

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

SPECIAL Meeting

Via Teleconference Wednesday, April 8, 2020, 10:00 a.m.

Meeting Information:

Topic: Board of Agriculture Meeting

Time: Apr 8, 2020 10:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/3561826421>

Meeting ID: 356 182 6421

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All Board Members Will Attend Via Teleconference

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

Wednesday, April 8, 2020
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 March 4, 2020.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
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 Hartington
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – Mark Goeller
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 – 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 – Meriruth Cohenour
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, Farm to School), International Marketing, Market News and Rural Economic Development.
- I. Agricultural Environmental Management Services – Teena Gunter
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.
- K. Food Safety Services – Scott Yates
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.
- L. Ag Communications and Outreach Update – Morgan Vance

7. Consideration and Proposed Action on Purchases/Contracts
 - Professional Services Contract - \$45,000.00
 - Professional Services for OSU Poultry Education Program - \$48,276.00
 - Professional Services – FY21 to fund MOA with OWRB to sample LMFO - \$170,000
 - Audio Visual Equipment - \$10,500.00
 - OSU Pesticide Program Contract - \$130,000.00
 - OSU Soil Fertility Research - \$450,000.00
 - Unwanted Pesticide Disposal Program - \$350,000.00
 - Ranch Scale Truck Bed - \$30,000.00
 - Small Scales - \$26,000.00
 - Verizon Wireless - \$25,000.00
 - Purchase of fifteen (15) Weight Sets for CPS field inspectors - \$ 9600.00
 - South Dakota Agricultural Laboratories testing fees for pesticide samples related to the new dicamba and 2,4D product - \$9,800.00
 - ESRI software maintenance contract for FY2021 to support GIS systems for the agency- \$4,000.00
 - OSU laboratory testing fees for soil and water samples related to environmental pollution investigations - \$9,800.00
 - FY21 - \$55,000 – Purchase ESRI ArcGIS Online Licenses
 - FY20 - \$9,500 – Purchase soil media to grow containerized seedlings
 - FY20 - \$15,000 – Purchase the pouring of a concrete pad in existing pole barn
 - FY20 - \$25,000 – Contract certified SRS cruisers from State of Alabama to complete FIA plots in Oklahoma
 - FY20 – 32 hotel rooms for Ag in the Classroom Teacher Road Trip - \$6,910.00
 - Oklahoma viticulture and Enology Grants - \$42,466.00
 - FY20 – Oklahoma – Billboard, social media and printing advertising - \$20,000.00
 - FY20 – Made in Oklahoma bags for re-sale to MIO program participants - \$6,000.00
 - FY20 – Ag in the Classroom Educational Resources for students - \$5,550.66
 - Cooperative Service Agreement with USDA APHIS Wildlife Services - \$769,000
 - ODAFF Wildlife Services purchase four (4) Kawasaki 4010 UTV’s - \$39,500.00
 - Cooperative Agreement with City of Norman - \$20,000.00

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Brian Cox, 2139 Union Grove Rd., Haworth Oklahoma
 Fong Moua, 465 Prairie Road, Garvin, Oklahoma
 Gene Shed, 1747 E. 135 Rd., Holdenville, Oklahoma

Consumer Protection Services

Advance Auto Parts, 4329 S. E. 29th, Del City, Oklahoma
 Clinton Abernathy, 21016 E. CR 165, Altus, Oklahoma
 Todd Harvey, Harvey Farms, LLC, 164, 4111 CR 1120, Hydro, Oklahoma
 Scott Roundbush, 20968 E. CR 1695, Altus, Oklahoma
 Sipcam Agro USA, Inc., 2525 Meridian PKWY, STE 350, Durham, North Carolina
 U. S. Applicators, LLC, P. O. Box 563, Louisville, Mississippi
 Natalie Wheeler, 19900 E. CR 161, Altus, 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.”

9. Consideration and Proposed Action on Cases Resolved by Consent Order

Consumer Protection Services

Pipeline Maintenance Service, 824 N.W. 3RD, Guymon, Oklahoma

10. Consideration and Proposed Action on Emergency Rules

CONSUMER PROTECTION

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

Chapter 30. Consumer Protection

Subchapter 24 - Oklahoma Industrial Hemp Agricultural Pilot Program [AMENDED]

35:30-24-1. Purpose [AMENDED]

35:30-24-2. Definitions [AMENDED]

35:30-24-3. Application [AMENDED]

35:30-24-4. Grounds for denial of application [AMENDED]

35:30-24-5. License [AMENDED]

35:30-24-5.1 Land use restrictions [NEW]

35:30-24-5.2 Restrictions on sale, transfer, and storage [NEW]

35:30-24-5.3 Establishing records with USDA Farm Service Agency [NEW]

35:30-24-6. Continuing obligation to provide information [AMENDED]

35:30-24-6.1. Transportation [NEW]

35:30-24-7. Fees [AMENDED]

35:30-24-8. ~~Certified Hemp seed program~~ [AMENDED]

35:30-24-9. Harvest reports [AMENDED]

35:30-24-10. Records [AMENDED]

35:30-24-11. Inspection and testing [AMENDED]

35:30-24-12. Violations [AMENDED]

35:30-24-13. Destruction [NEW]

35:30-24-14. Hearings and contests [NEW]

11. Next Board meeting scheduled for **Wednesday, May 20, 2020** at Oklahoma City.

12. Old Business

13. 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.

14. Adjournment

**OFFICIAL PROCEEDINGS
OF THE STATE BOARD OF AGRICULTURE
DEPARTMENT OF AGRICULTURE, FOOD, AND AGRICULTURE**

Chapel Acres
Norman, Oklahoma
March 4, 2020

The Oklahoma State Board of Agriculture met in regular session at 10:33 a.m., March 4, 2020, at Chapel Acres, Norman, Oklahoma. Written notice of this meeting was filed with the Secretary of State and posted on the Department of Agriculture, Food, and Forestry website. A notice was posted on the door of the meeting room at Chapel Acres 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting.

Members Present: Joe Farris
Ed Hurliman
Blayne Arthur
Jay Franklin
Karen Dodson

Others Present: Kandi Batts, Executive Secretary
Dan Ridings, Director, Administrative Services
Tanna Hartington, Director, Laboratory Services
Mark Goeller, Director, Forestry Services
Kenny Naylor, Director, Consumer Protection Services
Dr. Rod Hall, Director, Animal Industry Services
Scott Alls, Director, Wildlife Services
Troy Marshall, Director, Agricultural Statistics
Meriruth Cohenour, Director, Market Development Services
Caleb Whitcomb, Interim Director, Agricultural Environmental
Management Services
Teena Gunter, Director, Office of General Counsel
Scott Yates, Director, Food Safety Services
Morgan Vance, Communications
JanLee Rowlett, Legislative Liaison
James Rucker, Office of General Counsel
Kambi Maddy, Office of General Counsel
Emilie James, Communications Intern

Mrs. Arthur called the meeting to order and a quorum was declared.

A motion was made by Ms. Dodson, seconded by Mr. Franklin, to approve the minutes of the regular meeting of February 5, 2020, as presented.

The vote was as follows:

Farris	Abstain
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

A motion was made by Mr. Franklin, seconded by Ms. Dodson, to approve the division reports as submitted.

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

A motion was made by Mr. Hurliman, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 5 through 7.

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

A motion was made by Ms. Dodson, seconded by Mr. Farris, to approve the Proposed Action on Stipulations as submitted and contained on pages 8 and 9.

Agricultural Environmental Management Services

Dallas Lyons, 23788 MT. Pleasant Road, Howe, Oklahoma
Roger Vongphakdy, 20326 E CR 1190, Stigler, Oklahoma
Lance Wilson, 8161 E. 1515 Road, Calvin, Oklahoma

Consumer Protection Services

Johnson S C & Son, Inc., 1525 Howe Street, Racine, Wisconsin

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

****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.”

A motion was made by Mr. Franklin, seconded by Mr. Hurliman, to approve the following Administrative Law Judge as submitted and contained on pages 10 and 11.

Agricultural Environmental Management Services
Jeffrey Croswhite, 1250 E. Adobe Road, Newkirk, Oklahoma

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

A motion was made by Mr. Franklin, seconded by Mr. Farris, to discuss the Proposed Action on Dollar General Corporation in Executive Session.

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

The Board moved into Executive Session. No votes were taken during Executive Session.

A motion was made by Mr. Franklin, seconded by Ms. Dodson, to reconvene into open session. The Board recommends to contact the corporate headquarters of Dollar General, visit with other states if they are having similar issues, and find out what remedies to apply here in the state of Oklahoma.

Dollar General Corporation, Goodlettsville, Tennessee

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

****Possible Executive Session (if approved by the required number of members present):** As authorized by the Oklahoma Open Meeting Act at 25 O.S. §307(B)(4), an executive session may be held for the purpose of “[c]onfidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.” to meet with ODAFF attorneys and discuss potential filing of a new lawsuit against Dollar General Corporation.

There are no Old business presented for the Board to take action upon. Ms. Dodson moved, Mr. Hurliman seconded, that the meeting be adjourned at 12:23 p.m.

By _____
President

ATTEST: _____
Executive Secretary

MARCH 4, 2020 BOARD MEETING

PURCHASES/CONTRACTS

Consumer Protection Services

Ranch Scale Truck Request --\$55,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.
ODAFF CPS currently has a 15-year-old ranch scale vehicles that has broken down and needs replaced. The loss of this truck will affect our ability to complete the testing of ranch scales in Oklahoma.
2. Consequence(s) and cost (if any) if the proposed expense is not approved.
This vehicle is needed to be able to complete our inspections its loss will affect our ability to test ranch scales.

GIS Programing with Oklahoma University --\$42,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

GIS programing would provide ODAFF with the ability to GPS hemp grower fields to provide required data to USDA. It also will allow us to do a better job of collecting and reporting our USDA CAPS survey information under our grant programs. Finally it will assist us in collecting information on complaints, inspections and licensee's.
2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without the GIS programming we will have more difficulty meeting USDA hemp reporting requirements and CAPS reporting requirements. This will also limit our efficiency in sampling, trapping and inspections.

Vehicles --\$49,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

ODAFF CPS currently has high mileage vehicles that are at 200,000 miles and this request is to replace 2 of those vehicles. Due to their high mileage they are prone to breaking down and are expensive to fix in comparison to their value. This also creates down time for the inspection staff preventing them from being able to complete their work.
2. Consequence(s) and cost (if any) if the proposed expense is not approved.

These vehicles are needed to be able to complete our inspections and sampling activities.

Oklahoma State University Ag Conference Services Contract Approval --\$50,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Under ODAFF's EPA delegated authority we are required to host their Region 6 training every 5th year. The 2020 fiscal year is ODAFF's year to host the meeting. ODAFF is provided \$50,000.00 in our EPA grant for hosting the training in Oklahoma.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Currently, ODAFF does not have the resources and personnel to host the training. The loss of OSU's Ag Conferences' assistance would place a great strain on ODAFF's limited resources to meet the requirements of the EPA grant. Additionally, failure to complete the grants requirement could cause us to lose grant money and affect our delegated authority from EPA.

