors continued to have 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; pop-up markets at JFK Airport in New York City; the Adirondack Wine & Food Festival; and more.

Taste NY products continue to be available statewide, including at:

- 11 New York State Welcome Centers;
- stand-alone markets, such as Todd Hill, the New York State Equal Rights Heritage Center, and Front Street
- Thruway travel plazas;
- the SUNY Cobleskill Carriage House;
- State parks;
- Airports;
- train stations; and
- the New York State Office of Trade and Tourism in San Juan, Puerto Rico, which in July brought New York State wines from Dr Konstantin Frank Winery into distribution at the Discovery Center and restaurants on the island.

Nine sports venues across the state welcomed hundreds of Taste NY vendors to their concession lineups, including Blue Cross Arena (Rochester Americans Hockey), Heritage Financial Park (Hudson Valley Renegades/Cider Donuts), Innovative Field (Rochester Red Wings), Joseph L. Bruno Stadium (Tri-City Valley Cats), MVP Arena (sports/live events), NBT Stadium (Syracuse Mets), the OnCenter Arena (Syracuse Crunch Hockey), and Sahlen Field (Buffalo Bisons). New to the Taste NY roster in 2023 was the addition of University of Buffalo Athletics. Sports sponsorships contributed to a very successful year for Taste NY concessions, bringing in \$7.62 million in sales for Taste NY vendors.

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 grew throughout 2023 as the program added approximately 100 new participants on approximately 135,440 acres of farmland. NYS G&C producers continued to play a critical role in supporting state programs such as Nourish New York and the 30% New York State Initiative by helping to identify eligible producers. The program is a valuable resource to New York's food banks and K-12 schools as NYS G&C helps to identify products grown in New York by producers who carry food safety certifications.

In 2023, NYS G&C contracted with advertising agency Dixon Schwabl to develop a \$1 million marketing campaign that will feature specialty crops during the 2024 season. This collaboration is building upon the efforts of 2022's \$150,000 pilot marketing campaign to further raise brand visibility and awareness through billboards, radio, print, and digital media. This new campaign will use the tagline "Harvested with Heart" and will emphasize



brand recognition, demonstrate the need for food safety and environmental sustainability, focus on gaining new followers and engagement on social media, develop geographic relevance to the state to create a sense of community, and enhance interest in purchasing NYS G&C products.

As part of Governor Kathy Hochul's 2022 State of the State plan, the NYS G&C team developed a competitive request for proposals (RFP) to select an administrator for the New York State Grown & Certified Infrastructure, Technology, Research, and Development Program. Through 2023's (Round XIII) Regional Economic Development Council (REDC) Consolidated Funding Application process, the New York Farm Viability Institute (NYFVI) was selected to administer a total of \$5.8 million in grants for agricultural producers and processors. This 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, in addition to \$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 2023, the NYS G&C/Taste NY pavilion at the four-day National Restaurant Association show in Chicago was 600 square feet, a bump up from 400 square feet in previous years. The pavilion featured New York cheese, fluid and shelf stable dairy products, cider, wine, and six individual New York businesses that were either NYS G&C participants or registered with Taste NY. Representatives from the New York Wine & Grape Foundation, the New York Cheese Manufacturers Association/Northeast Dairy Foods Association, and the New York Cider Association were present to speak about New York products 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 from 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 in the Jacob Javits Convention Center.

### *Farm Product Marketing Order Programs*

AGM administered four agricultural marketing order programs in 2023, with combined budgets totaling \$2.7 million from the New York State Budget and grower assessments. A total of 13 research projects were funded using more than \$475,000 in assessments collected from New York State apple and cabbage growers. An additional 17 research projects were funded by the New York State Budget and administered by AGM in partnership with the Apple and Onion Marketing Order Advisory Boards. New York State apple growers funded \$1.6 million in promotional and marketing services for the sale of New York apples. These services for the Apple Marketing Order program were provided by the New York Apple Association through contracts administered by AGM and ESD.

### *Farm-to-School Program*

The Farm-to-School Coordinating Committee met in 2023 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 strengthen partnerships with local producers and increase the use of local foods in schools. The seventh round of the state's Farm-to-School Grant Program, totaling more than \$850,000, was awarded to ten programs in 2023.

### *Regional School Food Infrastructure Grant Program*

AGM released Round 1 of the new Regional School Food Infrastructure Grant Program at the end of 2023. The program funds may be used for capital projects to create school cooking facilities that serve multiple school districts, support their local community, and provide workforce development opportunities. A total of \$10,000,000 was available for two grantees from different regions of the state in the first round. A total of five rounds of the program have been committed by Governor Hochul.

### *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 the Department's second year administering the program, a total of 59 applications were certified as meeting the threshold. During the 2022-23 school year, program participants purchased a total of \$8,039,528.27 of New York State food products, an increase of 24.4% from the previous school year. Schools that also received the Community Eligibility Provision (CEP) state subsidy had an even greater impact.

### *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 2023, the FCC Fresh2You initiative was launched, providing eligible New Yorkers with a dollar-for-dollar match and allowing families in need to purchase more healthy food, including produce, dairy, and meats. This initiative is helping to offset the reduction in SNAP benefits that were a part of pandemic relief efforts, as well as record inflation costs. As a result, it provides increased revenue for New York's farmers, and boosts local food

sourcing while eliminating food scarcity, both priorities for Governor Hochul. Under this initiative, for every \$2 in Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) benefits a customer exchanges for SNAP EBT tokens at a participating farmers' market, the market manager may issue a \$2 FCC to the customer.

Veterans, servicemembers, and their immediate family members receive FCCs through the Division of Veterans' Services in May each year on a first-come, first-served basis, while supplies are available. In 2023, the value of the benefit given to Veterans increased from \$20 per household to \$50. Customers with FCCs may spend these coupons on any SNAP-eligible food item at a farmers' market or farm stand in New York State.

In 2023, FCCs were issued at 53 market locations, 34 Division of Veterans Services offices, and 36 county Veteran service agencies in New York State. These coupons provided roughly \$1.65 million in revenue for more than 600 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 2023, SNAP sales at more than 230 direct marketing venues (farmers' markets, farm stands, green carts, community supported agriculture programs, and mobile markets) amounted to more than \$6.6 million.

### *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.

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. Moving forward with renewed purpose in its collaborative efforts, the Council convened in August and October of 2023 to discuss priority concerns, make recommendations, and assess actionable activities to strengthen food assistance networks, improve economic vitality and institutional purchasing, expand food access, and improve nutrition and promote *Food as Medicine*. Actions necessary to implement

the recommendations of the Council as put forth in its year-end report include targeted investments, cross-agency collaboration, awareness campaigns, and asset mapping and research.

### *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. Nourish New York funds allow food banks and other emergency food providers to purchase New York State-made milk, yogurt, cheese, vegetables, fruit, meat, and more.

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. In July 2023, DOH signed permanent contracts with the ten regional food banks and 29 emergency food providers that will fund them for the next five years at \$50 million annually. Awardees continue to maximize their impact with this program, both socially and economically. By the end of December 2023, food banks had purchased over 94 million pounds of food, creating an estimated 78 million meals for households in need. Additionally, the Nourish New York program has impacted an estimated 4,455 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. At the end of 2023, there were 1,092 farms actively participating in the online directory.

### *New York State Food Procurement*

In 2023, as part of her State of the State plan, Governor Hochul announced an initiative to direct New York State agencies to increase the percentage of food they source from New York producers, with a target of 30 percent by the end of 2027. Subsequently, on August 23, 2023, Governor Hochul issued Executive Order 32, which created formal parameters for State agencies to increase their procurement of New York food products.

As part of Executive Order 32, a Procurement Working Group was established. Made up of representatives from key New York State agencies, the purpose of the Procurement Working Group is to identify new and innovative methods to increase the production,

marketing, and distribution of locally produced fresh food in organizations, institutions, and communities across New York State. The Procurement Working Group met for the first time in October 2023 to review Executive Order 32 program details and implementation strategies for state agencies.

The Procurement Advisory Council convenes under the authority of the Commissioner of Agriculture and Markets to address improving urban and rural consumer access to locally produced healthy foods and contributes to the Procurement Working Group and Executive Order 32 mission. 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 to communities in New York State through a variety of means. The Procurement Advisory Council met in March and November of 2023 to review existing procurement programs and to make recommendations related to local food procurement to the Commissioner.

### *Diversity and Racial Equity in Agriculture*

The Department's 2023 outreach efforts focused on genuine relationship-building while supporting access to resources for historically underserved and underrepresented communities in agriculture, as well as advocates and allies involved in related food system activities. Department staff expanded efforts to directly connect with new farms and related organizations to learn about different operations while improving community engagement and overall communication. Looking ahead to the new year and new policy opportunities, the Department continues to support the long-term sustainability of the full diversity of New York's agricultural industry and related services.

