

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

Monday, January 25, 2016  
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 8, 2015
6. Public Comment
7. Consideration and Proposed Action on Division Reports
  - I. A. Administrative Services – Bryan Painter  
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 – Tanna Kilpatrick  
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 – Kenny Naylor  
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

8. Consideration and Proposed Action on Claims

9. Consideration and Proposed Action on Purchases/Contracts

Purchase winter PPE for East Central area wildland firefighters, \$10,000

- FY16, One time Federal funding
- Winter personal protective equipment is a necessary piece of nomex (fire retardant) clothing that keeps the firefighters safe in extreme conditions when they are fighting fire. Without this clothing it would cause working in unsafe conditions and personnel being stressed from the cold while performing their duties.

Urban Forestry Council Grant, \$15,000

- FY2016, Federal funding
- This is a statewide urban forestry educational activities grant. This longstanding partners provides the citizens of Oklahoma with information and educational opportunities related to tree care, selection, planning, etc.

Oklahoma Gardening Grant, \$10,000

- FY16 Federal funding
- This is a longstanding education and outreach grant sponsoring the popular Oklahoma Gardening program produced by OSU. This grant supports tree related educational programming.

Renew contract with the Oklahoma Department of Corrections for inmate labor at Forest Regeneration Center in Goldsby, \$3,000

- FY17
- Inmate labor provides field labor for the state forest regeneration program.

Contract for aerial pesticide application on orchards at Forest Tree Improvement Center in Idabel, \$8,000

- FY17
- Pesticide application controls insects/disease on the various pine seed orchards located at the FTIC. These orchards provide seed for our Forest Regeneration Program.

Fumigation to control insect and disease pathogens and nut grass in seed beds at Forest Regeneration Center, \$50,000

- FY17
- Fumigation is necessary to control insects, weeds and disease in the seedling beds located at the FRC.

Agreement with Weyerhaeuser to grow tree seedlings for distribution by OFS, \$65,000

- FY17
- The contract with Weyerhaeuser to grow loblolly pine is part of seedling production for the Forest Regeneration Center

Renewal of agreement/membership in Western Gulf Forest Tree Improvement Cooperative, \$19,600

- FY17
- The agreement with Western Gulf Forest Tree Improvement is essential to provide for continued guidance and development of the tree improvement program. This allows for the sharing of genetic research and materials between states in the region.

Renewal of agreement/membership in Auburn Nursery Cooperative, \$10,800

- FY17, Federal funding
- Essential for OFS to maintain agreement with Auburn Nursery Cooperative in order to use certain chemicals under their license when fumigating fields. If FRC had to purchase the license to use to be able to use those chemicals it would cost more than the membership.

Request for approval for the pickup and disposal of laboratory hazardous waste. Total cost not to exceed \$5,619.79.

FY 2016 – Made in Oklahoma Emerging Committee to assist new Made In Oklahoma Coalition members in transitioning into the mainstream retail grocery and foodservice marketplace by participating in trade shows and other events that will introduce them to the industry - \$5,000.00

FY 2016 – ODAFF and the Oklahoma State Fair have joined together to offer Made in Oklahoma companies a unique opportunity to showcase and sell their products in a Made in Oklahoma Store during the 11-day run of the Oklahoma State Fair. - \$25,000.00

FY 2016 - Made in Oklahoma Bags for re-sale to MIO program participants. - \$7,000.00

FY 2016 - Printing, packaging, and mailing Agritourism **Jelly Trail** promotional packets to forty-seven farms. Funded by USDA Specialty Crop Block Grant. - \$20,000.00.

10. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

Cherry Ranch, 441154 East. 210 Road, Vinita, Oklahoma  
Danny Fountain, 28871 South 604 Road, Bunch, Oklahoma  
Kenny Miller, 146 Jewell Lane, Hatfield, Arkansas  
Steven Shaw, 17063 Rhino Road, Spiro, Oklahoma  
Steven Shaw, 17063 Rhino Road, Spiro, Oklahoma  
Gary Steelman, 17390 West Lane, Hodgen, Oklahoma