Market Development

FY 2020 – Ag Enhancement and Diversification Grant – Robert Horton – strawberries - \$9,000.00

FY2020 – Fancy Food Show – Six booths and signage will be purchased then sublet to Made in Oklahoma companies at a cost share rate. This is part of the STEP Grant in partnership with Oklahoma Department of Commerce and \$24,000 will be reimbursed to ODAFF. - \$30,000.00
The Summer Fancy Food Show is the largest specialty food industry event in North America and the premier showcase for industry innovation. It is the place to see and taste the future of food. Exhibiting at a Fancy Food Show is the most convenient and cost-effective way for Made in Oklahoma companies to connect with buyers from every major food and beverage buying channel in the U.S. and abroad. This show is part of the STEP Grant in partnership with the Oklahoma Department of Commerce and \$24,000 will be reimbursed to ODAFF. If this proposed expense is not approved, MIO companies will not be able to connect with buyers in other states and internationally therefore losing sales that will impact the companies and state economically.

FY2020 – Bob Howard Chrysler Jeep Dodge – vehicle for Ag in the Classroom Coordinator, Audrey Harmon - \$18,798.00

FY2020 – Oklahoma State University - Viticulture and Enologist Extension Specialist - \$70,000.00

This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This employee will coordinate an annual grape management course, create online grape management and wine making classes, write grant applications and research vineyard and viticulture projects as needed. The employee will also assist grape growers and wine makers through field days, correspondence and site visits. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

FY 2021 – Tulsa County Public Facilities Authority – Tulsa State Fair - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - \$25,416.00

Tulsa State Fair – MIO Booth Spaces - \$25,416.00

ODAFF contracts with the Tulsa County Public Facilities Authority for the purpose of providing a Made in Oklahoma Exhibit in the Exchange Center during the Tulsa State Fair. ODAFF sublets booth spaces within this exhibit area to MIO companies. The MIO Exhibit at the Tulsa State Fair is a rare opportunity for new MIO companies to introduce their products to an average of over 1 million potential customers. The average number of companies impacted each year is between 30-35 companies. The event falls within the purpose of the MIO Program which is to assist local agricultural companies in collectively promoting brand awareness and consumer loyalty for Oklahoma products through cooperative marketing activities. If this proposed expense is not approved, there will not be a labeled MIO exhibit at the Tulsa State Fair. The economic impact to the MIO companies intending to participate in this Exhibit will potentially lose thousands of dollars in sales during the 11-day event held each year.

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

APPROVAL OF CASES

ON THIS 4th day of March 2020 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 4th day of March 2020.



Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
March 4, 2020

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Dallas Lyons	OGC-19-519	AEMS	\$2,000.00
Roger Vongphakdy	OGC-19-509	AEMS	\$200.00
Lance Wilson	OGC-19-214	AEMS	\$5,000.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Johnson S C & Son, Inc.	OGC-19-969	CPS	\$4,000.00
	OGC-19-971		
	OGC-19-972		
	OGC-19-973		

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**APPROVAL OF PROPOSED FINAL ORDER
OF THE ADMINISTRATIVE LAW JUDGE**

ON THIS 4th day of March, 2020 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture The Proposed Final Order in OGC-18-175, The Oklahoma Department of Agriculture, Food and Forestry v. Jeffrey Croswhite.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the Proposed Final Order attached hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for such case; and that the penalty imposed by such Proposed Final Order is hereby adopted and incorporated herein.

WITNESS My Hand and Official Seal this 4th day of March, 2020.



Blayne Arthur
President
State Board of Agriculture

**April 8, 2020 Board Meeting
Administration Division
Report for February 2020**

Please see the following February 2020 reports which are attached for your review.

1. Monthly Budget Report
2. Program Revenue Summary
3. Commodity Storage Indemnity Investment Report
4. Investigative Services CY 2020 Activity for February 2020

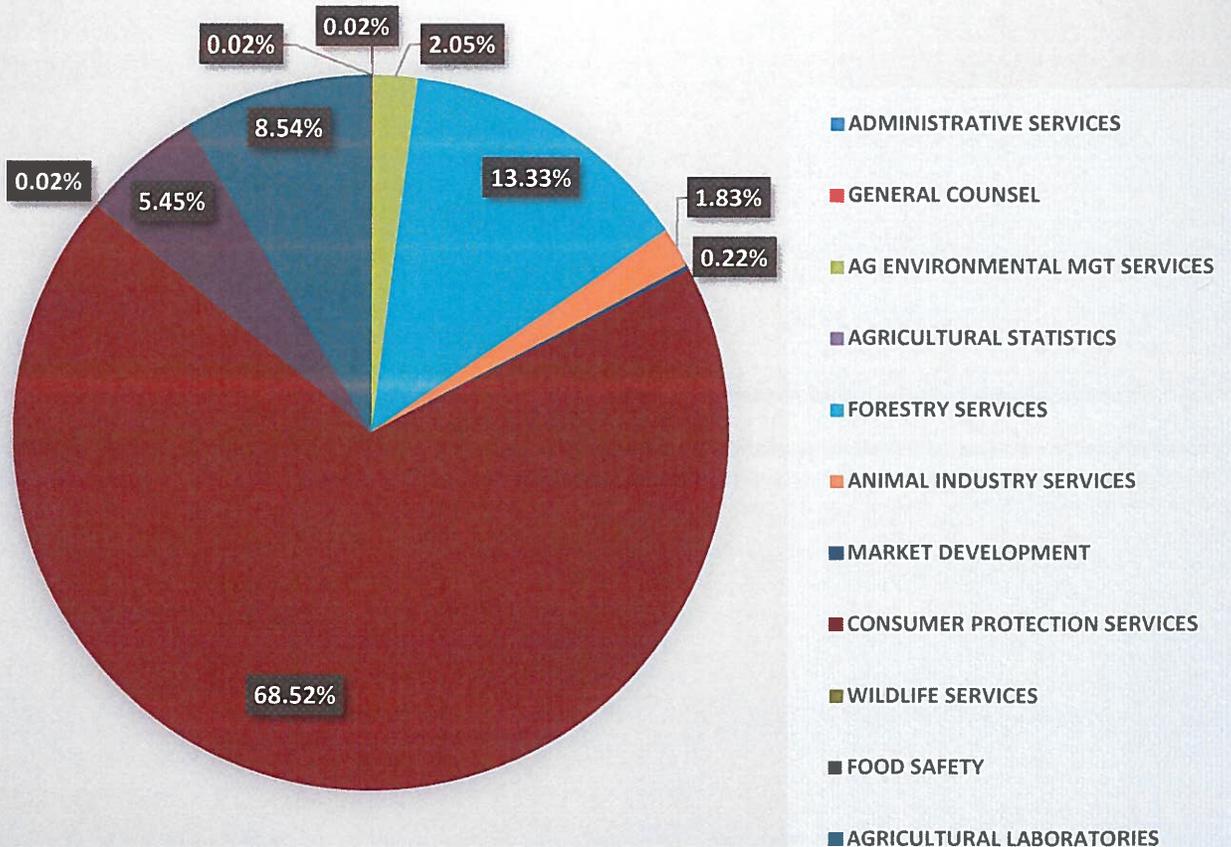
Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report
As of February 29, 2020

Object Code	Account Description	Fiscal Year 2020 Budget	Fiscal Year 2020 Expenditures thru 2/29/2020	Encumbrances & Pre Encumbrances	Available Budget
11	Salary Expense	16,698,771	9,958,388	10,514,146	(3,773,763)
12	Insurance Prem	5,199,724	2,918,576	26,919	2,254,229
13	FICA & Retirement	4,048,258	2,373,185	7,277	1,667,796
19	Inter & Intra Agency Pay	-	13,222	19,163	(32,385)
15	Professional Services	2,974,715	1,579,827	1,334,586	60,302
21	Travel-Reimbursements	432,981	121,110	-	311,871
22	Travel-Agency Direct	472,395	145,312	21,000	306,083
31	Miscellaneous Admin	927,973	415,325	126,611	386,037
32	Rent Expense	622,237	313,090	156,357	152,790
33	Maintenance & Repair	1,071,028	399,989	312,712	358,328
34	Specialized Sup & Mat'ls	1,200,900	320,570	632,494	247,836
35	Production, Safety and Su	262,112	170,254	7,395	84,463
36	General Operating Expen	196,307	50,704	5,723	139,880
37	Shop Expense	454,165	238,207	59,204	156,755
41	Office Furniture & Equip	1,576,026	553,994	401,738	620,294
42	Library Equip & Rental	-	2,152	-	(2,152)
43	Lease Purchases	1,687,584	-	-	1,687,584
45	Land & Right of Way	-	-	-	-
46	Bldgs & Other Structures	-	-	-	-
47	Const, Mtce, Rep. - Hways, Bri	-	-	-	-
48	Bond Indebtedness	-	1,121,835	565,749	(1,687,584)
53	Refunds, Indemnities, Res	30,000	1,860	-	28,140
54	Program Reimbursements	8,040,532	4,670,009	931,072	2,439,451
55	Pmts to Local Gov't Subd	828,972	486,711	1,233,716	(891,455)
59	Inter & Intra Agency Pay	656,827	-	-	656,827
61	Loans, Taxes and Other	-	-	-	-
64	Merchandise for Resale	160,000	-	-	160,000
98	Encumbrances - Object	-	-	780,517	(780,517)
810	Req Only	-	-	157,373	(157,373)
	Operating Totals	47,541,507	25,854,320	17,293,751	4,393,436
19811	General Revenue FY18 Carryover	-	-	-	-
19001	General Revenue	21,405,610	11,249,409	9,479,216	676,985
19901	General Revenue	-	-	-	-
200	OK County Fair Enhancement	-	-	-	-
205	Rural Fire Defense Equip	190,000	-	134,500	55,500
210	Agriculture Revolving Fund	17,599,983	10,016,032	6,169,627	1,414,324
215	Vol Firefighter Emp Contra	-	-	-	-
225	Enhancement & Diversific	354,006	9,500	25,000	319,506
230	Pet Overpopulation Fund	10,000	7,500	2,500	-
235	Animal Friendly Rev Fund	10,000	-	10,000	-
240	Unwanted Pesticide Disp	485,000	-	350,000	135,000
245	Rural Fire Revolving Fund	941,012	90,011	12,788	838,213
250	RF Equip Grant Rev Fund	-	-	-	-
255	Ag Evidence Law Enforcement Fund	4,013	-	-	4,013
256	Viticulture & Enology Development	350,000	42,248	120,604	187,148
262	Egg Grading	766,455	185,536	466,769	114,150
285	Milk & Milk Products Insp	339,560	94,578	169,485	75,497
286	Agriculture Revolving Fund	25,868	-	10,000	15,868
287	Healthy Food	500,000	-	-	500,000
420	Specialty Crop Block Grants	560,000	159,505	343,261	57,234
57601	Cash Appropriations	4,000,000	4,000,000	-	-
	Fund Totals	47,541,507	25,854,319	17,293,751	4,393,437

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY
PROGRAM REVENUE SUMMARY
FEBRUARY 2020