Notable accomplishments related to diversity, equity, and inclusion (DEI) activities in 2023 include:

- redesigning the Diversity in Agriculture webpage on the Department's website to establish a central resource of information that improves accessibility to identity-based support organizations, locations of funding and education/training opportunities, and awareness of Department activities;
- identifying grant administrators to distribute state funding to socially and economically disadvantaged farmers (\$4 million), as well as new and beginning farmers (\$1 million);
- creating multiple direct communication channels for the public to contact the Department, including monthly Virtual Executive Open Office Hours, the addition of DEI on the main contact resource webpage, and the creation of a dedicated email address (outreach@agriculture.ny.gov);
- advancing the role of the Diversity and Racial Equity Network to engage in dialogue that provides input with valuable new perspectives on the development of

Department programs and industry opportunities, building on the Department's ongoing conversations with leadership from multiple stakeholder groups committed to advocating for underrepresented voices in agriculture, such as Black, Indigenous, and People of Color (BIPOC), New Americans, urban, and rural operators;

- conducting an internal reassessment of Department outreach and development efforts to increase the diversity of historically underrepresented perspectives participating in working groups, stakeholder discussions, and advisory input;
- establishing a collaborative relationship with several national organizations and their state-level leadership to create new youth-focused strategies to increase agricultural industry commitment that supports workforce development efforts;
- raising awareness of federal and state level government activities serving traditionally underserved groups, such as the USDA's Equity Commission and Discrimination Financial Assistance Program, as well as multiple state-level listening sessions and inter-agency opportunities involving food systems and nutrition efforts impacting the most underrepresented; and
- partnering with Minorities in Agriculture and Related Sciences (MANNRS) to strategically use New York State funds to strengthen its charters at Houghton University and Cornell University to support in-state expansion of its presence at high school and collegiate levels.

## **Aid-to-Localities**

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

The New York State Fiscal Year (FY) 2023 Enacted Budget included \$5 million for grants to beginning farmers and socially and economically disadvantaged farmers. In the New York State FY 2024 Enacted Budget, \$2 million in additional funding was added. 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. Through a competitive process, the New York Farm Viability Institute was selected to administer the Beginning Farmers Grant Program and Northeast Farmers of Color was selected as the administrator for the Socially and Economically Disadvantaged Farmers Grant Program, a program that will launch summer/fall 2024.

### ***Agri-Business Child Development***

Agri-Business Child Development (ABCD) is committed to providing the highest quality early childhood education and social services to farm workers and other eligible families across New York State. As a not-for-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 2023, ABCD served over 700 children to better enable the children's parents to pursue work in New York's agricultural industry. Centers continued to actively recruit children of farm working families. State funding increased from \$10.3 million to \$10.4 million in FY 2024. Additionally, through the FY 2024 Enacted Budget, \$3.2 million was allocated for capital improvements to the childcare centers that will 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 and Agricultural Fairgrounds Pandemic Relief Program, which provide capital funding to eligible county and youth fairs across New York State to aid in improving fairgrounds. In 2023, AGM worked closely with county and youth fairs to develop and implement projects from previous rounds of state funding. Approximately \$20 million has been awarded to 52 fair organizations across the state.

Additional programming to increase attendance by supporting the marketing and promotion of county fairs was developed in 2023 using \$2 million allocated in the FY 2024 Enacted Budget. The Agricultural Fairgrounds Advertisement, Promotion, and Education Program was developed and will launch in spring 2024. This program will provide Fairs with \$10,000 to increase marketing and promotion or develop educational activities. In 2023, Taste NY launched the #FindMeAtTheFair campaign, encouraging fairgoers to snap a selfie at a dedicated station and enter a drawing for exciting Taste NY Prizes. A total of 21 county and local fairs across the state participated in the promotion, with ten winners receiving gift baskets from local Taste NY markets and two grand prize winners winning a Taste NY picnic basket filled with local products and two VIP tickets to the concert of their choice at The Great New York State Fair.

A Request for Proposals (RFP) for a \$1 million marketing campaign was announced in 2023, submissions were received and approved, and a contractor was selected. The awarded agency will focus on increasing fair and exhibitor attendance throughout the 2024 season with a multimedia campaign designed to reach New Yorkers across the state. The campaign will focus on educating fairgoers about the importance of local agriculture at county and local fairs, and the excitement around attending and enjoying the

exhibitions, events, and entertainment. This campaign was created to support the reach and visibility of fairs.

### ***New York Association of Agricultural Educators***

The New York State Association of Agricultural Educators received \$500,000 in FY 2024 funding. The purpose of the funding is to strengthen the state's agricultural sector by supporting 366 New York agricultural educators in 239 schools serving over 10,000 students. In 2023, 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 between 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. NYAITC received \$500,000 in state funding in FY 2024. 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 2023. State funding for this program increased to \$1 million in FY 2024. Funds were used to start or upgrade existing agricultural education and FFA programs. Over 2,200 registered participants attended the Annual State FFA Convention in Syracuse. New York FFA membership increased to approximately 9,300 students.

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

New York FarmNet, operating through Cornell University, raises and expands awareness of behavioral health services available to the agricultural community. FarmNet received \$1,000,000 in state funding in FY 2024. With these funds, New York FarmNet developed a group of skilled trainers in Mental Health First Aid (MHFA) and held free workshops in MHFA and SAFEtalk (suicide prevention) for farmers and agribusiness professionals across the state.



### *New York Farm Viability Institute*

AGM provided a total of \$2,037,000 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.

### *Community Gardens Task Force*

The Community Gardens Task Force was formalized in statute in 2021. 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 three times annually and additionally as needed to perform its functions, including preparing and submitting a report to the Governor and legislature every five years. The first report was completed and issued in 2023, and is posted on AGM's website. The Task Force also provided feedback on several new initiatives, including the Agricultural Resource Dashboard and forthcoming Community Gardens Soil Testing and Community Gardens Leadership Development programs.

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

AGM offered \$1 million through the New York State Urban Farms and Community Gardens Grant Program to support community growing spaces. Awards ranging from \$20,000 to \$50,000 were available to fund projects that improve local food access and food security while contributing to the holistic well-being of the communities they serve. AGM received a tremendous response to this program with 88 total applications requesting well above the available funds. Awardees are expected to be announced in spring 2024.

### *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. The 2023 offering of this grant opportunity was Round 2. An informational webinar for this round of FMRG was offered on October 3, 2023. The deadline for Round 2 of this grant opportunity was November 15, 2023. A total of 23 complete applications were submitted before the deadline. Six applications were deemed

ineligible for consideration. The remaining 15 applications were set up to go through the technical review and evaluation process, which carried on into the 2024 calendar year.

## **Federal Activity**

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

AGM was awarded \$25,885,428 in 2022 through a cooperative agreement with USDA to administer the Local Food Purchase Assistance Program (LFPA) and a second round of funding of an additional \$23,722,891 in 2023 for a total of \$49,609,319 dedicated to the program. 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 is administered as the New York Food for New York Families program. Awards have been distributed through a competitive RFP process and a non-competitive request for applications (RFA) opportunity. The competitive RFP funded projects ranging from \$200,000 to \$2 million. The non-competitive RFA funded smaller projects ranging from \$10,000 to \$50,000.

The first round of awards was announced in June 2023 with \$40.8 million distributed to a diverse group of 102 organizations (76 for the RFA and 26 for the RFP) across the state, including food banks, pantries, schools, universities, farm collectives, medical centers, and a variety of not-for-profit organizations. The second round of funding is planned for early 2024.

### *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 the New York State Office of Temporary and Disability Services, AGM administers the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Community Growers Grant Program. This statewide grant program is federally funded and available to not-for-profit organizations and government entities.

The 2023 SNAP-Ed Community Growers Grant Program provides 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 economic 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.

AGM offered \$1 million through the 2023 Community Growers Grant Program with individual grant awards ranging from \$20,000 to \$50,000. A total of 45 applications were received. Award announcements will be made in the spring of 2024.

These grants provide critical resources for growing fresh produce at low or no cost as unemployment rates remain high and disruptions in the supply chain put many communities at risk of increasingly severe food insecurity. Nutrition education activities aim to increase fruit and vegetable consumption by SNAP-eligible consumers and to reduce the incidence of chronic disease.

Technical assistance for the 2023 Community Growers Grant Program is provided by the 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 2023, through a separate grant program, AGM offered \$235,000 for SNAP-Ed Food Box grants. Each \$10,000 grant supports farm stands, community supported agriculture (CSA) initiatives, and food box sites located in neighborhoods with high poverty and limited access to fresh produce. Sites across New York State support community well-being through the distribution of healthy, low-cost recipes and USDA-approved 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 concerning 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. Award announcements will be made in the spring of 2024.

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. 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.