**Consumer Protection Services**

Apache Farmers Coop, P. O. Box 177, Fort Cobb, Oklahoma  
Dollar General Corp., 100 Mission Ridge, Goodlettsville, Tennessee  
Finnigan Pest Control, 107 N. Hoff, El Reno, Oklahoma  
Oklahoma Landscape, 2660 N. Florence Ave., Tulsa, Oklahoma  
Superior Eagles of Oklahoma Inc., P. O. Box 271133, Oklahoma City, Oklahoma  
Superior Termite & Pest Control, 205 S. 85<sup>th</sup> E. Ave., Tulsa, Oklahoma  
Superior Termite & Pest Control, 205 S. 85<sup>th</sup> E. Ave., Tulsa, Oklahoma  
Superior Termite & Pest Control, 205 S. 85<sup>th</sup> E. Ave., Tulsa, Oklahoma  
Unibridge Systems, Route 1 Box 8, Knowles, 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 Permanent Rules

**CONSUMER PROTECTION**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 10. Agricultural Products  
Subchapter 1. General Provisions  
35:10-1-3. Handbook and publication editions [AMENDED]

**CONSUMER PROTECTION**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 13. Fuel Alcohol  
35:13-1-1. Incorporation by reference of federal distilled spirits for fuel use regulations  
[AMENDED]  
35:13-1-2. Deleted regulations [AMENDED]

## **ANIMAL INDUSTRY**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 15. Animal Industry  
Subchapter 1. General Provisions  
35:15-1-2. Definitions [AMENDED]  
35:15-1-6. Animals in Disaster Purpose [NEW]  
Subchapter 3. Animal Health Reportable Diseases  
35:15-3-2. Oklahoma reportable disease list [AMENDED]  
Subchapter 5. Biological Products and Laboratories  
35:15-5-1. Biological products [AMENDED]  
35:15-5-2. Laboratories [AMENDED]  
Subchapter 11. Importation of Livestock, Poultry, and Pets  
Part 11. Poultry and Other Avian Species  
35:15-11-41. Poultry and other avian species importation [AMENDED]  
Subchapter 15. Equine Infectious Anemia (EIA)  
Part 11. Requirements for Equidae Entering Oklahoma  
35:15-15-111. General requirements for Equidae entering Oklahoma [AMENDED]  
Subchapter 16. Contagious Equine Metritis  
35:15-16-1. Incorporation by reference [AMENDED]  
Subchapter 17. Bovine and Bison Brucellosis  
Part 11. Entry Permit and Retest Requirements  
35:15-17-80. Rodeo bulls [REVOKED]  
Subchapter 19. Poultry Regulations  
35:15-19-5. Live bird imports from Avian Influenza quarantined states [AMENDED]  
Subchapter 22. Swine Pseudorabies and Brucellosis  
Part 1. General Provisions  
35:15-22-3. Change of ownership requirements [AMENDED]  
Part 3. Requirements for Swine Entering Oklahoma  
35:15-22-33. Entry requirements for transitional production swine [AMENDED]  
Part 5. Requirements for a Validated/Qualified Herd  
35:15-22-51. Validated/qualified herd establishment [AMENDED]  
Part 7. Requirements for Swine Exhibitions  
35:15-22-71. Exhibition requirements [AMENDED]  
Subchapter 36. Scrapie  
35:15-36-1. Incorporation by reference of federal regulations [AMENDED]  
35:15-36-2. Deleted regulations [AMENDED]  
Subchapter 38. Bovine Trichomoniasis  
35:15-38-2. Import requirements for bulls [AMENDED]  
35:15-38-2.1. Intrastate change of ownership requirements for bulls [AMENDED]  
35:15-38-3.1. Exposed female cattle [NEW]  
Subchapter 44. Farmed Cervidae  
35:15-44-19. Entry and export requirements [AMENDED]  
35:15-44-20. Animal identification requirements [AMENDED]  
Subchapter 47. Chronic Wasting Disease (CWD) In Cervids  
Part 3. Herd Certification Standards  
35:15-47-6. Minimum requirements for herd certification [AMENDED]

