

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

Tuesday, January 23, 2018
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 12, 2017
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. Food Safety & Consumer Protection Services – Kenny Naylor
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards. 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 – Scott Alls
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 – Troy Marshall
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.
 - II. Ag Communications and Outreach Update – Betty Thompson
8. Consideration and Proposed Action on Claims

9. Consideration and Proposed Action on Purchases/Contracts

Increase Aerial Detection - \$60,000
Replace engine in vehicle 4439, 2012 ford, F-350 with less than 50,000 miles - \$13,500
Renew land lease with The Commissioners of the Land for the Broken Bow Office - \$7,150
Renew land lease with The Commissioners of the Land for the Broken Bow Shop - \$1,600
Electricity for the SE area office - \$13,500
Maintenance and repair on all SE area equipment - \$22,275
Water, sewer, propane, and natural gas for SE area complex - \$9,500
National Association of State Foresters is organization composed of the directors of forestry agencies. This grant provides landowners with current policies and process - \$9,500
Uniforms for OFS employees - \$25,000
One-Net-Internet service for FRC and Community Fire Headquarters - \$9,960
Local and Long Distance Telephone service for FRC, FTIC, and Community Fire Offices - \$24,000
Postage for meter at FRC and Community Fire Headquarters - \$7,000
Electrical Service for Community Fire, FRC and FTIC Offices located in Goldsby and Idabel - \$42,000
Propane for FRC and Community Fire Headquarters office & FTIC in Idabel - \$12,000
Oklahoma Tax Commission for Titles and Tire Fee on Federal Excess Property and Firefighter Property Program - \$10,000
Purchase firefighting equipment and clothing for resale to Rural Fire Departments - \$200,000
Purchase firefighting equipment for area offices from DOD E-Mall Wildland Fire Equipment - \$50,000
Federal Grant to cover the prevention of Southern Pine Beetle - \$30,000
Community Wildfire Protection Plan - \$50,000
Firewise Community Hazard Mitigation grants - \$150,000
ESRI Arc Online License Federal Grant - \$40,000
Telephone and Internet service for EC Area offices - \$7,700
Utilities (Propane, Water, Trash) for EC area offices in Wilburton and Talihina - \$7,600
Electric for EC area offices - \$7,000
Equipment repair and supplies for EC area offices - \$14,000
Map Communication is OFS after hour's answering service - \$10,000
Equipment repair and supplies for NE area offices - \$12,000
Telephone service for NE area office - \$7,500
Utilities (Propane, Natural Gas, Water, Trash) for NE area offices - \$12,500
Renew contract with the OK Department of Corrections for inmate labor - \$20,000
Fumigation to control insect and disease pathogens and nut grass in seed beds at Forest Regeneration Center in Goldsby - \$50,000
Aerial Detection of wildfires in the Forestry Services Protection Area - \$78,000
Federal Grant to cover the prevention of Southern Pine Beetle - \$30,000
Purchase of OK Grown Farmers Market bags for OK Grown Markets - \$13,000

10. Consideration and Proposed Action on Cases Resolved by Stipulations

Consumer Protection Services

Agwerx Aviation, 2000 N. W. Will Rogers Drive, Bartlesville, Oklahoma
Agwerx Aviation, 2000 N. W. Will Rogers Drive, Bartlesville, Oklahoma
Far East Brokers & Consultants, Inc., 3644 Phillips Hwy., Jacksonville, Florida
Jettco Seed Co., 10112 State Hwy. 152, Binger, Oklahoma
Nutrena, P. O. Box 5614, Minneapolis, Minnesota
Powell Feed & Milling, Inc., 181 W. Main, Green Forest, Arkansas
Pro-Serve, Inc., 3390 Winbrook Drive, Memphis Tennessee
Roger's Landscaping, 3209 S. W. 19th, Oklahoma City, Oklahoma
Sandman's Lawn & Landscaping, 4701 N. Meller Ave., Bethany, Oklahoma
Sunbeam Products, Inc., 2381 N. W. Executive Center Dr., Boca Raton, Florida