DIVISION	PERIOD RECEIPTS	YEAR TO DATE REVENUE
ADMINISTRATIVE SERVICES	\$231	\$181,527
GENERAL COUNSEL	\$200	\$24,973
AG ENVIRONMENTAL MGT SERVICES	\$20,583	\$278,401
AGRICULTURAL STATISTICS		\$0
FORESTRY SERVICES	\$133,654	\$1,172,111
ANIMAL INDUSTRY SERVICES	\$18,396	\$138,726
MARKET DEVELOPMENT	\$2,199	\$398,776
CONSUMER PROTECTION SERVICES	\$687,093	\$5,950,707
WILDLIFE SERVICES	\$200	\$31,204
FOOD SAFETY	\$54,632	\$1,614,422
AGRICULTURAL LABORATORIES	\$85,593	\$772,273
TOTAL DIVISIONS (SEE RECEIPTS GRAPH)	\$1,002,781	\$10,563,120
APPROPRIATED FUNDS	\$1,783,801	\$14,270,408
COMMODITY STORAGE INDEMNITY	\$22,692	\$195,242
AGENCY TOTAL	\$2,809,273	\$25,028,770

February 2020 Division Receipts



MARCH BOARD REPORT

COMMODITY STORAGE INDEMNITY
 INVESTMENT REPORT
 AS OF FEBRUARY 29, 2020

Investments with Office of State Treasurer:
 Cash Management Account:

108,761,878.43

FY-2020 RECEIPTS

	CURRENT MONT -----	YTD -----
NEW	-	-
INTEREST	22,691.64	185,241.91
REINSURANCE	-	10,000.00
RECOVERED COSTS	-	-
ELEVATOR SALVAGE	-	-
MATURED LONG TERM INVEST	-	-
	-----	-----
TOTALS	\$22,691.64 =====	\$195,241.91 =====

INVESTIGATIVE SERVICES ACTIVITIES



INVESTIGATIONS	FEBRUARY	YTD
LIVESTOCK	5	18
FIRE	2	3
PROPERTY	3	3
TIMBER	0	0
OTHER	0	2
TOTAL INVESTIGATIONS OPENED	10	26
CLOSED PENDING ADDITIONAL INFORMATION	4	9
NO CRIME	3	9
NO PROSECUTION	2	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	1	1
REFERRED FOR ADMINISTRATIVE ACTION	0	0
TOTAL INVESTIGATIONS COMPLETED	10	21
COUNTS FILED	1	1
VALUE OF LOSSES - ALL CRIMES	\$220,250.00	\$302,450.00
RECOVERED LOSSES - ALL CRIMES	\$17,500.00	\$48,900.00
NUMBER OF CATTLE REPORTED STOLEN	45	127
NUMBER OF CATTLE RECOVERED	0	35

MAY 2020 BOARD REPORT AGRICULTURE LABORATORY SERVICES (February 2020 Activities)

QUALITY MANAGEMENT SECTION: (Taryn Hurley, Quality Manager)

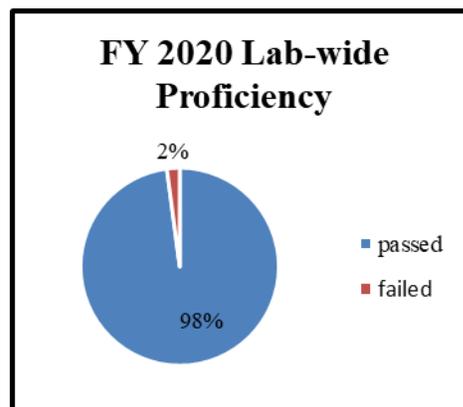
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

Performance Test Logs for February 2020:

General Chemistry	
PT Samples Received	3
Number of Analytes	20
PT Samples Reported	2
Number of Analytes Reported	26
Completed PT Reports	2
Number of Analytes Passed	7
Number of Analytes Failed	1

Inorganic	
PT Samples Received	1
Number of Analytes	12
PT Samples Reported	0
Number of Analytes Reported	0
Completed PT Reports	0
Number of Analytes Passed	0
Number of Analytes Failed	0

Lab Wide PT Performance to Date:



In February,

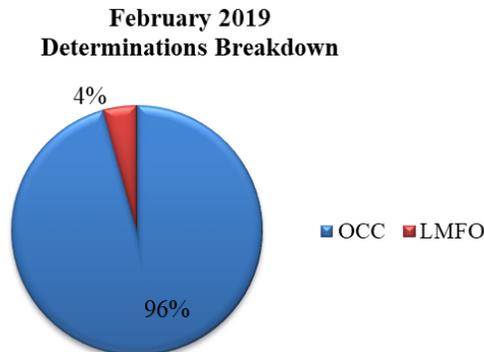
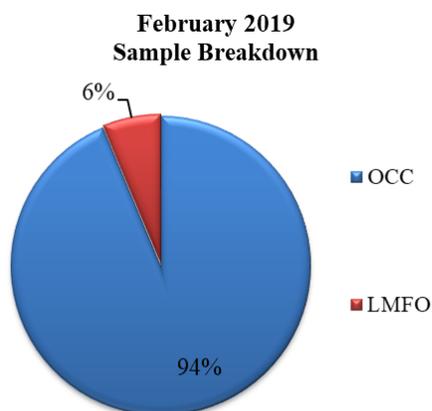
- ❖ The Quality Manager attended the Manufactured Food Regulatory Program Alliance and Association of Food and Drug Officials Laboratory Accreditation 2020 meeting.
- ❖ The annual ethics training for the Laboratory was initiated, and saw just under 70% completion within two weeks of initiation.
- ❖ The annual internal audit of the Food and Dairy Section was conducted.

INORGANIC SECTION: (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

The Section is working on method verification on the new instrumentation.

Inorganic Sample Breakdown

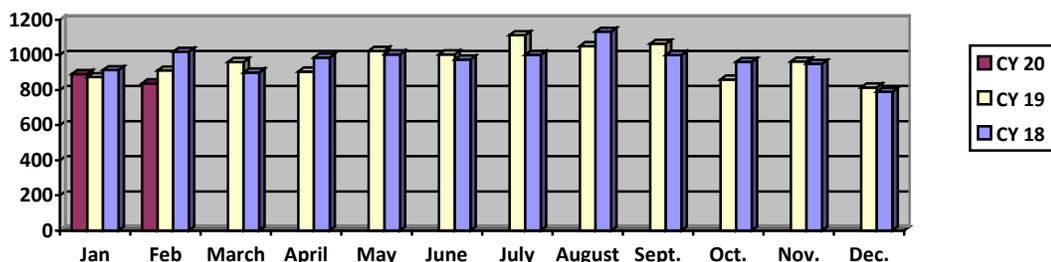
Customer	Samples	Determinations
OCC	119	1,071
LMFO	8	48
Total	127	1,119

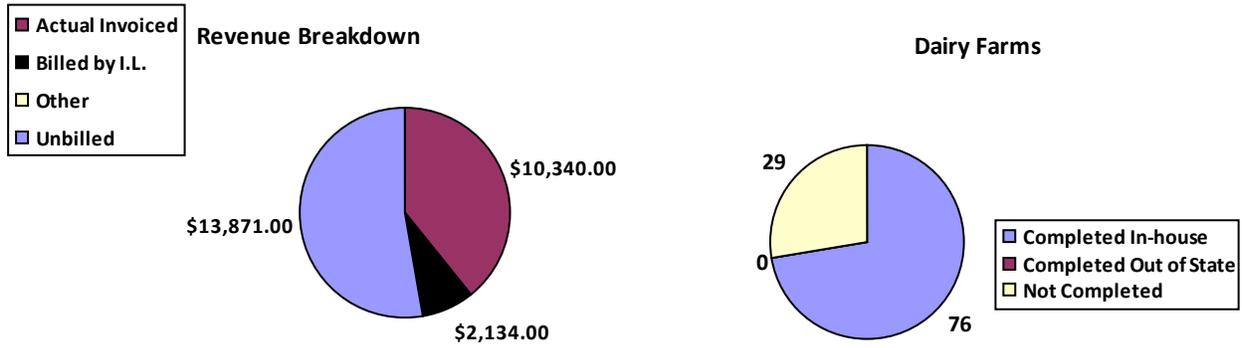


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The Section completed routine dairy analysis to satisfy the four antibiotic tests required within a six month period by the FDA for in-state dairies. This month, the inspectors that typically deliver samples attended training so there were only three weeks of sampling instead of the usual four. There were no antibiotic violations discovered during this time.

Total Determinations



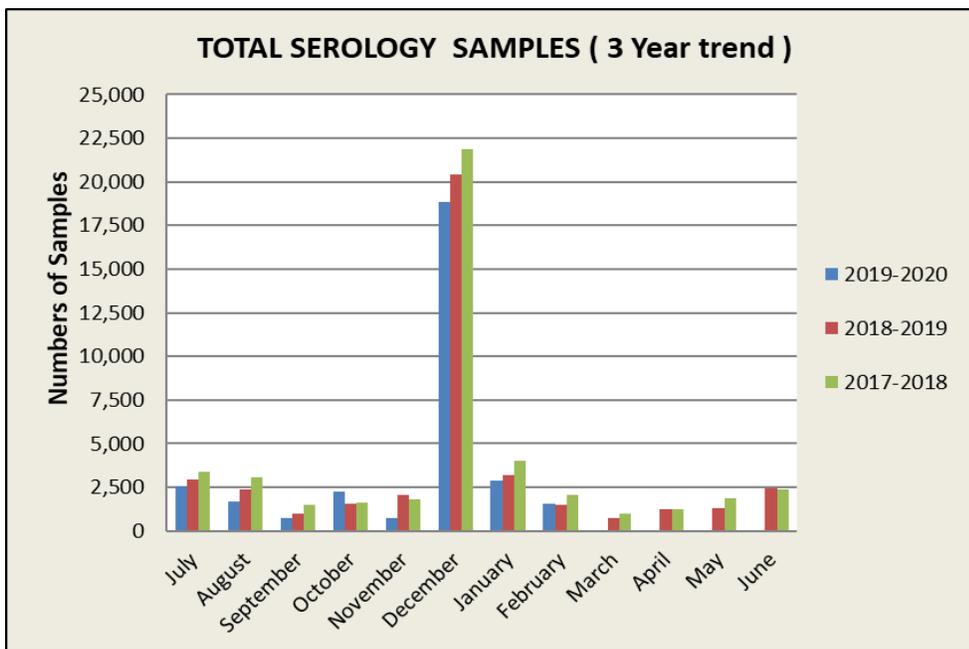


SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

Records for February show a total of 170 seed samples were received for analysis. Crops tested included, soybeans, hybrid corn, hybrid grain and forage sorghum as well as early summer grasses. Germination and purity quality for all summer crop seed has checked out well so far.

The Oklahoma Seed Trade Association (OSTA) held their annual meeting on February 12th in Edmond. The primary discussion at the meeting involved the future of the OSTA as an organization. Over the last several years' membership and attendance have begun to diminish due to consolidations of the seed industry. As the situation worsens, the OSTA Board of Directors are now recommending that the association be disbanded and membership become a part of the Oklahoma Ag Retailers Association. It was decided that the association will run until September of this year after which the Board will meet again to discuss and decide the future of the organization.

SEROLOGY SECTION: (Pete Bourns, Clinical/Laboratory Scientist IV)



3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2020	880	673	2
2019	1,015	472	7
2018	1,250	774	44

GENERAL CHEMISTRY SECTION: (Jennifer Busey, Environmental/Chemical Laboratory Scientist IV)

The Section has been working diligently to report out the last few samples of the winter feed rush and is anticipating the upcoming fertilizer season.