### *Specialty Crop Block Grant Program*

The Specialty Crop Block Grant Program funding from the USDA's 2023 RFA provided New York with an allocation of \$1,276,513. Projects were aimed at improving the profitability and competitiveness of New York's specialty crop industries. Over half of the

funding supported scientific research focusing on disease management, using ultraviolet (UV) light to combat grape mildew and apples diseases, soil health on small vegetable and perennial crop farms, and kelp aquaculture development. Funding was made available to assist growers in attaining their farm food safety certifications and post-harvest water safety management. 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 not-for-profit organization that promotes the export of food and agricultural products from the northeast region of the United States. In 2023, 71 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 2023, 229 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 educational opportunities such as one-on-one orientations, seminars, and webinars. Lastly, staff participated in the Caribbean, Central America, and South America Buyers Mission and the fall northeast member states meeting.

### *Farmers’ Market Nutrition Program*

In 2023, Farmers' Market Nutrition Program (FMNP) benefits were distributed to 184,994 individuals through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and to 141,338 low-income seniors for the purchase of locally grown fresh fruits and vegetables. More than 900 farmers participated in FMNP at 677 authorized farmers' markets, farm stands, and mobile markets. The program generated more than \$4 million in direct produce sales to participating farms.

### *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 75% (up to \$750) of certification costs per inspection scope. Staff processed and approved 416 out of 451 applications received, distributing a total of \$335,237.34 to New York producers and processors.

### *Resilient Food System Infrastructure Program*

USDA’s Resilient Food Systems Infrastructure (RFSI) Program provides states funding to build resilience in the middle of the food supply chain to provide more and better markets to small farms and food business and to support the development of value-added

products for consumers, fair prices, fair wages, and new and safe job opportunities. In 2023, AGM was awarded \$19,381,448.22 to administer the RFSI Program for New York State.

To develop the state's plan for funding, AGM conducted public outreach and targeted stakeholder group outreach including webinars, surveys, and invitations for open comments to solicit input to prioritize needs for investment. As a result, the Department identified a series of priorities including supporting infrastructure development to expand business' capacity for processing, aggregation, storage, and distribution; targeting development of infrastructure projects to the dairy, fruit and vegetable, and organic industries to support the development of new value-added products; and creating greater market access to intermediaries such as food hubs, aggregators, wholesalers, and distributors with the goal of increasing local food sales to institutions such as schools, hospitals, and correctional facilities. In addition, two supply chain coordination priorities were identified to provide technical assistance to food processors and food business with a focus on underserved producers; and to provide information about the regional processing landscape and opportunities for investment.

AGM submitted New York State's plan on September 28, 2023 for USDA approval. Within the plan, AGM laid out a proposal to partner with the Farm and Food Growth Fund to develop and administer a competitive \$14.7 million infrastructure grants program to implement New York State priorities. The RFP is slated for release in May 2024. The New York State plan also laid out a strategy to partner with the Northeast Farmers of Color to maximize outreach and technical assistance to historically underserved food and farm businesses; as well as Cornell University's Dyson School of Economics to support research on supply chain issues including processing infrastructure assessments and market analysis.

## **Animal Industry**

### **Staffing**

The Division of Animal Industry (DAI) has a permanent staff of 41 employees, including field and central office veterinarians, animal health inspectors, a director, and support staff.

## **Licenses and Inspections**

### ***Pet Dealers***

At the end of 2023, there were 238 licensed pet dealers in New York. The division performed 370 pet dealer inspections and pet dealer educational visits in 2023 and investigated 26 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 2023, 473 rescue organizations had 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 371 inspections of 297 DAHP holders in 2023.

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 2023, DAI field veterinarians and animal health inspectors performed 99 livestock market inspections at 34 markets.

### ***Captive Deer Farms***

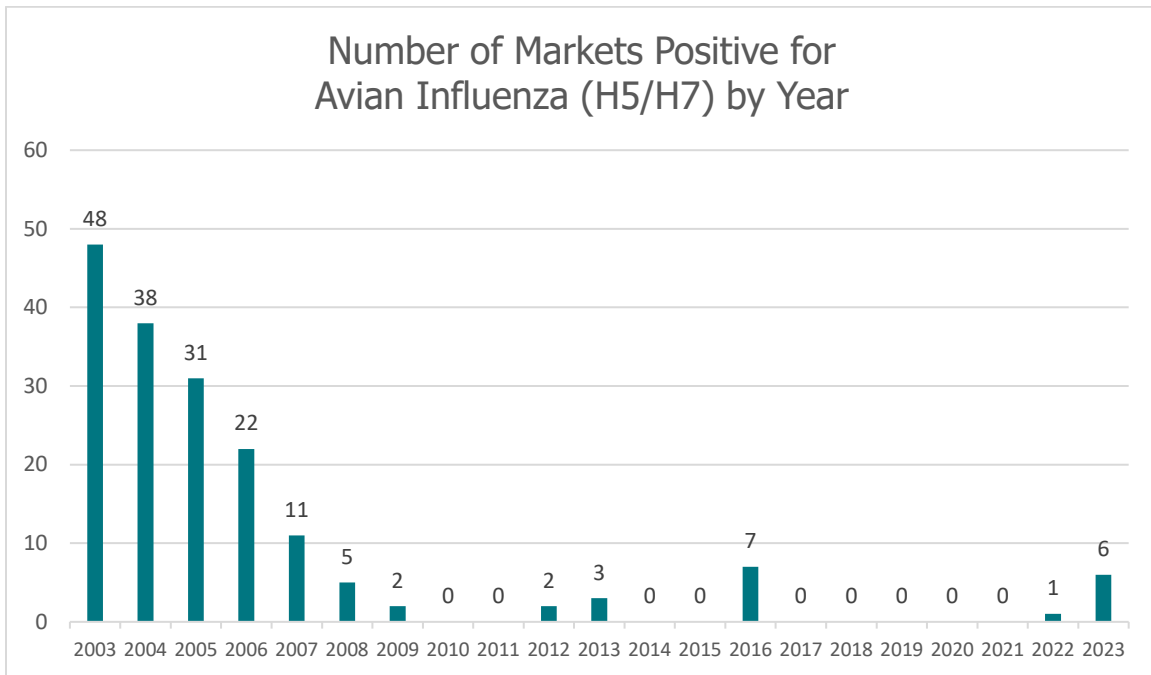
At the end of 2023, there were 159 captive deer farms in New York, with a total of 180 separate herds. The division performed 173 captive cervid farm inspections in 2023. Division field staff conducted tuberculosis surveillance on 83 captive cervid farms in 2023 through a combination of antemortem testing and postmortem examination of carcasses and/or submission of tissues to the Animal Health Diagnostic Center at Cornell University and the National Veterinary Services Laboratory. In addition, 654 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 85 live bird markets (LBMs): one in Schenectady, one in Syracuse, one in Buffalo, and 82 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.



Six markets tested positive for highly pathogenic avian influenza (HPAI) in 2023. All markets were immediately quarantined, cleaned, and disinfected. An epidemiological investigation was performed for each HPAI event and enhanced surveillance testing was swiftly initiated for all live bird markets that were epidemiologically linked through poultry movements or personnel. Evidence of transmission was only seen between three markets due to close proximity and shared employees. Due to the division's enhanced surveillance protocol, AGM was able to quickly identify the involved markets and prevent further spread of the virus.

<b>New York Live Bird Market System Avian Influenza Surveillance 2023</b>	<b>Live Bird Markets</b>	<b>Dealers</b>	<b>Total</b>	<b>Unit</b>
Number of Market/dealer Inspections (Non-cleaning and Disinfection)	407	6	<b>413</b>	Inspections
Number of Market/dealer Cleaning and Disinfection Inspections	337	11	<b>348</b>	Inspections
Number of Birds Tested	34278	153	<b>34431</b>	Birds
Number of RRT-PCR Tests on Bird Samples	4017	15	<b>4032</b>	RT-PCR tests
Number of Environmental Virus Isolation Samples	4510	120	<b>4630</b>	VI swabs
Number of Environmental Virus Isolation Tests	902	24	<b>926</b>	VI tests
Number of Environmental RT-PCR Samples Tested	74	2	<b>76</b>	RT-PCR tests
Number of Premises Non-negative for HPAI H5N1	6	0	<b>6</b>	Premises
Number of HPAI H5N1 Non-negative Test Events	6	0	<b>6</b>	Test events

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

AI testing was also performed in commercial egg-layer flocks (eight), backyard and exhibition flocks (76), raised-for-release upland game bird flocks (three), and egg-type multiplier flocks (seven). For these flocks, there were 465 RRT-PCR tests (virus detection) and 1,384 AGID tests (serology) conducted during 2023. The total number of birds tested (non-LBM) was 4,691.

In 2023 there were eight detections of HPAI in New York poultry flocks in six 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, the division was 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. Over 500 permits were approved in New York in 2023.



## *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. The New York State Sheep and Goat Health Assurance Program (NYSSGHAP) is a similar program offered to sheep and goat producers. As of December 2023, there were 560 active farms in NYSSCHAP: 382 dairy farms, 105 beef herds, 17 mixed dairy and beef herds, 95 sheep and goat farms, and six other farms.