**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 Emergency Rules

ADMINISTRATIVE OPERATIONS

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 1. Administrative Operations
Subchapter 11. Licensing Procedures
35:1-11-1. Application for license [AMENDED]
35:1-11-2. Expiration date of license [AMENDED]

12. Consideration and Proposed Action on Permanent Rules

ADMINISTRATIVE OPERATIONS

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 1. Administrative Operations
Subchapter 3. Organization and Operation
35:1-3-3. Board meetings; quorum [AMENDED]
35:1-3-4. Functions, duties, and operations of the divisions [AMENDED]

FEES

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 2. Fees
Subchapter 3. Fee Schedules
35:2-3-2. Schedules of laboratory fees [AMENDED]
35:2-3-2.4. Schedule of microbiological 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]

AGRICULTURAL PRODUCTS

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]

FUEL ALCOHOL

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]

WATER QUALITY

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

Chapter 17. Water Quality

Subchapter 3. Swine Feeding Operations

35:17-3-6. License application for new facilities or expanding operations [AMENDED]

35:17-3-11. Pollution Prevention Plan (PPP) [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations

35:17-4-4. License application for new facilities or operations [AMENDED]

35:17-4-9. Pollution Prevention Plan (PPP) [AMENDED]

35:17-4-13. Carcass disposal [AMENDED]

CONSUMER PROTECTION

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

Chapter 30. Consumer Protection

Subchapter 13. Imported Fire and Quarantine

35:30-13-3. Regulated area

Subchapter 17. Combined Pesticide [AMENDED]

Part 1. Commercial and Non-Commercial Categories of Pesticide Application

35:30-17-1.2. Schedule of combined pesticide program fees [AMENDED]

Part 3. Certification, Conduct of Examinations, and Recertification

35:30-17-6. Recertification [AMENDED]

Part 6. Pesticidal Product Producing Establishments

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations [AMENDED]

Part 9. Minimum Standards for Contracts and Keeping of Records

35:30-17-21. Records required for pesticide applications and restricted use pesticide sales [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]

Subchapter 25. Seed

35:30-25-1. Definitions [AMENDED]

35:30-25-7. Variety labeling [AMENDED]

35:30-25-14. Seed advertisements [AMENDED]

35:30-25-15. Schedule of seed program fees [AMENDED]

Subchapter 27. Feed

Part 1. Commercial Feed

35:30-27-11. Schedule of feed program fees [AMENDED]

FOOD SAFETY

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

Chapter 37. Food Safety

Subchapter 3. Meat Inspection

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]

Subchapter 17. Produce Safety [NEW]

35:37-17-1. Purpose [NEW]

35:37-17-2. Definitions [NEW]

35:37-17-3. Incorporation by reference of federal produce safety regulations [NEW]

35:37-17-4. Farm registration [NEW]

35:37-17-5. Enforcement of standards [NEW]

AGRICULTURE ENVIRONMENTAL PERMITTING AND AGPDES

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]

WILDLIFE SERVICES

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

Chapter 48. Wildlife Services

Subchapter 3. Aerial Management of Depredating Animals

35:48-3-9. Application requirements [AMENDED]

35:48-3-10. Permit issuance [AMENDED]

35:48-3-12. Twenty-four hour notice [AMENDED]

35:48-3-13. Quarterly reports [AMENDED]

35:48-3-14. Prohibited activities [AMENDED]

35:48-3-19. Pilot and aircraft requirements [AMENDED]

COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

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

Chapter 55. Commercial Pet Breeders and Animals Shelters

Subchapter 3. Standards of Care

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

13. Consideration and Proposed Action – Next Board meeting scheduled for **Tuesday, March 6, 2018** in Oklahoma City.
14. Old Business
15. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
16. Listening Session on Dicamba Technology and Training
17. Adjournment

**Members of the Board and staff from ODAFF may join for lunch following item #15 of the agenda, prior to the press conference. Board members, staff, tour guides, and the public may discuss program issues during the luncheon or press conference; no votes or action will be taken during the luncheon or press conference.*