	Feed	Fertilizer	Lime	Total
Samples Received	200	32	3	235
Samples Completed	237	12	0	249
Determinations	1069	40	0	1109
Violations	101	8	0	109
Violation %	9.45%	20.00%	0.00%	9.83%

PESTICIDE SECTION: (Lauren Cameron, Environmental/Chemical Laboratory Scientist IV)

During February, the Section Supervisor attended the HRDS class, “Leading Employees Through Change” and training given by EPA Region 6 over Quality Assurance Project Planning.

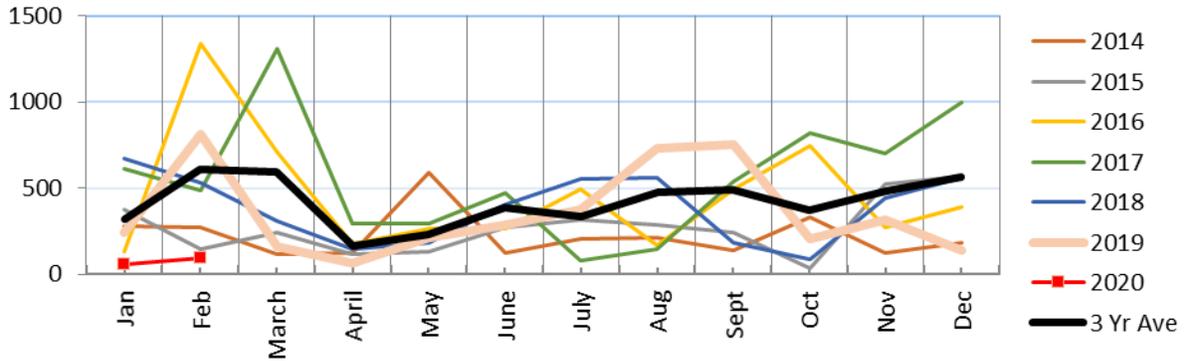
Pesticide Section by the numbers:

	Number	Test	Det	Average TAT (days)
Formulation Conc.	21	41	44	70
Form. Tank Mix	3	6	11	101
Residue Soil	5	5	11	15
Residue Swab	2	2	6	24
Residue Water	1	2	20	125
Service Sample	1	1	1	3
Hemp	2	2	2	12

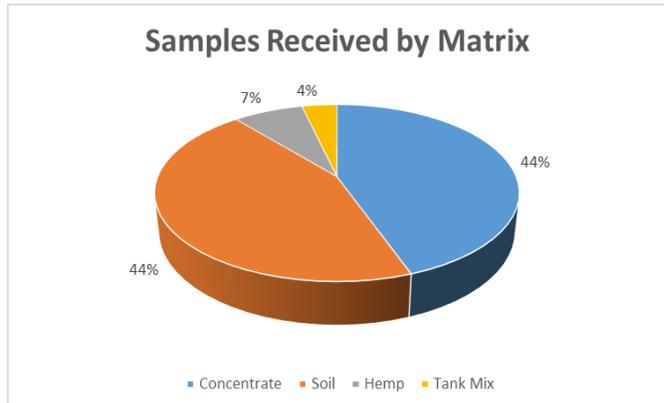
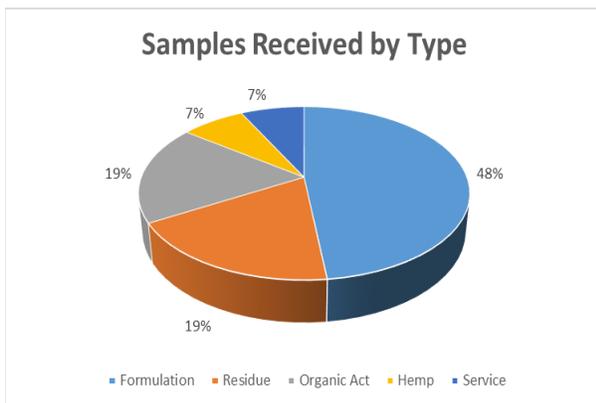
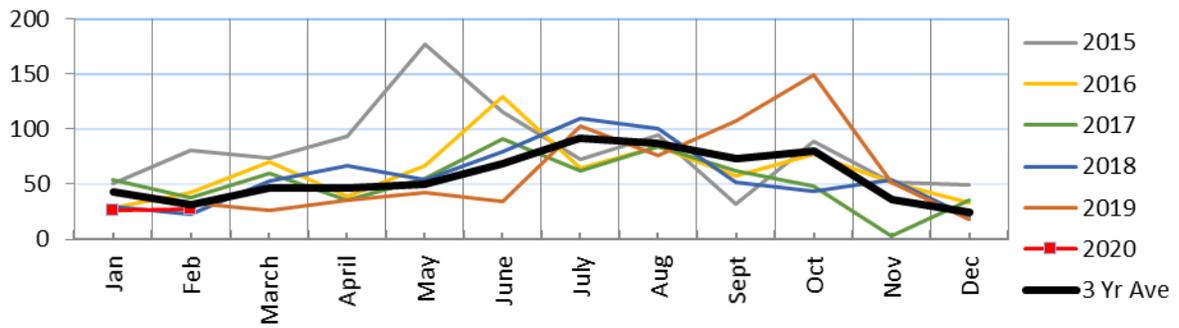
Average Residue Turnaround Time: 20
Average Formulations Turnaround Time: 76
Average Hemp Turnaround Time: 12

Totals		
# of Samples	# of Tests	# of Determinations
36	60	97

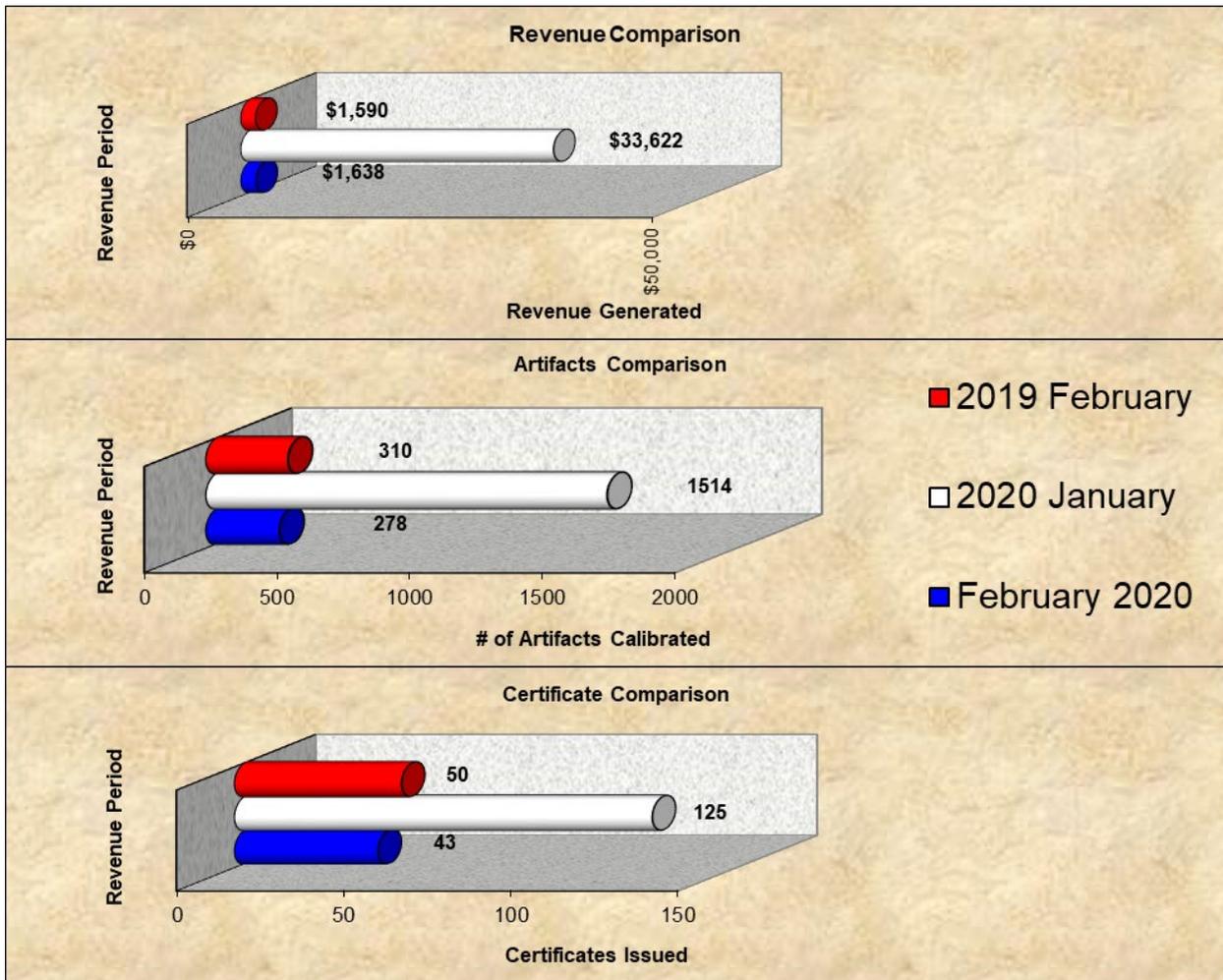
Determinations the Section completed by month:



Samples the Section received by month:



OKLAHOMA BUREAU OF STANDARDS: (Jeremy Nading, State Metrologist)



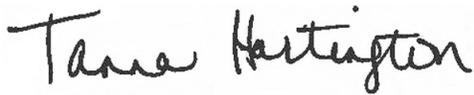
Summary of work completed:

	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	0	\$0.00	0%	0	0%
In-State Customers	1	\$1,638.00	100%	278	100%
Totals	1	\$1,638.00	100%	278	100%

The annual calibrations of the Bureau's internal standards were completed in February.

Amanda Kramer, Metrologist I, attended the NIST OWM Fundamentals of Metrology Seminar. She has started on the required follow-up Laboratory Auditing Problems (LAP) associated with this training and has a year to complete them.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tanna Hartington". The signature is written in a cursive style with a clear, legible font.

Tanna Hartington
Director, Laboratory Services Division

**BOARD REPORT
LABORATORY SERVICES DIVISION
FEBRUARY 2020 ACTIVITIES**

FEED SAMPLES	237
FEED DETERMINATIONS	1069
POSSIBLE VIOLATIONS	101
FERTILIZER SAMPLES	12
FERTILIZER DETERMINATIONS	40
POSSIBLE VIOLATIONS	8
LIME SAMPLES	0
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
PESTICIDE SAMPLES	36
PESTICIDE DETERMINATIONS	97
INORGANIC LAB SAMPLES	127
DETERMINATIONS	1119
STATE-FEDERAL VET. LAB. SAMPLES	1555
STATE-FEDERAL VET. LAB. DETERMINATIONS	1780
NUMBER POSITIVES	0
SEED SAMPLES	165
SEED DETERMINATIONS	190
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	43
NUMBER OF STANDARDS CALIBRATED	278
FEE CHARGES	\$1,638.00
DAIRY AND FOOD SAFETY SAMPLES	385
DAIRY AND FOOD SAFETY DETERMINATIONS	838
POSSIBLE VIOLATIONS	11
TOTAL SAMPLES	2560
TOTAL DETERMINATIONS	5411
TOTAL POSSIBLE VIOLATIONS	120



MARCH 2020

OKLAHOMA FORESTRY SERVICES BOARD REPORT

Serving people by conserving, enhancing and protecting our lands and forest resources

MARCH HIGHLIGHTS

Oklahoma Arbor Week Kickoff Celebration

Oklahoma communities, campuses and utilities companies were recently recognized for their commitment to greener environments by Oklahoma Forestry Services and the Community Forestry Council. These 38 organizations earned national designations from the Arbor Day Foundation by accomplishing specific criteria related to planting and caring for trees, woodlands and forests in their communities and on campuses. The annual celebration took place at Oklahoma City University (OCU) to kickoff Oklahoma’s Arbor Week, which is observed the last week of March each year.

