

AGENDA
STATE BOARD OF AGRICULTURE
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

Tuesday, January 27, 2015
10:00 a.m.

2800 N. Lincoln Blvd.
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of December 9, 2014
6. Consideration and Proposed Action on Division Reports
 - I. A. Administrative Services – Sancho Dickinson
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Paul Kerr
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – George Geissler
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Sancho Dickinson
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.
 - E. Animal Industry Services – Rod Hall, DVM
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.

F. Wildlife Services – Kevin Grant

Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.

G. Agricultural Statistics – Wilbert Hundl, Jr.

Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.

H. Market Development Services – Jamey Allen

Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Plasticulture, Farm to School), International Marketing, Market News and Rural Economic Development.

I. Agricultural Environmental Management Services – Jeremy Seiger

Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.

J. Office of General Counsel – Teena Gunter

Summarizes activities of the division and Commercial Pet Breeders, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.

L. Food Safety Services – Stan Stromberg

Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.

II. Ag Communications and Outreach Update – Blayne Arthur

7. Consideration and Proposed Action on Claims

8. Consideration and Proposed Action on Purchases/Contracts

Renewal 3rd year of a 4 year contract with Weyerhaeuser to grow tree seedlings for the Nursery – FY16 \$65,000.00

Renewal of agreement/membership in Western Gulf Forest Tree Improvement Cooperative for FY16 - \$19,500.00

Renewal of agreement/membership in Auburn Nursery Cooperative for FY16 - \$10,500.00 (contingent upon Federal Forest Stewardship grant allocation)

NODA – Support Services (Enid) FY16 - \$1,800.00

NODA – Office Rent (Enid) FY16 - \$1,500.00

TriPower – Office Rent (Ardmore) FY16 - \$1,800.00

Postage Meter at CW and RF Headquarters – FY16 \$7,000.00

Renew contract with the Oklahoma Department of Corrections for inmate labor at CW Area – FY16 \$3,000.00

Contract for Aerial Spraying Services for insect control on orchards at FTIC in Idabel – FY16 \$8,000.00

Fumigation to control insect and disease pathogens and nut grass in seed beds at FRC – FY16 \$50,000.00

Agreement between OSU Natural Resource Ecology & Management and OFS to restore Cross Timbers Forest ecosystem at Lake Carl Blackwell near Stillwater. Funding Source is the USFS Forest Health, Invasive Species Grant estimated at \$20,000.00

Control Chinese Privet on 240 acres leased from the Oklahoma Land Commission behind the Southeast Area PFS office in Broken Bow. Funding Source is the USFS Forest Health, Invasive Species Grant estimated at \$15,000.00

FY 2015 - Purchase of headsets, batteries, chargers, and a transmitter to be used at AITC workshops and on AITC bus road trips. Funded by USDA Specialty Crop Block Grant – \$10,200.00

FY 2015 - Creation of Specialty Crop-Opoly board game – a resource for teachers to use in classrooms across the State in educating students about Oklahoma specialty crops. This learning experience uses math, social studies, mapping skills, and provides nutritional information about each crop. Funded by USDA Specialty Crop Block Grant - \$30,000.00

FY 2015 – Oklahoma Farmers Market grants funded by USDA Specialty Crop Block Grant - \$55,000.00

FY 2015 – Purchase of Oklahoma Grown Farmers Market bags for OK Grown Markets and Plasticulture Program participants. - \$10,000.00

FYO2015 - A seasonal marketing campaign with the objective of enhancing Oklahoma specialty crops by creating awareness, increasing the number of visitors and sales at Oklahoma U-Pick operations, and educating consumers of the rules, best tips, and tricks of how to pick the fruit and how to maneuver the gardens and orchards. Funded by USDA Specialty Crop Block Grant - \$80,000.00

Purchase 4 UHF RFID Hand held readers for Animal Identification. \$25,295.00

Printing of 1,000 Oklahoma Agricultural Statistics 2014 annual bulletins, and Oklahoma Pocket Facts 2014 for FY 2015. Additional \$3,200 – for a total of \$9,900. (Initial \$6,700 approved August 2014)

9. Consideration and Proposed Action on Agency Travel

10. Consideration and Proposed Action on Stipulations

Animal Industry Services

Ryan Laramie Thoroughman, 120 Blackjack Lane, Wilson, Oklahoma

Consumer Protection Services

Dollar General Corp., 100 Mission Ridge, Goodlettsville, Tennessee

Office of General Counsel

Amie D. Wilson, 57 Braudrick Lane, Durant, Oklahoma

**Possible Executive Session (if approved by the required number of members present):
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

11. Consideration and Proposed Action on Consent Order

Consumer Protection Services

Roark Landscaping Corp., 5809 S. 107th E. Avenue, Tulsa, Oklahoma

**Possible Executive Session (if approved by the required number of members present):
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12. Consideration and Proposed Action on Default Judgment

Consumer Protection Services

Turf Pros, 13801 S. E. 114th Street, Oklahoma City Oklahoma

**Possible Executive Session (if approved by the required number of members present):
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

13. Consideration and Proposed Action on Permanent Rules

FEE SCHEDULES

- Chapter 2. Fees
- Subchapter 2. Fee Schedules
- 35:2-3-2.1. Schedule of animal health testing fees [AMENDED]
- 35:2-3-2.2. Schedule of feed and fertilizer testing fees [AMENDED]
- 35:2-3-2.3. Schedule of meat chemistry testing fees [AMENDED]
- 35:2-3-2.4. Schedule of microbiological testing fees [AMENDED]
- 35:2-3-2.5. Schedule of pesticide testing fees [AMENDED]
- 35:2-3-2.6. Schedule of water and sediment inorganic testing fees [AMENDED]
- 35:2-3-2.7. Schedule of seed testing fees [AMENDED]
- 35:2-3-2.8. Schedule of Oklahoma Bureau of Standards testing fees [AMENDED]
- 35:2-3-5. Fees for meat inspection overtime [AMENDED]

