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FIFTH DISTRICT

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

COMMITTEE ASSIGNMENTS:
PRIVILEGES AND ELECTIONS
LABOR AND COMMERCE
RULES

August 3, 2022

The Honorable Matthew Lohr
Secretary of Agriculture and Forestry
P.O. Box 1475
Richmond, VA 23218

The Honorable John Littel
Secretary of Health and Human Resources
P.O. Box 1475
Richmond, VA 23218

The Honorable Travis Voyles
Acting Secretary of Natural and Historic Resources
P.O. Box 1475
Richmond, VA 23218

Director Andrew Wheeler
Office of Regulatory Management
P.O. Box 1475
Richmond, VA 23218

Gentlemen,

We recently met with a group of concerned citizens in Grayson County where we were also joined by certain members of the Board of Supervisors and a representative from VDACS. The meeting centered around the Christmas tree industry that operates within the county.

While the most recent statistics indicate that Virginia ranks 7th in the United States in Christmas tree production, it appears that numerous tangential issues are being created in Grayson County specifically. It also goes without saying that the county's infrastructure has a tremendous amount of strain put on it. However, the most pressing issues revolve around the practices of the tree farms themselves. In fact, most of the issues seem to be emanating from one corporation.

Bottomley Farms uses helicopters to spread pesticides, which is legal in Virginia, but it is doubtful that Virginia Code contemplated spraying at altitudes of 2500-5000 feet. Additionally, such altitude means these chemicals are often sprayed onto adjoining landowner's homes, farms, bee hives, creeks, etcetera. As an aside to give more background, we were told that when landowners have made complaints, the company has sent employees out to intimidate them. Some people are now afraid to make complaints at all.

We heard over two hours of public testimony and have reviewed multiple pages of supporting documentation. It is in that vein that we would pose the following issues that were brought to our attention:

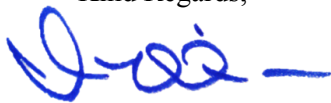
1. Is the Commonwealth currently enforcing all the laws and regulations pertaining to this industry? We heard accusations of chemicals being dumped into streams, contamination of wells and ground water, bulldozing of a stream, extreme clear cutting of property, burning of slash with accelerants, smoke contamination from the burns, and concerns as to the chemical makeup of pesticide sprays. We also heard of an organic farm that is being contaminated by aerial spraying.
2. Can the Commonwealth institute a rule regarding buffer zones between Christmas tree farms and adjoining properties?
3. Does the Commonwealth have the budgetary means to add an additional pesticide inspector for Southwest Virginia? If not, what would such a budget amendment need to look like?
4. Can the Commonwealth institute a rule requiring advance notice of intent to spray pesticides?
5. Can the Commonwealth institute a rule related to wind and weather considerations when applying pesticides aerially?

Our request is multifaceted. We would respectfully ask that the allegations previously enumerated be investigated as soon as possible. We would also request to know which of these complaints can be remedied by current Code and/or administrative law. We are prepared to work with your respective secretariats to address the matters that may not be covered by either.



Delegate Terry Kilgore
Majority Leader
Virginia House of Delegates

Kind Regards,



Delegate Israel O'Quinn
Deputy Majority Leader
Virginia House of Delegates



Delegate Jeff Campbell
Sixth District
Virginia House of Delegates



Senator Todd Pillion
Fortieth District
Senate of Virginia