WILDFIRE RESPONSE

Fire Operations

Response to wildfire through the month of February remained well below five and ten year averages but in line with the seasonal outlook issued by OFS in November 2019.

Year-to-Date Forestry Services has responded to approximately 60% of its annual average number of wildfires. March is statistically the month that presents the greatest number of wildfires in Oklahoma and very often the most acres burned. While March is not over, OFS has responded to 110 new wildfires that burned 42,698.1 acres in the six-day period March 5th through March 10th. Notable wildfires included the 412 Fire in Beaver County which covered 29,168 acres, stretching over 17 miles and destroyed seven homes and several outbuildings.

February 2020 Fire Response	Fires	Acres
2020 Wildfires Year-to-Date	105	6,594
OFS Protection Area	90	3,438
5-Year Average	147	14,030
10-Year Average	125	11,082
Protection Area YTD	90	3,438
OFS Response Outside Protection Area	3	1,473
OFS Response Outside Protection Area YTD	8	2,841
Fire Department Reports	3	8
Fire Department Reports YTD	7	314
Prescribed Burns - SE	8	496
Prescribed Burns - EC	9	977
Prescribed Burns - NE	1	105
Prescribed Burns - OKOKS	0	0
Prescribed Burns - YTD	18	1,578

COMMUNITY OUTREACH

The Forest Heritage Center Museum and building were closed to the public on March 22 in an effort to help slow the spread of COVID-19, following the Oklahoma Tourism and Recreation Department’s decision to close all state park lodges, gift shops and nature centers until further notice.

Respectfully Submitted,

Mark Goeller
Director/State Forester

APRIL 8, 2020 BOARD MEETING

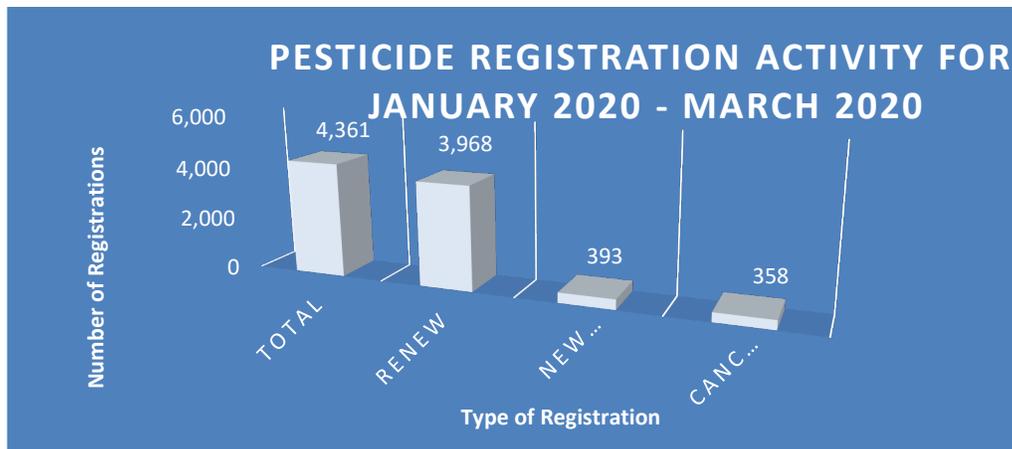
CONSUMER PROTECTION SERVICES DIVISION

REPORT FOR JANUARY/FEBRUARY/MARCH 2020

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for January 2020-March 2020 are in the following chart. A total of 4361 products were registered, of the products registered 3968 were renewals and 393 were new. There were 358 products cancelled.



Pesticide Samples

Pesticide samples taken January-February 2020 are in the following chart. A total of 25 Residue, 23 Concentrate, and 2 Tank Mix samples were taken.

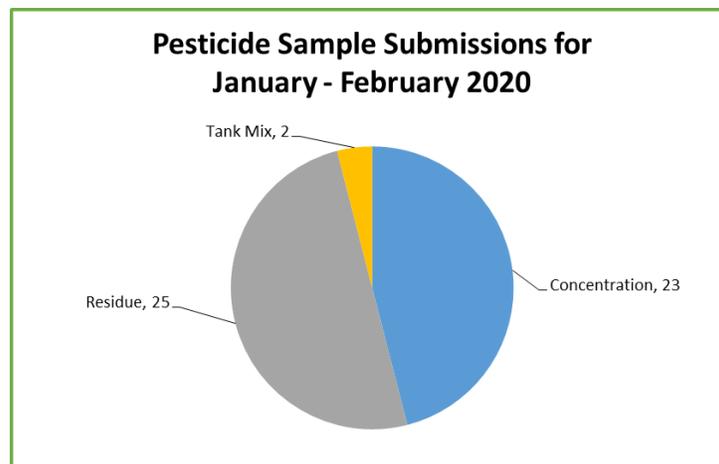


Table 1. Inspection Count for January - February 2020*

Inspection Type	Number of Inspections		
	January	February	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	79	47	126
Pesticide Applicator Facility	40	55	95
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	38	21	59
Container Containment Inspection	0	0	0
Producer Establishment Use	0	0	0
Termite	48	56	104
Wood	0	1	1
Pre-treat	0	0	0
Drift Investigation	4	1	5
Pesticide Label	0	0	0
Pesticide Label	6050	3097	9147
Worker Protection	0	3	3
Total	6259	3281	9540

* Inspections not yet submitted at the time of this report will be reflected in the next board report

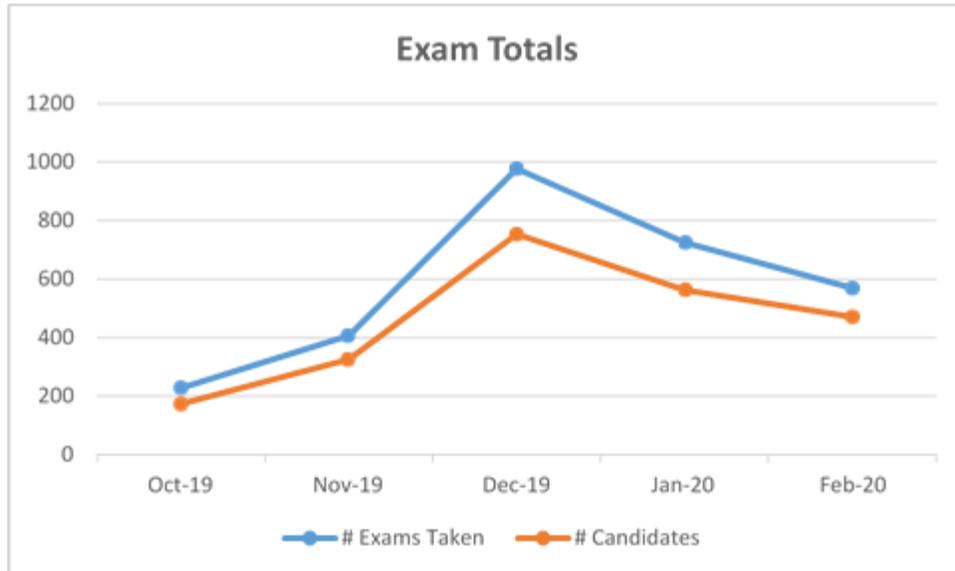
Along with the above inspections, CPS field inspectors also took 22 non-agriculture use samples, 5 agriculture use samples and 22 market place samples for a total of 49 samples. The inspectors also participated in 6 certification and training activities. These activities include inspector training, CEU meetings, test sessions, pesticide applicator training and speaking at meetings.

Pesticide Complaint Summary

PESTICIDE COMPLAINTS	January 17, 2020 – February 19, 2020			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	6	7	3	4
MUSK THISTLE	0	0		
CASES REFERRED TO OGC:	3			

Board Report – Pesticide Testing

As of February 29, 2020, PSI Services LLC has administered 2,905 exams to approximately 2,285 individuals with a 16.3% fail rate. The 3a – Ornamental & Turf Pest Control exam has been administered the most with 961 followed by 7a – General Pest Control with 517. The three main certified applicator categories that expired at the end of 2019 were 3a – Ornamental & Turf, 7a – General Pest, and 6 – Right-of-Way.



ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Federal Phytosanitary Certificates Issued from February 15 – March 20, 2020

Commercial value of shipment \$1,250 or more:

24 Federal Phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:

3 Federal Phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (February 15, 2020 - March 20, 2020)		
Country	Product	Quantity Issued
Australia	Canary Grass	1
India	Barrelclover Seed	1
Japan	Sesame Seeds	6
Mexico	Sesame Seeds	18
United Kingdom	Barrelclover Seed	1

State Phytosanitary Certificates Issued from February 15, 2020 – March 20, 2020
 79 Phytosanitary Certificates issued @ \$20 each

<u>State Phytosanitary Certificates - February 15, 2020 - March 20, 2020</u>	
State	Certificates
Arizona	2
California	26
Colorado	13
Hawaii	1
Mississippi	1
New Mexico	2
Oregon	5
Tennessee	8
Texas	8
Utah	1
Washington	12

Industrial Hemp Program



Figure 1: 2020 Hemp Summit in Shawnee

On February 28, 2020, Caroline Nelson, Hemp Program Administrator presented at the 2020 Oklahoma Hemp Summit in Shawnee. This event was a great networking opportunity. It provided her with the opportunity to meet local farmers and those who are interested in growing hemp.

Continuously through the month of February, Caroline worked on approving new hemp licenses and renewing hemp licenses from last year. Part of the renewal process is confirming that all 2019 fees have been paid before a 2020 hemp grower license will be issued.

2020 Hemp Licenses

Month	New Licenses Issues	Renewals	Total Licenses Issued
January	5	10	15
February	11	7	18
Yearly Total	16	17	33

Environmental Program

On February 18, 2020, ODAFF received a phone call from Wilson Weed Control for a pesticide spill due to a rollover accident south of Fairview in Major County. The total pesticide spill was a 200-gallon tank mix containing one gallon of Plainview SC (EPA Registration number 432-1606). The CPS field inspector conducted an on-site investigation and collected one representative soil sample at the spill site. Pesticide Analysis Report provided by ODAFF laboratory concluded the pesticide residue level of 35.9 ppm imazapyr in soil. Due to the nature of the rollover accident possibly containing diesel or fuel fluids, IMMIX Environmental a DEQ licensed highway remediator, performed the site cleanup. After soil excavation, another soil sample was collected and analyzed with 2 ppm residue level of Imazapyr.

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

The large capacity scale technicians inspected 44 vehicle scales and 5 platform scales.