NYSCHAP covers approximately 32% of New York State dairy cows, or approximately 200,000 dairy cows of the 630,000 total dairy cows in the state. Out of the approximately 3,430 dairy farms in New York State, 11% of these participate in NYSSCHAP. Approximately 40% of the 15.0 billion pounds of milk produced in New York State annually is from NYSSCHAP farms.

NYSCHAP activities in 2023 are listed below.

- There were 26 new enrollments in NYSSCHAP (ten dairy, 12 beef, two sheep, and two goat herds).
- 200 NYSSCHAP visits occurred.
- There were various outreach activities to promote NYSSCHAP, including presentations and articles published on herd health; biosecurity; disease identification, prevention, and control; animal care; food safety; and drug residue avoidance.
- The NYSSCHAP course continued at the Cornell Veterinary School, with nine third- and fourth-year veterinary students interested in food animal medicine attending to learn about topics including identification, prevention, and control of cattle diseases; addressing herd management challenges; and herd planning. Three farm trips allowed the students to work through the NYSSCHAP process and begin their NYSSCHAP certification.
- Program initiatives included:
  - The Secure Food Supply Module was added to the program and implementation on farms was initiated. This assists farms in preparing their emergency plans in the event of a foreign animal disease outbreak.
  - Additional subsidized testing for NYSSCHAP and NYSSGHAP was approved and initiated for Ovine Progressive Pneumonia (OPP) and Caprine Arthritis Encephalitis (CAE) through the Cornell Diagnostic Laboratory. This will assist farms in managing common herd/flock diseases.
  - The stipend for the NYSSCHAP certified private veterinarians and the NYSSCHAP private herd veterinarians was increased for both initial herd setups and annual reviews.

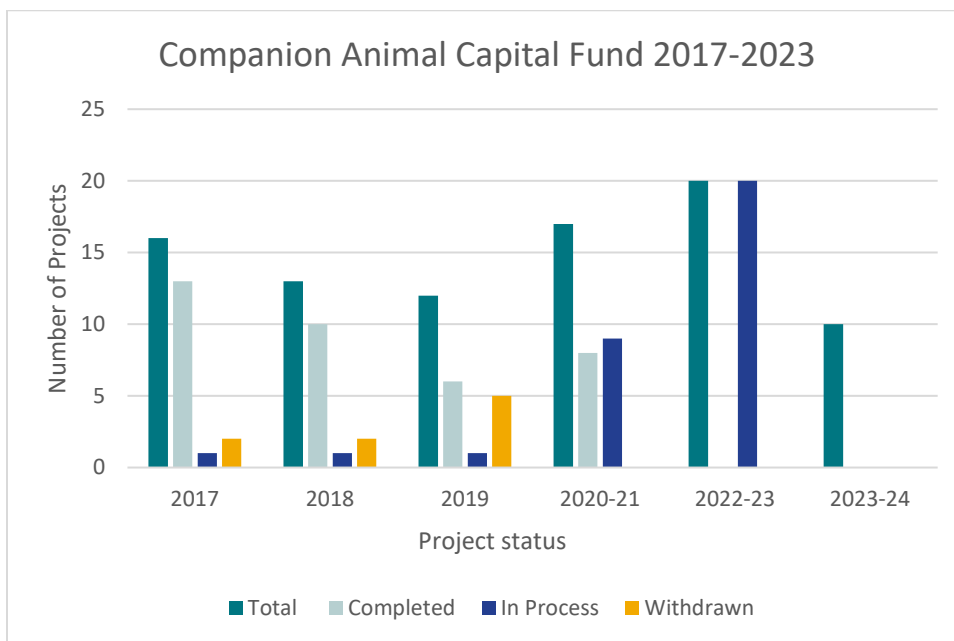
- Review and revisions to the 4-H Livestock Educator’s Notebook began and will continue to be updated. This information is valuable for students who own animals and their educators about biosecurity, fairs and shows, specific disease fact sheets, and disinfection protocols.

### *Dog Control Officers and Municipal Shelters*

Division field staff are responsible for evaluating the conduct of dog control officers (DCOs) and municipal shelters. There are 531 DCOs and 268 municipal shelters in New York State. Routine inspections occur on an annual basis. All shelter inspections are unannounced. DAI staff conducted 641 DCO inspections and 388 municipal shelter inspections in 2023. Inspectors assess transport, housing, veterinary care, and disposition of seized dogs as required under AML Article 7, Sections 113, 114, and 117 and New York Codes, Rules, and Regulations (NYCRR) Title I, Parts 77, 78, and 79.

### **Programs**

Through the FY 2023 Companion Animal Capital Fund (CACF), \$7.6 million in grant funds 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 32 projects throughout 2023. Of those, 12 contracts are currently active from previous grant cycles and ten new contracts were awarded in FY 2024. Since the beginning of the CACF program, 37 construction projects were completed; nine entities withdrew from their contracts primarily due to hardships caused by the COVID-19 pandemic.



## 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 2023, DAI clerks processed a total of 35,150 CVIs for animals imported into New York and 13,421 CVIs for animals exported.

The following table shows the distribution by species.

Export CVIs		Import CVIs	
<b>Bovine</b>	2,571	<b>Bovine</b>	1,566
<b>Equine</b>	8,555	<b>Equine</b>	10,827
<b>Swine</b>	373	<b>Swine</b>	605
<b>Ovine</b>	254	<b>Ovine</b>	251
<b>Caprine</b>	177	<b>Caprine</b>	229
<b>Cervid</b>	54	<b>Cervid</b>	12
<b>Camelidae</b>	146	<b>Camelidae</b>	95
<b>Avian</b>	11	<b>Avian</b>	37
<b>Canine/Feline</b>	1,280	<b>Canine/Feline</b>	21,528

### *Foreign Animal Disease Investigations*

DAI has ten foreign animal disease (FAD) diagnosticians 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 28 FAD investigations on numerous species including 18 bovine, one swine, two rabbits, three goats, and four poultry. All laboratory results were negative for foreign animal diseases, except for three poultry premises that tested positive for highly pathogenic avian influenza and one cow that tested positive for Epizootic Hemorrhagic Disease.

DAI field staff conducted 142 inspections of swine feeder premises in 2023. 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 2023, 130,290 tags were distributed to producers, markets, dealers, and veterinarians throughout the state.

# Food Laboratory

## Staffing

In 2023, the Food Laboratory had 36 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.

## 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 2023, the Food Laboratory performed testing on more than 100 chemistry and microbiological proficiency samples. Participation in proficiency testing programs is necessary to maintain the Laboratory's ISO accreditation status through the American Association for Laboratory Accreditation.

## Programs

In 2023, the Food Laboratory confirmed the presence of *Listeria monocytogenes* (in raw cow's milk, kale, sprouts, hot dogs, ice cream, deli meats, raw milk cheese, and enoki mushrooms) and *Campylobacter* species (in raw cow's milk). It also played a role in testing more than 20 environmental samples as part of a local investigation to determine the source of *Listeria monocytogenes* contamination.

## Federal/Interstate Activity

The Food Laboratory managed a cooperative agreement with the USDA Agricultural Marketing Service to support the Pesticide Data Program (PDP). In 2023, the Laboratory continued as a grantee of the FDA's Laboratory Flexible Funding Model. FDA offered nine project options; the Food Laboratory proposed six projects and received funding for all of them. These funds are used to increase the number of tests for biological and chemical contaminants and maintain the whole genome sequencing program. Thirty data packages of violative samples were shared with the FDA. Five of the results triggered a firm to voluntarily recall its product nationwide. One result triggered one foreign supplier to be added to the Import Alert (based on the state sample) and FDA entered import screening into their database for four samples.

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

## Analytical Tests and Outcomes

In 2023, the Food Laboratory received 19,987 samples and performed more than 440,000 analytical tests on various food, feed, and fertilizer products to determine compliance with regulatory standards; adulteration with inferior or substitute ingredients; incorrect label claims; undeclared or non-permitted preservatives; the presence of toxic elements, allergens, or undeclared color additives; and the presence of foodborne pathogenic bacteria. Approximately 94.5% of samples were found to be properly labeled and/or free of contamination or adulteration. A total of 110 recalls were triggered by the test results.

Per the Food Laboratory’s USDA cooperative agreement concerning the PDP, the Laboratory reported results of 1,839 samples, resulting in the generation of 386,190 results for pesticide residues. Of those, 92 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 33<sup>rd</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 raw milk 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 51 proficiency sample sets for the dairy laboratories certified by AGM’s Division of Milk Control and Dairy Services. In addition, nine states contracted with the Food Laboratory to have 26 proficiency sample sets prepared and shipped to certified dairy laboratories within their respective states. Additionally, the Laboratory also provided 123 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>
<b>Total</b>	19,987	19,709	440,735
<b>PDP</b>	1,788	1,839	386,190
<b>Division of Food Safety and Inspection Staff</b>	2,403	2,321	54,545 <sup>(b)</sup>
<b>Division of Milk Control and Dairy Services Staff</b>	15,571	15,341	
<b>Division of Plant Industry Staff</b>	81	80	
<b>Other<sup>(c)</sup></b>	138	128	

(a) Includes results from samples collected at end of 2022.

