

Leadership and Legal Issues in State Agencies

State Department of Agriculture Leadership Perspectives

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I. State Departments of Agriculture Overview

- A. Each state has a set of regulatory functions, and often also promotional and economic development roles related to agriculture, food, farming, animal and plant health, environmental stewardship, and public health.
- B. Depending on the state constitution, legislative history of creation of programs, and the ability of a governor to reorganize state functions and transfer programs and authorities, state agriculture departments evolve over time. Many have become something more than “department of agriculture” by adding other responsibilities including areas like forestry, rural development, and consumer protection.

Very few programs exist in every state department of agriculture. Animal health and the position of the state veterinarian may be in the department, but in other cases are vested in an independent state agency, board, or commission. Plant health, including pesticide and fertilizer regulation, may be in the department but could also be part of an environmental or natural resource agency. Food safety may be housed in the department, or a shared responsibility with the public health or commerce departments. Horse racing could be inside or be part of a gaming control function. Regulation of grain sales and elevators may be part of state commerce. Other variables include:

1. The degree to which local units of government have primary or secondary authority, and whether some functions are delegated through the state constitution and statutes from the state to local units. This includes a wide range of areas from food inspection to enforcing dog laws.
2. The size, scope, and relative economic and social power of the food and agriculture sector in a state, and what kinds of laws and regulations the sector has encouraged over time to regulate and protect itself. This includes areas like nuisance lawsuit protection for farms and hiring dairy inspectors to ensure that milk can go into interstate commerce.
3. The nature of the head of the department. Whether called Commissioner, Secretary, or Director, the head of the agency may be created in the state constitution, elected on a statewide basis, appointed by the Governor for a fixed term, or appointed by and serving at the pleasure of the Governor. There may also be limitations on how many at will or politically appointed deputies and assistants are available to help the head of the agency. The in-house counsel type position may be an at-will position appointed by the head of the agency or may be a career civil service position.

The majority of state departments of agriculture contain the following programs: state apiary (bees), feed, seed, pesticide, fertilizer, plant health, dairy inspection, weights and measures, state organics programs, aquaculture, and some animal health components.

II. Leadership in State Departments of Agriculture

- A. As mentioned above, the heads of state departments of agriculture are generally appointed by the Governor, Governor’s appointees, or are elected independently. Some common, over-arching considerations for a new Director, Secretary, or Commissioner:
 1. **Internal.** You’re inheriting a lot, and it takes a lot to get up to speed. Even if you’ve been around and worked with the Department before, you’re now on the inside and at the top of a bureaucratic organization that has a long history. The lawsuits that are still pending, the regulations in the review

and updating process, the budget, and even the strategic plan are all yours until you change or address them. You've got a wide range of people and programs; some want your attention, and some need your attention. Your staff want to know what your priorities are and what may be changing, in particular what may impact them. Many things may be running just fine and have not changed, year in and year out, over the spans of your predecessors. That continuity may be helpful, but it could also be because that's the way it has always been done. Personnel issues, from vacancies and promotions to discipline and termination, may take up more time than imagined. You have to learn a wide range of things, including what your legal authorities and responsibilities are, what needs to be acted upon or decided in the short, medium, and long term, and many, many names. If you are able to bring in / appoint some positions to help, they'll have many of the same challenges, and you all have to work on and set a tone when it comes to trust and communications.

2. **External – Government.** Again, there's a lot to learn. Within the administration, there are policies and procedures and laws specific to purchasing, hiring, travel, hosting meetings, training, media, and more. At the beginning of an administration, there are additional challenges as there may be new directives and orders being added. Many individuals in the administration are also new to their roles. Formal and informal reporting, information sharing, and decision-making processes are being built and evolving. You're also learning about the interactions your agency has not only with other state agencies, but with local, federal, and in some states, tribal government agencies. And then there's the state legislature. Depending on how often they meet, you may have to spend a lot of time meeting with them, working on legislation and budget issues, and addressing their concerns about policy and departmental actions.
 3. **External – Stakeholders.** Depending on your background, you may start having a good sense of external stakeholders and their issues. However, you've now inherited the history, from the things that some people like and expect to continue to the things and actions that other interest groups are hoping you'll fix, change, or end. They all want a few minutes of your time – or more. As the head of a state department of agriculture, there are a lot of expectations that you'll be visible and available, and that'll you'll attend major events like annual commodity meetings to fairs and farm tours.
- B. All of these things are important factors and without any partisan overlay. Some issues will be non-partisan, and other actions and interactions will be viewed through a partisan lens.
- C. Flexibility and keeping the big picture in mind are critical. In any given day, you'll have an unbelievable amount of information coming at you, like:
- International, national, state, and local news about trade, health, regulations, legal issues, and other issues that impact your agency.
 - Department actions in the field – inspections, seizures, quarantines, accidents, surprisingly unpleasant discoveries.
 - Department actions in the office – reviewing standards, applications, and enforcement actions, permits; as well as purchasing, contracts, and budgets. Coordination on administrative, civil, and criminal cases. Preparing for emergencies. Communicating internally and externally.
 - Inquiries, requests, allegations, threats, and demands sent by letter, email, fax, and through social media.
 - Personnel – retirements, hiring, job changes, complaints, investigations, motivation, training, communication
- D. All of this takes leadership and management skills, especially time management. An enormous part of succeeding requires having excellent staff who bring problems to your attention with solutions and options, who anticipate your information needs, and who quickly learn and adjust.