Inspectors will be checking Ranch Scales from the end of March running through April.

Weights & Measures inspectors checked a total of 1132 small scales and 16 platform scales during this period, 32 was rejected. There were 30 random pack inspections and 49 standard pack inspections, 2 received letters of warning. Additionally, 91 price verification inspections were conducted with 1 of these received letters of warning.

Feed Program

Program Performance

During this reporting period there were a total of 232 official feed samples analyzed, with 1037 feed determinations made from these samples. These determinations resulted in the issuance of 20 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. The majority of these violations were issued for products deficient in Crude Protein. Violations were also issued for feed products that did not meet their guarantees for Vitamin A, Calcium, Salt, Phosphorus Crude Fat, and Zinc. Eleven stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Seven stop sales were issued for products deficient in Vitamin A, two stop sales were issued for products deficient in Crude Protein, one stop sales issued for products deficient in Copper, and one stop sale was issued for a product deficient in Calcium.

The following tables show a two month comparison of label violations and stop sale orders issued by the Department for feed products that did not meet their guaranteed analysis.

Table 1. Feed Notice of Label Violation Summary January 2020 – February 2020

Nutritional Guarantee	Number of Label Violations		
	January ¹	February ²	Two Month Total
Crude Protein	13	11	24
Non-protein Nitrogen	0	0	0
Crude Fat	5	4	9
Crude Fiber	1	0	1
Calcium	0	1	1
Phosphorus	0	1	1
Salt	1	1	2
Manganese	1	0	1
Potassium	0	0	0
Copper	2	0	2
Zinc	1	1	2
Vitamin A	2	1	3
Medicated Feed	0	0	0
Total	26	20	46

¹ 309 feed samples analyzed with 1465 determinations ² 232 feed samples analyzed with 1037 determinations

Table 2. Feed Stop Sale Summary January 2020 – February 2020

Nutritional Guarantee	Number of Stop Sales		
	January ¹	February ²	Two Month Total
Crude Protein	3	2	5
Non-protein Nitrogen	0	0	0
Crude Fat	0	0	0
Crude Fiber	0	0	0
Calcium	1	1	2
Phosphorus	0	0	0
Salt	2	0	2
Manganese	0	0	0
Potassium	0	0	0
Copper	0	1	1
Zinc	0	0	0
Vitamin A	3	7	10
Sugar	0	0	0
Medicated Feed	0	0	0
Total	9	11	20

¹ 309 feed samples analyzed with 1465 determinations ² 232 feed samples analyzed with 1037 determinations

Fertilizer Program

Program Performance

REPORTING PERIOD FEBRUARY 8, 2020 THROUGH MARCH 13, 2020						
Item	Number	Notice of Deficiency	Letter of Warning	Stop Sale	Samples Deficient	Misc
Fertilizer Samples	88				1	
Lime Samples	6					
Dry Fertilizer Facility Inspections	4					
Liquid Fertilizer Facility Inspections	5	1	2			
Turf Applicator Inspections						
Ammonium Nitrate Audits	1					
Anhydrous Ammonia Dealers	17					
Anhydrous Ammonia Storage Tank Inspections	26					
Anhydrous Ammonia Nurse Tank Inspections	330					
Pre Site Facility Inspections						

2020 AAPFCO Winter Annual Meeting

Lance Kunneman, CPS Fertilizer Program Administrator, attended the Association of American Plant Food Control Officials (AAPFCO) winter annual meeting. The meeting was held in New Orleans, LA on February 16th through February 19th. AAPFCO provides a forum for state fertilizer control officials and fertilizer industry representatives to discuss regulatory policies.

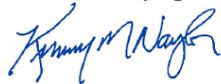
The Long Range Planning Committee meeting was held on Sunday where the Long Range Strategic Plan was reviewed. Goals and actions were developed to carry-out the plan. After the Long Range meeting Kunneman facilitated a closed session meeting of control officials “only”; giving an opportunity for discussion without industry representatives.

The AAPFCO meeting was called to order on Monday and after taking roll call, twenty-five states and Canada were represented by forty-two control officials along with 150 industry representatives. Dr. Mike Strain DVM, Louisiana Commissioner of Agriculture, welcomed everyone to New Orleans and shared some of the local history and background. The winter annual business voting session was held with fourteen items voted to official. Nine items were voted to tentative status. One definition was voted to be deleted. After a short break, the Terms and Definitions Committee meeting was called to order to discuss items to be presented to the Board for membership action.

On Tuesday morning Kunneman attended the Education and Information Committee meeting and Best Management Practices committee meeting. The afternoon consisted of the Uniform Bills Committee meeting and Environmental Affairs committee meeting.

Kunneman, as immediate past president, attended the board meeting on Wednesday morning addressing business decisions of AAPFCO.

I will be glad to answer any questions from the Board members.

A handwritten signature in blue ink, appearing to read "Kenny M. Naylor".

Kenny M. Naylor

Oklahoma Department of Agriculture, Food and Forestry
Animal Industry Services Board Report
April 8, 2020
Activities February 8, 2019 – March 20, 2020

Animal Disease Traceability:

During this time period, we have begun to receive the free Low Frequency EID tags from USDA. We are in the process of filling orders and shipping tags to requesting veterinarians and producers. We will have the opportunity to apply for supplemental funding for the upcoming Cooperative Agreement period that can be used to purchase additional EID reading equipment like wands or panel readers but also for tag applicators. The tags that we have received are from DataMars and require specific tag applicators in order for the tags to be placed and retained within the ear properly. It would be desirable to distribute a set of tag applicators with every tag order received to have confidence the tags are being placed properly and will be maintained for the life of the animal. Dr. Gorczyca plans on developing a grant proposal to accomplish this as well as try to purchase additional reading equipment to build the infrastructure necessary to accommodate electronic identification.

During this time period, we have completed our required trace exercises to meet the Cooperative Agreement quotas in order to maintain grant funding.

Aquaculture:

No activity of note during this time period.

Biologics:

During this time period, biological product renewals were sent out automatically through the Kelly Registry System. Biological products expire March 20th of each year. Companies needing to renew products were given the option this year of renewing online through the Kelly System or mailing in renewal forms with payment. There is an additional fee for a company to renew online however the efficiency of using the Kelly System allows for timelier issuance of approved biological product permits.

Cattle Programs:

Brucellosis:

We have no active Brucellosis cases at this time.

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* or Swine Brucellosis which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle. I fear this could lead to an increase in the number of human cases of *B suis*.

Tuberculosis:

We now have three active TB cases. The first is the dairy in the Panhandle that receives heifers from a calf raiser in Texas that received calves from a heavily infected dairy in the Texas Panhandle that was discovered to be infected in December 2018. We are coordinating with the dairy management and Regulatory Officials in Texas and Kansas to test all the cattle on the four premises at the same time. AIS Field Staff and USDA personnel performed the second complete herd test the week of October 14-21. No animals were found to be infected. We will be conducting the next herd test in October.

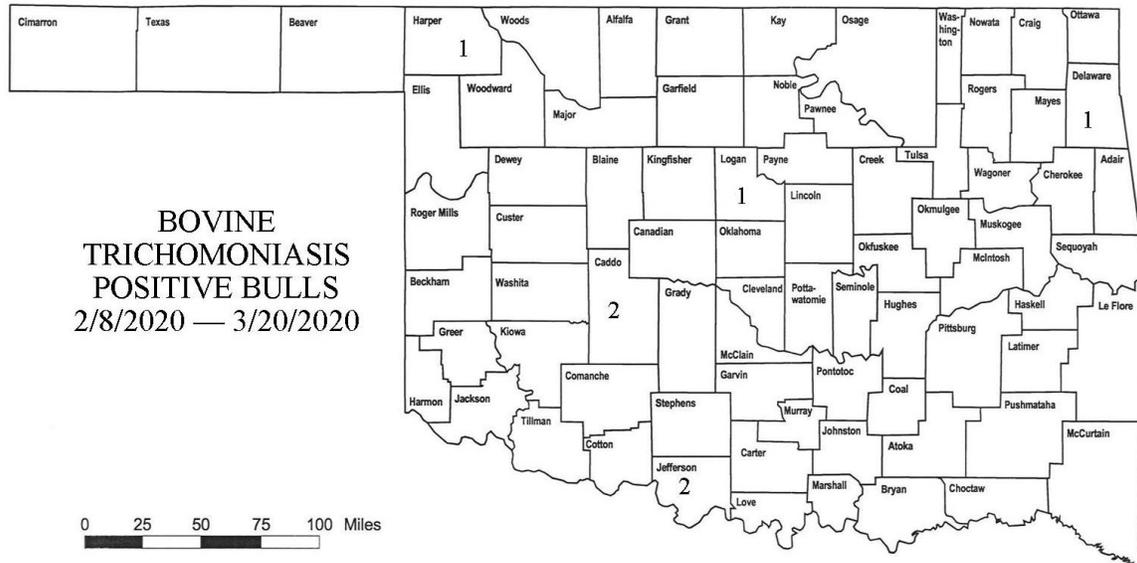
The second involves a beef herd in Cimarron County that culled a group of cows to slaughter November 19. At the plant one of them was discovered to be infected with TB. The herd was quarantined on November 29 and we began compiling epidemiological information. The cow was purchased from a ranch in Texas in 2011. The good thing is this herd does not sell any breeding animals. All adults are culled to go to slaughter and their calves are fed to be slaughtered as fat cattle. So our trace forwards will be relatively simple. They do purchase replacement cows as needed from a livestock dealer. We suspect this person buys cattle from multiple locations and will not have records that enable us to find all the possible sources of infection. The portion of the herd we tested in January did not reveal any infected cattle. There are two more portions of the herd that will be tested later. The herds with fence line contact to the group the infected cow came from will be tested the week of March 30.

The third is a dairy herd has received cattle from a herd in Texas that sold a cull cow that tested positive on January 30. The Texas portion of the herd has 125 cows and calves that are scheduled to be euthanized and necropsied the week of March 30. Following that we will have a better idea how our portion of the herd will be affected. Secretary Arthur, Dr. Mikka Larssen, Vicki Ernsting, and I met with the herd management February 11 to begin gathering information on numbers of cattle and movements.

Our State and Federal Field Veterinarians follow up on suspect screening tests by private veterinarians by conducting confirmatory tests. On February 24, Dr. Gorczyca performed comparative cervical TB testing in 3 goats and 1 sheep at the OKC Zoo. This was baseline testing for the newly acquired herd. All four animals were confirmed negative.

Trichomoniasis:

During this time period, 3003 Oklahoma bulls were tested and four positive bulls were discovered. Dr. Proctor contacts the owners of positive bulls and their veterinarians to follow up and offer advice about control and eradication of the disease, and to answer questions about the disease and our regulations.



4,502 bulls tested / 7 positive = 0.15% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, and 0.42% in 2019.

Johne's Disease:

YTD numbers in 2020 are a total of 28 positive reports, 24 new premises with 4 previously identified infected premises. 2019 YTD were a total of 25 positive reports with 15 new premises and 10 previously identified infected premises.

For this reporting period we have received 17 total positive reports, 14 are new identified premises and 3 previously identified premises. In 2019 we received 13 positive reports, 9 new premises and 4 previous

Dr. Stone continues to educate owners of infected animals on strategies to test, control and hopefully to eliminate the disease.