(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
<b>Total</b>	18,055	54,533	981
<b>Microbiology<sup>(b)</sup></b>	14,127	29,763	422
<b>Chemistry<sup>(c)</sup></b>	3,928	24,770	559

(a) Includes results from samples collected at end of 2022.

(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), 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 elements (lead, arsenic, cadmium, etc.), mycotoxins, 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
<b>Total</b>	80	35
<b>Fertilizer</b>	71	31
<b>Lime</b>	9	4
<b>Industrial hemp (THC only)</b>	0	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 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 2023, the joint placement with AGM and the New York State Department of Health continued, with a fellow working on projects of interest for both agencies.

The staff from the dairy microbiology section assisted in a three-day Dairy Analyst Training Course at Cornell University. They were responsible for presenting classroom materials and serving as the primary laboratory instructors for a course attended by 26

students, including New York dairy plant and private laboratory analysts, as well as New York State Milk Control Laboratory Evaluation Officers.

In June, the Food Laboratory hosted and participated in the meeting kicking off the partnership agreement between FDA and the Department.

The Food Laboratory underwent three assessments in the year 2023. In February, the A2LA conducted an in-person assessment of the Food Laboratory's quality assurance system. After the assessment process, the A2LA renewed the Food Laboratory's certificate for methods under ISO 17025 accreditation scope.

In August, the FDA's Laboratory Proficiency and Evaluation Team visited the Food Laboratory's microbiology dairy section for their National Conference of Interstate Milk Shippers tri-annual evaluation. This evaluation was originally scheduled for the fall of 2020 but had to be postponed due to the COVID-19 pandemic. The FDA evaluated the laboratory's five dairy analysts on 11 different methods.

In September, a USDA assessor visited the Food Laboratory's pesticide residues section for the tri-annual assessment. This was the first visit since before the COVID-19 pandemic. The assessor reviewed the Food Laboratory's participation in the PDP cooperative agreement by observing all aspects of sample preparation, extraction, data analysis, and reporting. There were no adverse findings, and the Food Laboratory complied with all USDA requirements.

A partnership was formed between Quality Assurance & Food Safety magazine and the Association of Food and Drug Officials to commemorate the 25<sup>th</sup> anniversary of the effort to advance a nationally integrated food safety system. As part of the celebration, a webinar series was created to highlight this achievement. Several individuals who are active in projects related to integrated food safety systems were invited to speak about their experiences with Joe Corby, the former director of the Division of Food Safety and Inspection. Additionally, the Food Laboratory was invited to participate in the "Tale of the Cocktail Napkin: The Origin of the Effort to Develop a Nationally Integrated Food Safety System, Part 3." In September, the Laboratory shared their experiences on the New York Mutual Reliance Pilot and the lessons learned.

The Food Laboratory took part in an investigation in November regarding apple puree pouches that were found to be contaminated with high levels of lead. Additionally, the Laboratory tested other products related to the lead investigation, which contained cinnamon from Ecuador. This was done as part of the Laboratory Flexible Funding Model cooperative agreement.

Finally, the Food Laboratory hosted tours for visitors from the Department of Environmental Conservation’s Division of Environmental Remediation, FDA leadership, the FDA Laboratory Proficiency and Evaluation Team, and USDA staff.

## Food Safety and Inspection

### Staffing

The Division of Food Safety and Inspection (FSI) has a permanent staff of 133, 106 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 2023, the division issued the following licenses:

Licenses	Number Issued During 2023
<b>20-C Food Processing Establishments</b>	9,183
<b>Article 28 Retail Food Stores</b>	3,746
<b>Article 28 Food Warehouses</b>	1,042
<b>Slaughterhouses</b>	131
<b>Food Salvagers</b>	5
<b>Refrigerated Warehouses</b>	33
<b>Inedible Meal Disposal Plants and Vehicles</b>	0
<b>Inedible Meat Transportation Service and Vehicles</b>	1
<b>Pet Food Brands Registration</b>	685
<b>Feed Tonnage</b>	527
<b>Feed Facility Registrations</b>	33
<b>Commercial Feed Licenses</b>	95
<b>Home Processor Registrations</b>	1,905

### 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 132 license revocation hearings and 108 injunction actions in 2023.

In 2023:

- 1,056 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 Produce Safety Alliance trainings;



- attendance at 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, FSI conducted 254 inspections during 2023. This included 150 FDA contract Good Manufacturing Practice (GMP) inspections, as well as 31 preventive controls inspections.

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's Produce Safety and Preventive Controls for Human Food rules occurred in the summer of 2017. Adoption of these rules 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 unit conducted 141 produce safety inspections during 2023.

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 35,593 regulated food establishments on a routine basis. Inspectors performed 26,768 on-site inspections in 2023; 76% of those inspections were found to be in substantial compliance with department health and safety requirements. During 2023, the division also conducted 205 Preventive Controls for Human Foods inspections.

Food inspectors collect routine and for-cause food samples at regulated food establishments. Inspectors submitted 2,646 food samples to the Food Laboratory in 2023, with 7% of those samples found to be in violation. Food inspectors executed over 1,927

food seizures in 2023 (for adulterated or misbranded food items), resulting in over 562,420 pounds of food seized. Inspectors also investigated 2,171 consumer complaints in 2023.

The farm products unit conducted produce grading inspections, inspecting more than 120 million pounds of produce and issuing more than 2,500 certificates in 2023 on behalf of USDA. A summary of all FSI efforts in 2023 is listed in the table below.

<b>Activity</b>	<b>Total</b>
<b>Food Safety Inspections</b>	26,768
<b>FDA Contract Inspections</b>	254
<b>Compliance Rate (% passing inspections)</b>	76%
<b>Number of Consumer Complaints</b>	2,171
<b>Number of Food Seizures</b>	1,927
<b>Food Seized (pounds)</b>	562,420
<b>Number of Food Samples</b>	2,646
<b>Percent of Food Samples That Were Violative</b>	7%
<b>Number of Food Recalls</b>	110
<b>Number of Hearings Requested</b>	132
<b>Number of Injunctions Requested</b>	108
<b>Number of Penalties Issued</b>	3,459
<b>Human Food Licenses Processed</b>	15,328
<b>Animal Food Licenses/Registrations Processed</b>	128
<b>Produce Safety Inspections</b>	141
<b>Terminal Market Inspection Certificates (pounds graded)</b>	42,568,349
<b>Shipping Point Inspection Certificates (pounds graded)</b>	76,893,531
<b>Pesticide Date Program Sampling</b>	1,539
<b>County of Origin Labeling Audits</b>	205
<b>Good Agricultural Practices Audits</b>	210
<b>Poultry Voluntary Residence Grading (Number of Cases of Eggs Graded)</b>	67,619
<b>Poultry Grading (number of pounds)</b>	0
<b>Poultry Shell Egg Surveillance (Number of Cases of Eggs Inspected for Quality)</b>	49,570
<b>Quality Control</b>	1
<b>Shipping Point Contract Inspections (pounds graded)</b>	1,490,400
<b>New York State Branding Law (number of establishments)</b>	326

## Land and Water Resources

### Staffing

The Division of Land and Water Resources has 25 permanent staff. Approximately one third 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 2023, staff assisted New York's 58 county soil and water conservation districts (SWCDs) in a wide array of operations, programs, and project areas. Division field-based staff worked closely with SWCD staff and boards to prioritize decisions for the advancement of conservation programming. Staff in the Albany office 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 (CRF) 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 2023, there were 146 agricultural districts, providing benefits to 25,261 farms, totaling 9,194,120 acres. In 2023, 15 eight-year reviews were completed, and 38 counties provided annual inclusions to 60 agricultural districts.

During 2023, the division processed numerous formal and informal responses to requests for review of local laws and ordinances. It conducted nine formal 305-a investigations. The Department provided six sound agricultural practice opinions in 2023. One landowner declined a sound agricultural practice investigation. Staff commented on three agriculture in nature opinions. Additionally, the division processed a total of 108 notices of intent (NOIs), eight of which were land acquisition waivers. 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 78 NOIs concerning solar development totaling 443 megawatts (MW).

Since August 2021, the Farmland Protection Implementation Grants program has protected over 23,600 acres of viable agricultural lands from conversion to non-farm uses through perpetual agricultural conservation easements on 53 farms. Overall, more than 114,900 acres on 389 farms have been permanently protected to date.