## **AEMS**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 17. Water Quality  
Subchapter 5. Registered Poultry Feeding Operations  
35:17-5-2. Definitions [AMENDED]  
35:17-5-3. Registration, Nutrient Management Plan (NMP) required [AMENDED]  
35:17-5-4. Soil and litter tests required [AMENDED]  
35:17-5-5. Nutrient Management Plan [AMENDED]  
35:17-5-7. Record keeping [AMENDED]  
35:17-5-10.1. Violation points system [REVOKED]  
Subchapter 7. Poultry Waste Applicators Certification  
35:17-7-4. Private poultry waste applicators certificate [AMENDED]  
35:17-7-8. Education requirements [AMENDED]  
Subchapter 9. Agricultural Compost Facilities  
35:17-9-1. Purpose and applicability [AMENDED]  
35:17-9-6. Leachate and storm water control [AMENDED]  
35:17-9-9. Closure of licensed compost facility retention structures [NEW]  
35:17-4-22. Variances [NEW]

## **CONSUMER PROTECTION**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 30. Consumer Protection  
Subchapter 17. Combined Pesticide  
Part 1. Commercial and Non-Commercial Categories of Pesticide Application  
35:30-17-1. License Categories [AMENDED]  
35:30-17-2. Consultant license [AMENDED]  
Part 3. Certification, Conduct of Examinations, and Recertification  
35:30-17-4. Examination of applicants for certification [AMENDED]  
35:30-17-6. Recertification [AMENDED]  
Part 5. Prerequisites for Licensing  
35:30-17-11. Application for license required [AMENDED]  
Part 6. Pesticidal Product Producing Establishments  
35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations [AMENDED]  
Part 8. Pesticide Registrations and Permits  
35:30-17-17.3 Pesticide and device labeling [NEW]  
Part 11. Standards for Application of Pesticide  
35:30-17-24. Approved chemicals and equipment [AMENDED]  
35:30-17-24.1. Restricted use areas [AMENDED]  
Part 15. Minimum Standards for Termite Work for Existing Structures  
35:30-17-69.2. Exceptions to minimum standards [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]

## **FOOD SAFETY**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry

Chapter 37. Food Safety

Subchapter 3. Meat Inspection

Part 1. General Provisions

35:37-3-1. Incorporation by reference of federal meat inspection 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]

## **MARKET DEVELOPMENT**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry

Chapter 40. Market Development

Subchapter 5. Agriculture Enhancement and Diversification Program

Part 1. Definitions

35:40-5-1. Definitions [AMENDED]

Part 3. Applicant Eligibility

35:40-5-31. Applicant eligibility [AMENDED]

Part 5. Evaluation and Funding Criteria

35:40-5-51. Evaluation and funding criteria [AMENDED]

Part 7. Procedure for Loan or Grant Requests

35:40-5-71. Applications for loan or grant requests [AMENDED]

Part 9. Supplemental Program Information

35:40-5-91. Supplemental program information [AMENDED]

Part 11. Terms of Loans or Grants

35:40-5-111. Terms of loans or grants [AMENDED]

Part 19. Disbursements

35:40-5-191. Disbursements [AMENDED]

Part 23. Agriculture Event Grants [NEW]

35:40-5-121. Agriculture Event Grants [NEW]

Subchapter 19. Oklahoma Viticulture and Enology Center Development Revolving  
Fund [NEW]

35:40-19-1. Purpose [NEW]

35:40-19-2. Definitions [RESERVED]

35:40-19-3. Eligibility [NEW]

35:40-19-4. Evaluation [NEW]

35:40-19-5. Submission of applications [NEW]

35:40-19-6. Supplemental program information [NEW]

35:40-19-7. Disbursements [NEW]

## **AEMS**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
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**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 50. Aquaculture  
Subchapter 1. Private Commercial Production  
Part 1. General Provisions  
35:50-1-2. Definitions [AMENDED]  
Part 3. Licensing, Reporting, and Records  
35:50-1-37. Technical services [REVOKED]

## **OFFICE OF GENERAL COUNSEL**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 55. Commercial Pet Breeders and Animal Shelters  
Subchapter 3. Standards of Care  
35:55-3-1. Incorporation by reference [AMENDED]  
35:55-3-6.1 Canine Brucellosis [NEW]

12. Consideration and Proposed Action on Boll Weevil Eradication Status
13. Consideration and Proposed Action on Proposed Uncontested CAFO Application License  
Lost Trail Dairy I, LLC, Cimarron County, Oklahoma  
Lost Trail Dairy II, LLC, Cimarron County, Oklahoma
14. Old Business
15. New Business – Next Board meeting is scheduled for Tuesday, March 1, 2016, in Oklahoma City
16. Adjournment