Emergency Management:

On February 20, Drs. Gorczyca and Ruby met with Dr. LeMac' Morris, the State Public Health Veterinarian to discuss reporting responsibilities of zoonotic diseases, canine brucellosis, and finally to discuss public messaging for Salmonella awareness associated with young chicks.

On February 24, we held a FMD Emergency Vaccination Annex and functional exercise planning meeting. Jimmy Wortham and Dr. Leslie Cole facilitated the meeting.

On March 5, Drs. Gorczyca and Ruby along with Inspector Joe Emberson met with the OSDH SNS warehouse team to tour the SNS warehouse in Oklahoma City. This

warehouse will be used during the National Veterinary Stockpile full scale exercise in August.

On March 5, Drs. Gorczyca and Ruby attended a State Liaison Coronavirus Preparedness meeting at the State Emergency Operations Center. This meeting was held to discuss preparedness efforts by the OSDH in the face of a coronavirus outbreak within the state and how the state agencies can support OSDH with their response. The first Oklahoman confirmed with COVID-19 was on March 6. To date, there are currently 164 Oklahomans with COVID-19 and unfortunately, the disease has been attributed to the death of five individuals. OSDH is in critical need of PPE and testing supplies to be used by their public health responders due to a nationwide shortage of these items. We received a request for PPE on March 20 and provided OSDH with the following PPE from our inventory: 27 boxes of Tyvek coveralls, 44 boxes of Tychem coveralls, 1 box of biosecurity PPE kits, 30 N95 respirator masks, 3 boxes of shoe covers, 1 box of surgical bonnets, 5 PAPR units, and 900 swabs for taking samples.

During this time period, Drs. Gorczyca and Ruby updated the ODAFF Continuity of Operations Plan to include a pandemic outbreak annex in response to the COVID-19 outbreak worldwide.

The Secure Beef Supply Regional Planning Workshop was held March 10-11 in Brighton, CO. Drs. Gorczyca, and Ruby, Morgan Vance, and I attended the workshop. This meeting brought together state and federal partners as well as representatives from the packing industry and from feeding operations from OK, KS, CO, TX, MO, and NE to discuss Secure Beef Supply planning, continuity of the beef industry during a FMD outbreak and regional permitting.

We have taken possession of an Oklahoma Homeland Security Decontamination Trailer. There are six of these units in the state. The trailer is a self-contained, mobile, high-volume, hot or cold water, cleaning and disinfection power washer. The unit also has a large generator to operate lights and other electrical equipment. This trailer has not been operated in a few years, so we are in the process of doing some minor repairs, and should have it completely operational soon.

Equine Programs:

There are no new equine cases for EIA, Piroplasmosis or CEM during this period.

The two remaining quarantined horses from Remington park EHV outbreak continue to be monitored at the owner's home. The one horse who had continued to test positive since December 10 had a negative test result on March 23rd. The horse it is quarantined with has been testing negative since the middle of February. Retesting will be done the week of March 30th. The quarantine can be released after 2 negative tests at least 7 days apart.

Farmed Cervidae Programs:

On January 31 and February 1 Dr. Stone and Dr. Proctor attended the North American Elk Breeders and the Whittails of Oklahoma meeting in Tulsa. They gathered information the industry considers important to their programs, and Drs. Stone and Proctor made connections with members and breeders in our state as well as visiting with a member of the legislature.

Feral Swine:

There were no significant changes in the feral swine program during this time period.

Foreign Animal Disease:

On February 16 I flew to St. Paul, MN where I met with Animal Health officials from the top 14 swine production states. Our goal is to achieve consensus on regulations between states to make it simpler for the swine companies to understand the requirements to move swine between states.

The virulent Newcastle Disease outbreak in the northeastern suburbs of Los Angeles, CA continues to be a thorn in the side of California Department of Agriculture. It is not widespread but because it's in an urban area they are having a lot of difficulty eradicating the disease.

African Swine Fever continues to spread around the world. We have never had a case of ASF in the United States. The commercial swine industry and regulatory veterinary agencies are very concerned about the situation. It is estimated that more than half the swine in the world have died or been euthanized because of the disease.

We performed two FAD investigations during this time frame. One was a horse with vesicular type lesions in the mouth in Oklahoma County and the other was in a swine herd in Alfalfa County that had experienced a high death loss over a period of time. Thankfully no FADs were discovered in the investigations.

Livestock Market Audits:

During this period, staff has approved an application for registration for Western Oklahoma Livestock Market. This market, located in the on I40 east of Clinton, is owned and operated by Brandon and Erin Hickey. The Hickey's are also the owners of the Elk City Livestock Auction. Their new barn in Clinton held its first sale on March 16 and plans to operate a weekly Monday livestock auction.

Although no other new licenses were applied for during this time, two individuals requested livestock market packets as they contemplate market ownership.

During this period as well, numerous custodial account audits were performed at different livestock auctions, all resulting in no violations.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	4
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

On February 11 we hosted ODAFF, USDA Veterinary Services, USDA Animal Care, and OSU Extension veterinarians in a meeting to discuss ongoing programs, our TB cases, African Swine Fever preparedness, and to receive updates on what all the veterinarians are working on.

On Sunday, February 23 I attended Oklahoma Livestock Marketing Association's Winter Board Meeting. I gave a brief update on our TB cases and we discussed cattle ID and Traceability.

On February 28 Morgan Vance and I traveled to a premises in Bryan County to evaluate the cattle and horses. The Bryan County Sheriff had received a complaint that the livestock were being neglected. We met ODAFF Agriculture Investigators Michael Hooper and Jason Smith. We determined that while most of the horses were in need of higher quality hay and feed and more of it that seizing the horses was not necessary. We have maintained contact with the owners and we are confident the horses body condition is improving. The cattle were in normal body condition. I will go back to check the horses on March 30.

On March 2 Dr. Stone gave a 2 hour swine presentation to the OSU OKC Vet Tech students. An overview of what is "normal in swine" was followed abnormal signs in swine that should be addressed for a doctor's examination. These students were at OYE last year and witnessed the problems we had with PED (Porcine Endemic Diarrhea). Because of COVID-19 being at the center media coverage, SARS, MERS, COVID-19, TGE, PED and PDV (all coronaviruses) were discussed, what is similar, links to many of their origin and how some believe we got these diseases. The real point was the need of biosecurity and the different levels of biosecurity, the need to be constantly aware of risk factors for disease and everyday things they can make as habits to decrease risk.

On March 3 I spoke to a group of cattlemen with Comanche County Farm Bureau about Traceability and our Tuberculosis cases.

OKLAHOMA YOUTH EXPO

March 10 thru March 15 livestock inspectors, animal health techs and veterinarians from ODAFF and USDA worked Oklahoma Youth Expo livestock admission gate for proper testing results, proper animal identification and proper certificates of health inspection.

Almost all exhibitors had everything necessary and the few who didn't were educated for future shows.

Advertised as "The Largest Youth Livestock Exhibitions in the World", this event draws participation from every community within the state plus attracts people from all over the nation. The problem we had in 2019 with PEDv is still fresh on many of the exhibitors' minds which has probably resulted in many positive effects. People are more interested in leaving sick animals home and they are more careful of biosecurity. In general, the barns were kept cleaner, the alleys were cleaner and participants expressed appreciation at our ODAFF veterinarians daily walks through the barns checking for animals breaking with diseases of economic concern. This year several animals did develop problems but the private veterinarians quickly sampled and all of these animals were negative for serious diseases.

COVID-19 was breaking during the start of OYE with many shows and event closing or cancelling around the country. OYE attempted to speed up the show which required everyone to ramp up their efforts. Our personnel were no different. Without exception, everyone stepped forward and gladly adapted to make the effort successful. In the end the show was shortened. Dr. Stone coordinates the gate schedule and his comments are "Our team of livestock inspectors and veterinarians along with USDA animal health techs and veterinarians are an excellent, unselfish and willing team made possible by good people with great leadership."

WIN A PIG CONTEST

The Oklahoma State Fair and the OVMA provide an exhibit of farm animals giving birth during the state fair each year, "The State Fair Birthing Center" What to do with the sows and piglets is always a problem. The farms of origin don't want the animals back because of biosecurity risk to the farms. The State Fair in the past have donated these animals to boy's homes and various FFA chapters around the state to be used for fund raising activities and experience for young people about agriculture. This year we had difficulty finding a place that would take the animals and thus a new program was developed.

The "Win a Pig" contest was an essay contest developed by 3 county extension educators and Dr. Stone for young people interested in learning about pigs who cannot afford the animals typical of today's swine exhibits. Of the 32 piglets and 3 sows from the fair, the top 18 piglets were placed in homes for this contest. All participants received pre-project training in piglet behavior, husbandry, nutrition, optimal piglet care and biosecurity and selected their animal by order of essay placing.

The winners kept journals, submitted weekly reports, competed in an average daily gain contest (completed March 7,2020), and had a show back of the animals for skill development, animal assessment and welfare evaluation. An interview competition at the completion of the project was conducted.

Animals were donated to food bank or were processed for the participants home use

Lots of people came together to make this possible including donations of a local meat processor, a feed company, an area nutritionist along with local churches helping placement of all pork products by identifying families in need of food. Plans are in place for this to continue in future years.

Poultry Programs:

We responded to 10 sick bird/dead bird cases in the time period (total of 23 cases in 2020). No reportable diseases were discovered in these cases.

Rabies in Livestock:

There was no activity of note during this time frame.

Sheep and Goat Programs:

There were no significant activities in the Sheep and Goat programs during this time period.

Swine Programs:

There were no significant changes in the swine programs during this time period.

Miscellaneous:

Even though it has been almost 2 ½ years since FDA put the Veterinary Feed Directive into force I continue to receive calls from veterinarians and producers asking questions about the directive and how to properly document the way they are using antibiotics in animal feed.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive, flowing style.

Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for February 2020 Activities**

Introduction

Wildlife Services (WS) responds to complaints from the public involving problems with wildlife throughout Oklahoma. WS Specialists conduct operational control programs for many of the complaints they receive to resolve these wildlife damage problems. During this period, these projects were conducted on 539 properties with an estimated 2,169,911 acres of land under agreement. Additionally, WS helped 166 persons and entities with technical assistance which involved providing information to cooperators so they can resolve problems themselves. Cooperators reported and WS Specialists verified wildlife damage of \$516,162 during this period. Beaver damages accounted for losses totaling \$123,658. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$102,191. Feral swine damages accounted for losses totaling \$279,531. Striped skunks, raccoons, and red foxes damaged agriculture resources valued at \$10,782.