The division is also a statutory party under Article VII and Article X 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. These projects required several years of staff assistance throughout planning, permitting, construction, restoration, and monitoring. In 2023, there were eight active high-voltage electric transmission projects certified under Article VII of the PSL, totaling over 651 miles. The 2023 renewable energy projects exceeding 25 MW included nine utility-scale wind energy generation facilities and thirty photovoltaic solar energy projects. These utility-scale energy generation projects together represent more than 5,384 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 2023 are listed below.

- Farmland Protection Implementation Grants Program: In 2023, there were a total of 15 awards to protect 4,133 farmland acres issued in response to the RFA to purchase perpetual agricultural conservation easements.
- Farmland Protection Planning Grants Program: Two municipalities and three counties were awarded a total of \$175,000 in 2023.
- AEM Base Program: The FY 20232023 (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 represented a \$3 million increase over the prior round, supporting additional work through the five AEM Planning Tiers, Tier 4 implementation of conservation practices with more and more farmers, and outreach, education, and partnership activities with local stakeholders.
- Climate Resilient Farming Grant Program: Round seven awards were issued in 2023, totaling \$15.97 million. AGM received 83 applications requesting \$22.6 million, exceeding available funding.

- AgNPS Program: Round 29 awards were issued in 2023, totaling \$13.8 million. AGM received 96 applications totaling \$39 million, exceeding available funding. In 2023, 48 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 \$248,000.

## **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. SWCD 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 (NRCS)
- 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 2023. The State Committee held a tour of conservation projects in October for SWCC advisory members and partners in the Ulster County/Ashokan Reservoir watershed region. The tour focused on SWCD collaboration with local NRCS and Cornell Cooperative Extension partners to promote AEM principles and protect a critical source of drinking water that supplies nearly ten million residents in the Hudson Valley and New York City.

## **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, in addition to 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 59. 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 96 certified milk inspectors (CMIs), who provide direct oversight to New York's nearly 3,000 dairy farms.

### **Licenses**

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

Licenses	Number Issued and Active
<b>Milk Dealers (haulers, brokers, bargaining cooperatives)</b>	120
<b>Distributors</b>	249
<b>Plant Operators</b>	102
<b>Operating Cooperatives</b>	17
<b>Frozen Dessert Handler</b>	133
<b>Frozen Dessert Manufacturer</b>	124
<b>Part 2 Processing Permits</b>	309
<b>Milk Receivers</b>	4,256
<b>Bacteria Licenses</b>	1,089
<b>Processing Plant Superintendents</b>	316
<b>Certified Milk Inspectors</b>	96
<b>Equipment Installers</b>	278

## Programs

The Milk Producers Security Fund (MPSF) gives 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 FY 2023, this fund secured the milk purchases of about 44 licensed dealers. The fund balance at the end of 2023 was \$12.5 million.

### *Western New York Milk Marketing Order*

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

### *Dairy Promotion Order*

The 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 May of 2023. 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, nearly \$16 million was collected to fund these marketing and research programs.

### *Statistics*

MCDS staff process approximately 3,600 monthly statistical reports annually to tabulate information on the health and activity of New York's dairy industry. From this information,

the division publishes an annual statistical bulletin. These reports are used by the USDA's National Agricultural Statistics Service (NASS) to ensure that its own data is complete and accurate. Additionally, this information is used to generate other statistical reports, on demand, as requested by agricultural economists and government decision makers to ensure that economic development, regulatory, and public policies are having their desired outcome. This is the best source of reliable information for the largest segment of the agricultural economy of the state.

## **Aid-to-Localities**

The division administers aid via the Dairy Advancement Program and Pro-Dairy contracts.

## **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 regional and national 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, the 3-A Sanitary Dairy Equipment Standards, and the International Association of Milk Control Agencies. 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 7,003 on-site inspections in 2023, including 1,477 plant sanitation inspections, 1,742 pasteurizer inspections, 958 milk receiver inspections, and 409 bulk vehicle inspections.

Per the PMO, every milk and dairy product must be sampled every month. MCDS staff submitted 13,249 product samples in 2023. Of those, 13,249 were sampled for regulatory analyses with public health significance and were submitted to the state Food Laboratory for testing.



In addition, every dairy farm in New York State is inspected at least twice a year by a CMI who is certified by AGM. In 2023, CMIs conducted approximately 9,000 dairy farm inspections, reviewing the sanitary conditions of farms, the health of cows, and the health of the farm's employees. AGM conducted 393 evaluations of CMI proficiency in 2023.

Division laboratory evaluation officers conduct full on-site evaluations once every two years in 87 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 2023. 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 96 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;
- held a three-day dairy laboratory analyst training course; and
- educated dairy laboratory staff in a virtual seminar covering approximately 87 industry laboratories.

## **Plant Industry**

### **Staffing**

The Division of Plant Industry consists of 55 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 4,500 nursery grower and dealer inspections in 2023. Division inspectors also inspected and certified over 900 domestic and foreign shipments to leave New York State. Inspection activities in 2023 are summarized as follows:

<b>Nursery Grower Inspections</b>	2,931
<b>Nursery Dealer Inspections</b>	2,846
<b>Shipment Inspections (incoming domestic and foreign)</b>	9
<b>Shipment Inspections (incoming foreign)</b>	24
<b>Shipment Inspections (outgoing domestic)</b>	335
<b>Shipment Inspections (outgoing foreign)</b>	320

## Plant Regulatory and Quarantine Programs

### *New York State Hemp Program*

The 2023 hemp growing season was the second season administered under the USDA-approved New York State Hemp Program Plan and the parameters established in the 2018 federal Farm Bill. Barring unforeseen legislative changes at the federal level, the program will remain largely unchanged throughout 2024, as the provisions of the 2018 farm bill have been extended until the end of the year. While growth in the hemp program was relatively slow, the number of licensed hemp growers in New York State did increase from 241 at the end of 2022 to 261 by the end of 2023. The division also issued five hemp seed seller licenses in 2023. The New York State Office of Cannabis Management provides oversight of the Adult-Use Cannabis Program including the licensing of cannabis growers. This program is separate from the New York State Hemp Program.

<b>Acreage Planted in 2023</b>		
	<b>CBD/CBG</b>	<b>Fiber/Grain</b>
Indoor (square feet)	16,773.78	5,630.95
Outdoor (acres)	53.46	45.82

Continuing with the practice established in 2022, division horticultural inspectors are 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 is no longer the primary testing facility for hemp samples. As in 2022, hemp sample THC tests for 2023 were conducted at the growers’ expense at private labs recognized as qualified by the Department.

To ensure enough certified sampling agents and recognized laboratories for the program’s needs, the division trained and certified a total of 35 sampling agents, including recertifying 21 returning from 2022 and 14 new sampling agents that were added in 2023. The division also identified 24 laboratories that had the qualifications to conduct hemp sample THC testing for New York growers.

Top Five Varieties With the Highest Average THC Content in 2023			Top Five Varieties With the Highest Average THC Content Overall	
	Variety	Average THC	Variety	Average THC
<b>1</b>	Abacus F1	1.37%	Purple BaOx	3.16%
<b>2</b>	Forbidden V	0.46%	Minnesota G	2.78%
<b>3</b>	Sour Lifter	0.43%	Shaggy Aggy	2.61%
<b>4</b>	Lifter	0.41%	Stormy	1.96%
<b>5</b>	Special Sauce	0.36%	Hurricane Florence	1.73%

As in recent years, 2023 was challenging for hemp growers who continued to deal with the vagaries of hemp market conditions, difficulties with weather, and a chronic oversupply of hemp that continued to keep prices low. To expand hemp markets in New York State and beyond, the division continued to coordinate the efforts of the Hemp Fiber and Grain Workgroup, which explored ongoing research into the uses of hemp in the fiber and grain sectors and discussed next steps in moving the hemp industry forward.

### **Box Tree Moth**

The Division of Plant Industry surveyed for the invasive pest, box tree moth (BTM) (*Cydalima perspectalis*), which was first detected in Niagara County in 2021. Traps and visual surveys were used to monitor for BTM at nurseries, nursery dealers, and high-risk environs within the established quarantine area. A total of 209 traps were deployed at 108 high-risk establishments in and around the quarantine area. The division conducted 180 visual inspections within the quarantine area at nursery growers, nursery dealers, and high-risk environs. BTM in various life stages were found during trapping and visual surveys within Erie, Niagara, Orleans, Monroe, and Wayne counties. Additionally, division staff conducted 1,376 visual inspections outside the quarantine area at nursery growers, nursery dealers, and other environs. There were 95 trap locations outside the quarantine area. BTM in various life stages were found outside the quarantine in Cayuga and Oswego counties in traps and visual surveys. In addition, 214,153 boxwood plants were inspected outside the quarantine area throughout the state, and 97,316 boxwood plants were inspected within the quarantine area. Trapping surveys concluded at the middle of November 2023 and visual surveys concluded in December 2023.