AEMS

- Chapter 17. Water Quality
- Subchapter 3. Swine Feeding Operations
- 35:17-3-5.2. Calculation of fees [NEW]
- 35:17-3-14. Swine Waste Management Plans [AMENDED]
- Subchapter 4. Concentrated Animal Feeding Operations
- 35:17-4-3.2. Calculation of fees [NEW]

AEMS

- Chapter 44. Agriculture Pollutant Discharge Elimination System
- Subchapter 1. Agriculture Environmental Permitting and AgPDES
- Part 1. General Provisions
- 35:44-1-3. Date of federal regulations incorporated [AMENDED]
- Subchapter 3. Permit Conditions and Requirements
- 35:44-3-3. Date of federal regulations incorporated [AMENDED]

ANIMAL INDUSTRY

- Chapter 15. Animal Industry
- Subchapter 13. Testing And Inspection For Disease And Release Of Livestock At Auction Markets
 - 35:15-13-3. General requirements for a livestock auction market [AMENDED]
 - 35:15-13-6. Movement of livestock through livestock auction markets [AMENDED]
- Subchapter 36. Scrapie
 - 35:15-36-1. Incorporation by reference of federal regulations [AMENDED]
 - 35:15-36-2. Deleted regulations [AMENDED]
- Subchapter 40. Bovine Tuberculosis
 - Part 3. General Tuberculosis Rules [AMENDED]
 - 35:15-40-49.1. Dairy cattle change of ownership [AMENDED]
 - 35:15-40-50. Record keeping [AMENDED]
 - Part 7. Import Requirements
 - 35:15-40-92. Mexican origin cattle [AMENDED]
 - 35:15-40-92.1. Diversion or separation of Mexican origin cattle [NEW]
- Subchapter 42. Tuberculosis Eradication In Cervidae
 - Part 7. Incorporations By Reference
 - 35:15-42-54. Incorporation by reference of federal regulations [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) In Cervids
 - Part 3. Herd Certification Standards
 - 35:15-47-6. Minimum requirements for herd certification [AMENDED]
 - Part 7. Interstate Movement Requirements
 - 35:15-47-18. Minimum CWD requirements for interstate movement of cervids [AMENDED]

CONSUMER PROTECTION

- Chapter 10. Agricultural Products
- Subchapter 1. General Provisions
 - 35:10-1-3. Handbook and publication editions [AMENDED]

CONSUMER PROTECTION

- Chapter 13. Fuel Alcohol
 - 35:13-1-1. Incorporation by reference of federal distilled spirits for fuel us regulations [AMENDED]
 - 35:13-1-2. Deleted regulations [AMENDED]
 - 35:13-1-3. Definitions [AMENDED]

CONSUMER PROTECTION

- Chapter 30. Consumer Protection
- Subchapter 17. Combined Pesticide
- Part 6. Pesticidal Product Producing Establishments
- 35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations [AMENDED]
- Part 21. Standards for Disposal of Pesticide and Pesticide Containers
- 35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations [AMENDED]
- 35:30-17-92. Handling spills [AMENDED]
- Subchapter 45. Scrap Metal Dealers
- 35:30-45-1. Purpose [AMENDED]
- 35:30-45-2. Definitions [AMENDED]
- 35:30-45-4. Initial license application [AMENDED]
- 35:30-45-11. Inspections [AMENDED]
- 35:30-45-12. Grounds for denial, suspension, or revocation of a license [AMENDED]
- 35:30-45-13. Sanctions for misconduct [AMENDED]

FOOD SAFETY

- Chapter 37. Food Safety
- Subchapter 1. Eggs
- 35:37-1-1. Oklahoma standards [AMENDED]
- 35:37-1-2. Methods of grading [AMENDED]
- Subchapter 3. Meat Inspection
- Part 1. General Provisions
- 35:37-3-1. Incorporation by reference of federal meat inspection regulations [AMENDED]
- 35:37-3-3. Deleted regulations [AMENDED]
- Subchapter 5. Poultry Products Inspection
- Part 1. General Provisions
- 35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations [AMENDED]
- 35:37-5-2. Deleted regulations and exemptions [AMENDED]
- Subchapter 13. Milk and Milk Products
- 35:37-13-2. Incorporations by reference [AMENDED]
- Subchapter 15. Organic Products
- 35:37-15-1. Definitions of the Oklahoma Department of Agriculture, Food, & Forestry Organic Program [AMENDED]
- 35:37-15-2. The Adoption of NOP Standards [AMENDED]
- 35:37-15-3. Procedures for Organic Certification and Registration [AMENDED]
- Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [REVOKED]
- Appendix A. Chemical, Bacteriological and Temperature Standards for Individual Distributed Raw Milk and Manufacture Grade Milk and Milk Products [NEW]

OFFICE OF GENERAL COUNSEL

Chapter 55. Commercial Pet Breeders and Animal Shelters

Subchapter 1. Licensing

35:55-1-3. License required [AMENDED]

Subchapter 3. Standards of Care

35:55-3-1. Incorporation by reference [AMENDED]

14. Consideration and Proposed Action on Moratorium on Processing of Applications for New Feral Swine Sporting Facilities

15. Old Business

16. New Business – Next Board meeting is scheduled for Tuesday, March 17, 2015, in Oklahoma City

17. Adjournment