	<b>BTM Quarantine Area</b>	<b>Outside BTM Quarantine Area</b>
<b><i>Buxus sp.</i> Inspected</b>	93,316	214,153
<b>Traps Deployed</b>	209	95
<b>Monitoring of Traps</b>	2,073	621

***European Cherry Fruit Fly***

European cherry fruit fly (ECFF) (*Rhagoletis cerasi*) 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 ECFF remained unchanged for 2023 and includes the counties of Niagara, Erie, Orleans, Monroe, and Wayne. No orchard trapping was conducted in the 2023 growing season. Division personnel conducted float tests in the orchards of all fresh cherry fruit that would be leaving the quarantine area. Staff collected 498 pounds of cherries to conduct 250 in-orchard float tests. No ECFF larva was found. Processing cherries leaving the state were also float tested prior to leaving the quarantine area at approved packing house receiving stations. No ECFF 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 New Jersey, Illinois, Massachusetts, Ohio, South Carolina, Ontario, Canada, and on Long Island in New York State. 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 14 infested trees were discovered by Department survey crews this past year, all were in the core area and did not alter survey or quarantine boundaries. In 2023, areas were targeted for a final survey based on risk models provided by the United States Forest Service and several cycles of negative surveys. Since no signs of infestation were found in those areas, the Department reduced the quarantine area by approximately 25%. This reduction will allow us to focus our resources of the highest risk areas.

## 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 ALB 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 2023, the division:

- monitored 496 general compliance agreements which included five Nursery/Garden Center Agreements;
- made 949 site inspections along with 466 vehicle inspections;
- issued 11 Regulated Material Certificates for firewood inspections;
- issued four quarantine orders and four limited permits to authorize controlled movement of regulated materials;
- issued no violations for improper disposal of ALB host wood; and
- provided 18 on-site compliance trainings for 38 individuals and 18 organizations.

## *Golden Nematode*

The golden nematode (GN) is a destructive potato pest that 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 USDA, has maintained an effective and comprehensive control program to minimize GN. Managing and regulating GN protects the export of New York potatoes, nursery stock, and other agricultural commodities that are exposed to soil. This work has successfully kept GN controlled within New York State and prevented the spread to other states.

In 2023, the program:

- sanitized farm and construction equipment (271 power washed and 65 steam heat treated) to prevent the spread of GN through the movement of soil;
- collected leaf samples from 23 fields for DNA analysis to confirm that the resistant variety crop rotation was adhered to, finding all fields to be in compliance;
- in cooperation with the USDA, continued its work in reducing GN regulated acreage, finding parcels in Nassau County and in Southold Township to have

completed all required sampling with negative results and ready to be released;  
and

- issued 43 compliance agreements to ensure other agencies or businesses are aware of and follow any GN restrictions.

Systematic soil surveys are conducted in potato-producing areas of New York to determine if new introductions of GN are present and to confirm that currently regulated fields remain without detectable levels of GN cysts. In 2023, soil samples were taken in seed potato production fields, at potato grader stations, in fields considered for deregulation, and in fields known to be infested or exposed to infestation. In nine New York counties, a total of 2,635 samples from 83 fields comprising 921.26 acres were sampled and sent to the USDA Avoca Laboratory for testing. Results returned to date were negative, with additional results pending.

### *Plum Pox Virus*

Plum pox virus (PPV) was declared eradicated from New York in 2021. Post eradication surveys for PPV continue to be important due to the presence of PPV in areas of Ontario, Canada adjacent to western New York State. Monitoring surveys for PPV were completed as part of 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 PPV from New York State was possible due to the strong cooperation between USDA, AGM, Cornell University, and stone fruit producers in New York State.

### *Spotted Lanternfly*

Spotted lanternfly (SLF) (*Lycorma delicatula*) is a planthopper native to China, India, and Vietnam. SLF is known to utilize more than 70 plant species, including cultivated grapes, apples, stone fruits, other fruit trees, the invasive tree of heaven, and many species of hardwood trees. SLF is expected to have a negative impact on agriculture, forest products, and recreation industries in areas of infestation. SLF was first detected in the United States in Berks County, Pennsylvania in 2014, and established populations have since been confirmed in 17 states. Strategies for monitoring and control of SLF are continuing to be developed, as its biology is still not fully understood.

As a part of detection and control efforts, a total of 897 circle traps were deployed to monitor for SLF and manage SLF population in high-risk areas of New York State. Results verified SLF presence and intensity of infestation in several areas. Visual inspections, canine teams, and response to public reports, which numbered over 36,000, were also utilized to confirm SLF presence in these areas. In 2023, SLF detections or infestations were identified and confirmed in 25 New York State counties: Albany, Bronx, Broome, Cayuga, Columbia, Delaware, Dutchess, Erie, Greene, Kings, Monroe, Nassau, New York,

Onondaga, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester.

State horticultural inspectors visited and inspected 7,543 properties totaling over 80,000 acres, encompassing more than 500 United States National Grid areas. Trapping, physical removal of SLF nymphs and adults, and egg-mass scraping were performed in all affected counties. Reports from throughout the state continue to be investigated to detect any additional populations. As part of horticultural inspectors' daily routines, 718,860 plants at 663 establishments were inspected for signs of SLF 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 SLF; tree and plant materials; yard and landscaping waste; remodeling and construction waste; firewood; packing materials; and outdoor household items such as lawn mowers, grills, patio furniture, and stone. Inspections of incoming regulated articles continued throughout 2023 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 has been found in four locations in Glenville, Schenectady County. Oak wilt was first confirmed in New York in 2008 and was treated but resurfaced in 2013. Two new locations were found in 2017 and one new location was found in 2018. In 2016, oak wilt was discovered in Islip, Riverhead, and Southold in Suffolk County; Brooklyn in Kings County; and Canandaigua in Ontario County. In 2018 and 2019, oak wilt was found in South Bristol in Ontario County and Middlesex in Yates County, respectively. In response to these detections the New York State Department of Environmental Conservation (DEC) has enacted a protective zone within the following counties of New York: Suffolk, Kings, Ontario, Schenectady, and Yates. In 2022 DEC 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.

In 2023, DEC released the protective zones in Suffolk and Kings counties due to years of negative surveys. DEC is currently conducting visual surveys, trapping, and collecting leaf and branch samples of symptomatic material for diagnosis in the three remaining protective zones in Glenville, Schenectady County, the Town of Bristol, Ontario County, and the Town of Middlesex, Yates County.

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 2023,

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 2023. Since the Suffolk County protective zone has been lifted, in late 2023, none of the current 32 compliance agreements will be renewed. Oak trees will continue to be inspected in nursery establishments.

### ***Beech Leaf Disease***

For 2023, New York conducted a survey of beech nursery stock at nursery grower and dealers across New York State. Horticultural inspectors completed visual surveys of beech nursery stock for symptoms of beech leaf disease. In total, over 1,900 host trees were surveyed at 64 sites with positive detections of the pathogen found during routine inspections. Quarantines were put into place and corrective actions were taken.

In addition to the surveys the division conducted, DEC's Division of Land and Forests continued with surveying for the presence of the beech leaf disease on public lands across the state. In 2023, 12 New York counties were confirmed for the presence of beech leaf disease from suspect samples confirmed by the official identifier, the 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 USDA. These included both plant-pest surveys and control activities such as pest containment or eradication.

Division staff participated 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 federal partners, including the USDA Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine program and the United States Forest Service.



## Commodity Inspection, Sampling, and Analysis

### *New York State Seed Testing Laboratory*

The New York State Seed Testing Laboratory (NYSSTL) received 476 service samples consisting of 170 species, completing 476 samples. Samples were submitted from 73 New York growers, and one grower each in Connecticut, Pennsylvania, and Vermont. Each sample may result in multiple tests.

Service sample tests performed are outlined in the chart below.

	<b>Number of Tests 2018</b>	<b>Number of Tests 2019</b>	<b>Number of Tests 2020</b>	<b>Number of Tests 2021</b>	<b>Number of Tests 2022</b>	<b>Number of Tests 2023</b>
<b>Germination</b>	624	665	764	903	765	591
<b>Purity</b>	123	107	122	91	82	95
<b>Cold Test</b>	65	64	48	125	55	34
<b>Fluorescence Test</b>	0	6	0	0	0	0
<b>Moisture</b>	5	18	12	13	11	21
<b>Seed Count</b>	3	16	5	7	11	13
<b>Rush</b>	5	1	1	0	2	0

Service samples by crop category are shown in the chart below.

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Ag</b>	49.60%	36.75%	37.40%	38.54%	29.53%	27.20%	41.39%
<b>Flower</b>	2.99%	13.09%	21.55%	25.07%	22.69%	14.08%	13.45%
<b>Lawn</b>	7.37%	12.15%	1.90%	4.87%	6.84%	4.16%	2.10%
<b>Range/ Restoration</b>	1.79%	2.05%	0.32%	0.00%	0.00%	0.00%	0.00%
<b>Tree</b>	0.00%	0.63%	0.00%	0.00%	0.00%	0.16%	0.00%
<b>Vegetable</b>	38.25%	35.33%	38.83%	31.52%	40.94%	54.40%	43.07%

### *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 designate 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 2023, 253 seed samples were taken by horticultural inspectors. Of these, 249 were analyzed at the New York State Seed Laboratory with three pending analyses. One was only submitted for Trueness to Variety testing. Additionally, ten samples were submitted to the Federal Seed Laboratory as Trueness to Variety samples. Of these samples, 76% of the samples were accurately labeled. Approximately 36 seed labelers were sampled.

<b>Seed</b>	<b>Turf/Lawn</b>	<b>Flower</b>	<b>Agriculture</b>	<b>Vegetable</b>
<b>Samples Analyzed</b>	52	3	171	18
<b>Samples in Compliance with Labeling</b>	37	2	130	18
<b>Samples with Violations</b>	14	1	40	3

### *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.

	<b>Fertilizer</b>	<b>Lime Brands</b>	<b>Soil and Plant Inoculants</b>
<b>Firms or Brands Licensed</b>	600	120	814
<b>Samples Taken</b>	84	9	N/A

### *Ammonium Nitrate Inspection*

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. In 2023, all facilities in the state were inspected and found to be following regulations.

### *Stop Sale Orders*

The Department may issue stop sale orders for situations including out of date seed; unlicensed fertilizer, lime, and inoculants; and improperly labeled products. In 2023, 127 stop sale orders were issued.

## **Invasive Species and Noxious Weeds**

### *Regulated Invasive Plant Species*

During 2023, there were 5,777 total grower and dealer inspections conducted by the division. Only 327 establishments had plants regulated under Part 575. Including establishments that were re-inspected, there were a total of 573 inspections of plants regulated under Part 575. Of these violations, there were 16 instances of plants not properly labeled at 11 locations. In most cases, labeling deficiencies were corrected either during the inspector's visit or shortly afterward.

There were 196 individual prohibited plants detected at ten establishments. All plants were quarantined and destroyed.

### *Cooperative Agricultural Pest Survey*

The 2023 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 the state. The state visual targets were boxwood blight and late blight on tomato. The Federal visual targets were Japanese wax scale, groundnut bud necrosis virus (GBNV), *Phytophthora ramorum* blight, and southern bacterial wilt. Horticultural inspectors completed surveys at nursery/greenhouse sites inspecting for pests and diseases on multiple host plants. Over 3,300 sites and 12.1 million host plants across the state were surveyed.

In addition, four other target species were surveyed using a trap and lure to attract the pest: old world bollworm, pine beauty moth, oak ambrosia beetle, and oak processionary moth. A total of 136 traps were deployed at 68 sites across the state. Horticultural inspectors submitted 4,286 specimens for determination. There were no positive target identifications made by the official identifier, the Insect Diagnostic Lab at the Cornell University's Department of Entomology. All the 2023 results were entered into the National Agricultural Pest Information System (NAPIS) program. Federal targets and state visual from the highest predicted impact pest lists were used to evaluate a targeted survey of various plant commodity groups for 2024.

### *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 2023 apiary inspection season began in April and ran through October with four apiary inspectors covering all counties within New York State. In 2023, apiary program inspectors:

- visited 781 apiary yards and inspected 10,660 colonies;
- issued 162 certificates for the sale of 5,190 nucleus colonies and 29,650 queens and 90 full-sized colonies produced in New York;
- identified and abated 16 colonies infected with American Foul Brood in four beekeeping operations,
- issued 54 interstate certificates for movement of 44,179 colonies and 7,380 nucs outside of New York;
- supported the Cornell University Beekeeper Tech Team in their work to teach Best Management Practices (BMPs) to New York beekeepers;
- assisted with 379 northern giant hornet (*Vespa mandarinia*) inquiries of potential sightings, with no confirmed positives in New York; and
- participated for the third year in a quarterly lunch and learn webinar series with four New England states to help educate New York's beekeepers.

### *National Honeybee 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 was one of 42 states/territories that participated in the National Honeybee Survey, with 19 beekeepers inspected and sampled one or two times. A second sampling of five beekeepers contributed to a longitudinal study. AGM inspectors collected bees and bee bread from eight colonies in each yard. The samples were analyzed for varroa mite and *Nosema sp.* Levels; molecular analysis was conducted for ten different viruses; and 193 different pesticides were broken out as insecticides, herbicides, fungicides, and varroacides. The returned samples showed a correlation between bees that migrated and pollinated multiple crops and increased pesticide and viral loads as compared to stationary bees that were not involved in pollination services.

### *Tropilaelaps Mite Survey*

The New York Apiary Inspection Program participated in a survey conducted by the North Dakota Department of Agriculture. The primary goal of the survey was to use molecular testing to detect tropilaelap mite DNA in hive debris. Ten commercial beekeepers were selected as participants. In addition to hive debris, vials of honeybees were collected, preserved in alcohol, and tested for *Lotmaria passim* and *Crithidia mellificae* (flagellate parasites). The survey included viral testing of the honeybee samples for 18 additional viruses and pathogens. Three beekeepers had detections of *Lotmaria passim* in their

samples and all ten beekeepers were found with detections of black queen cell virus, sacbrood virus, deformed wing virus A and deformed wing virus B.

## 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 AML Article 16. The division works in cooperation with municipal offices of weights and measures statewide to assure accuracy in 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 20 permanent staff in 2023, including ten weights and measures field specialists, two laboratory metrologists, one lab manager, two supervisors, a division director, an assistant director, and support staff.

### Programs

#### *Special Details*

The division certifies large-capacity vehicle scales, terminal rack meters, and liquified petroleum gas truck meters on a fee basis. The division limits its testing to devices not tested by municipalities because they lack necessary equipment, training, or facilities.

<b>2023</b>	<b>Number Tested</b>	<b>Revenue</b>
<b>Large-Capacity Vehicle Scales</b>	36	\$7,200
<b>Airport Refuelers</b>	82	\$8,200
<b>Liquified Petroleum Gas Truck Meters</b>	1,106	\$110,600
<b>Weigh In Motion (WIM)</b>	1	\$11,074
<b>Total</b>	1,224	\$137,074

#### *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 2023, the division tested 1,090 scale pairs and 15 deck scales from 55 different police agencies, for a total revenue of \$556,250.

### *Metrology Laboratory*

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

<b>Customer</b>	<b>Number of Tests<sup>1</sup></b>	<b>Revenue</b>
<b>Municipal Weights and Measures</b>	56	\$31,460
<b>Other Government</b>	105	\$14,160
<b>Private Industry</b>	242	\$42,680
<b>Total</b>	403	\$88,300

<sup>1</sup> All tests combined equal 6,010 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."

<b>Type of Evaluation</b>	<b>Number of Evaluations</b>	<b>Revenue</b>
<b>New York State Laboratory</b>	0	\$0
<b>Other Laboratories</b>	32	\$3,200
<b>Total</b>	32	\$3,200

### *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.

<b>Product</b>	<b>Samples Taken</b>	<b>Number of Failures<sup>1</sup></b>
<b>Gasoline</b>	11,284	270 (2.3%)
<b>Diesel</b>	1,534	51 (3.3%)

<sup>1</sup> This does not include summer Reid vapor pressure (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 2,888 weighmaster licenses in 2023 for total revenue of \$43,320.

### *Fuel-NY*

To prepare for future emergencies and severe weather events, certain 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 2023, 788 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 2023, the division issued 119 bulk milk tank poundage charts.

## **Federal/Interstate Activity**

- New York State DEC:
  - On January 18, 2024, the division supplied DEC with the 2023 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. Currently the NTEP evaluator position is vacant due to retirement and an uncertain future workload.
- 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 DEC and the New York State Department of Public Service(PSC). 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 2023, the division provided 2,749 hours of training to 131 inspectors from 52 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
- NTEP certification from the National Conference on Weights and Measures (NCWM).

## **The Great New York State Fair**

In 2023, the Great New York State Fair welcomed 932,699 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 continued to bounce back from the COVID-19 pandemic. Held from August 23 through Labor Day, September 4, 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.

A new activation in the Expo Building – animatronic dinosaurs – helped educate and entertain visitors of all ages. Meanwhile, time-honored Fair traditions such as viewing the



sand sculpture and the butter sculpture continued to delight fairgoers. To build upon the cultural experience of The Fair, Asian Village was added in 2023 during the first four days of The Fair. Asian Village joined the Pan African, Indian, and Latino Villages as a staple on the fairgrounds.

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 returned to showcase the best in Fair cuisine, and multiple new vendors served up new favorites.

Patrons enjoyed a jam-packed music schedule with over 150 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 48 concerts to Chevy Park and the newly re-named Suburban Park. Of these, the performance by Lainey Wilson smashed previous attendance records with 53,200 fans packing into Suburban Park. In addition to the Chevrolet Music Series, musical acts were hosted on the cultural stages, in the Empire Theatre, and by many of the vendors in the evenings.