Providing Wildlife Services

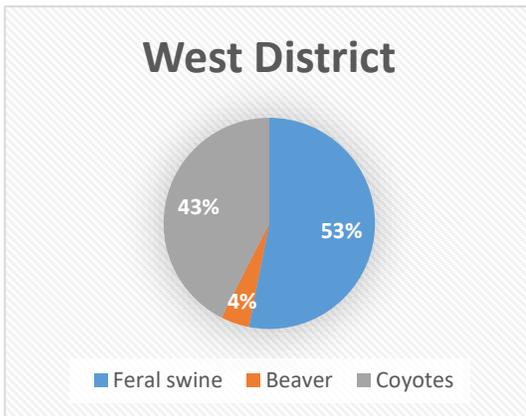


Figure 1: Percent of Species Removed in West District, February 2020

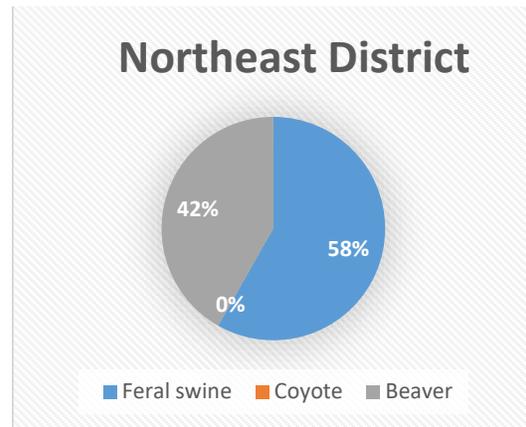


Figure 2: Percent of Species Removed in the Northeast District, February 2020

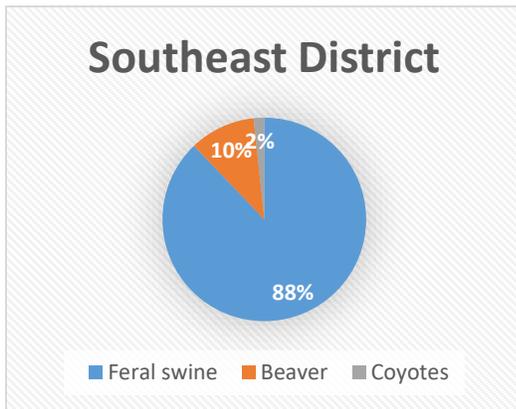


Figure 3: Percent of Species Removed in the Southeast District, February 2020

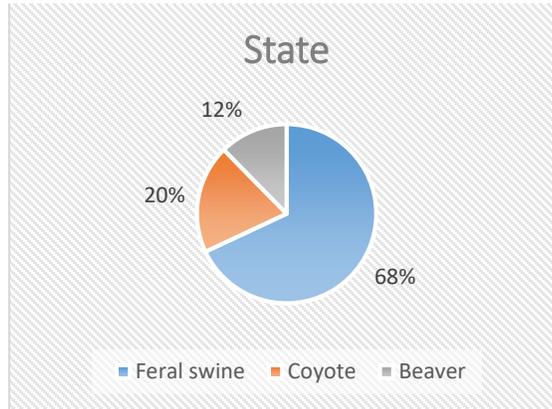
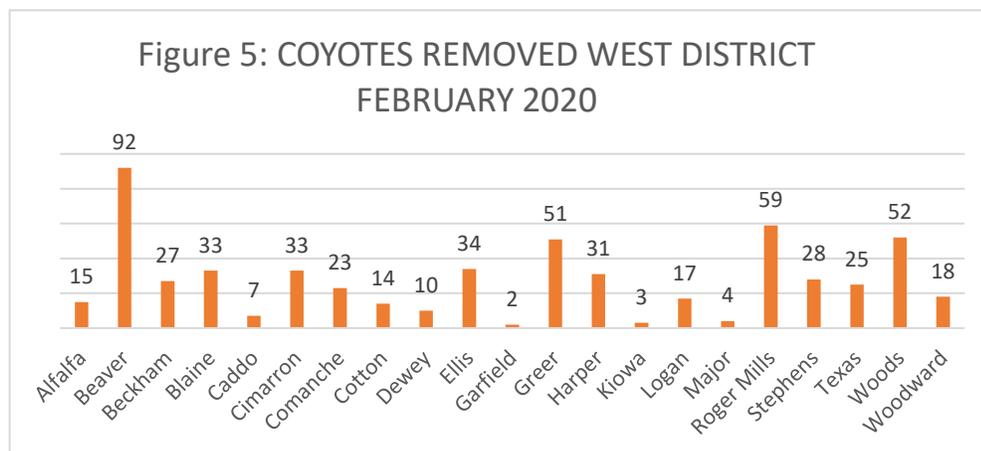


Figure 4: Percent of Species Removed in the State, February 2020

Coyote Damage Management

On February 1st, a Beaver County landowner requested assistance with coyotes depreddating on calves. The landowner reported coyotes were responsible for the loss of 1 calf valued at \$1,100. The Specialist for Beaver County responded and verified coyotes were responsible for the loss. The Specialist utilized neck snares, leg-hold traps and calling to remove 17 coyotes. No further losses have occurred.

On February 3rd, a Woodward County rancher contacted WS for assistance with coyote damage



management. The rancher reported that coyotes were responsible for the loss of 2 calves valued at \$2,200. The Wildlife Specialist assigned to Woodward County responded and verified the loss of one calf to coyotes valued at \$1,100. Control efforts were successful in removing 10 coyotes from the immediate area. Work is ongoing.

On February 10th, a Greer County livestock producer requested assistance with coyotes depreddating on calves. The Specialist responded to the request and verified coyotes were responsible for the loss of 2 calves valued at \$2,200. The cattle producers has utilized guard animals but continued to have losses to coyotes. The Specialist utilized leg-hold traps and snares to remove 17 coyotes. Work is ongoing.

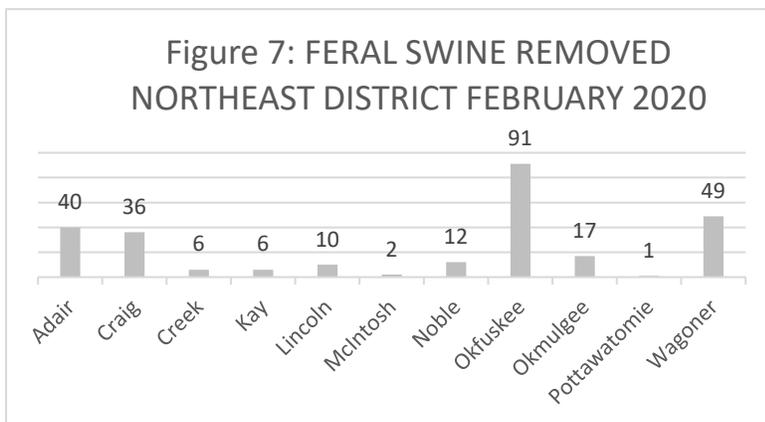
Figure 6: COYOTES REMOVED SOUTHEAST DISTRICT FEBRUARY...



On February 10th, a Bryan County rancher contacted Wildlife Services for assistance with coyote control. The rancher reported coyotes were responsible for killing a calf valued at \$1,100. The Specialist responded to the request and verified coyotes were responsible for the predation. Management efforts were successful in quickly removing 3 coyotes from the immediate area. No further losses have been reported to date.

Feral Swine Damage Management

Figure 7: FERAL SWINE REMOVED NORTHEAST DISTRICT FEBRUARY 2020



On January 29th, a Carter County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Specialist fro Carter County responded to the request and confirmed feral swine were responsible for an estimated \$7,500 in damages to the property. Remote camera traps were utilized to remove 18 feral hogs from the immediate area. No further losses

have been reported to date.

On January 30th, Wildlife Servcies was contacted by a Craig County rancher with feral swine damage control problems. The rancher reported that feral swine were responsible for rooting approximately 20 acres worth of pasture ground valued at \$28,000. The Specialist responded to the request and verified that feral swine were responsible for the damage reported. The Specialist is currently utilizing a live feral swine trap to remove the problem swine. A total of 28 feral swine have been removed to date and work is continuing at this time. The rancher was instructed on environmental changes and exclusion methods that can be utilized to help prevent future damages.

On February 4th, a Custer County landowner requested assistance with feral swine causing damage in his pastures and hay bales. The Wildlife Specialist responded and verified that feral swine were responsible for damages totaling \$2,500. The Specialist utilized a feral swine live trap to remove 109 feral swine from the landowner’s property. And the fixed-winged aircraft was utilized to remove an additional 44 swine from the landowner’s property. The area is being monitored closely to see if additional control efforts are needed.

On Feb 8th, the Wildlife Specialist for Caddo County received a request for assistance with feral swine. The Rancher reported feral swine were responsible for \$5,000 dollars in damage to his

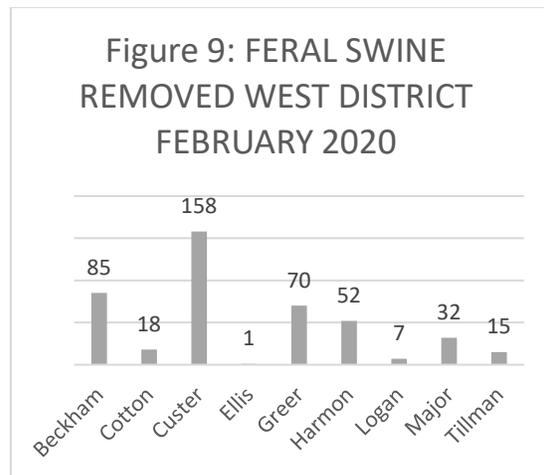
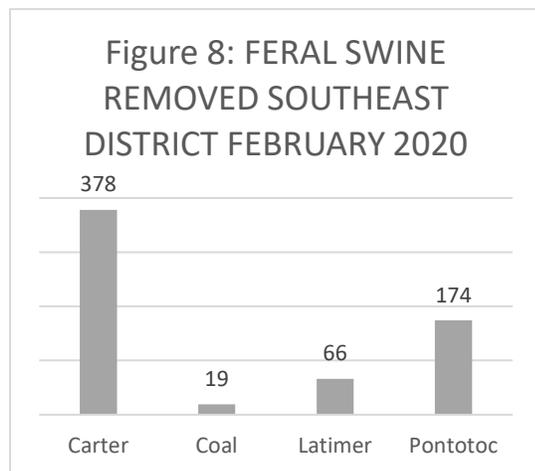
improved Bermuda pastures. The Specialist responded to the request and verified feral swine were responsible. The Specialist utilized a feral swine live trap and shooting to remove 54 feral swine from the property. No further damage has occurred and work is concluded.

On February 9th, a Choctaw County rancher contacted Wildlife Services for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Specialist for Choctaw County responded to the request and confirmed feral swine were responsible for an estimated \$2,500 in damages to the property. Remote camera traps were utilized to remove 25 feral swine from the immediate area. No further losses have been reported to date.

On February 11th, Wildlife Services was contacted by Craig County rancher with feral swine damage concerns. The rancher reported that feral swine or responsible for rooting approximately 60 acres worth of pasture ground valued at \$84,000. A Specialist responded to the request and verified that feral swine were responsible for the damage reported. The Specialist is currently utilizing a live feral swine trap to remove the problem swine. A total of 8 feral swine have been removed to date and work is continuing at this time. The rancher was instructed on environmental changes and exclusion methods that can be utilized to help prevent future damages.

On February 13th, an Ellis County rancher requested assistance with feral swine. The swine were responsible for rooting damage on 2 acres of pasture and 5 acres of his wheat field, totaling \$2,000 in damage. The Specialist quickly responded and utilized feral swine live trap and shooting to remove 31 swine from the property. Work is ongoing at this time.

On February 19th, a Bryan County rancher contacted Wildlife Services for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Specialist responded to the request and confirmed feral swine were responsible for an estimated \$3,000 in damages to the property. Remote camera traps were utilized to remove 9 feral swine from the immediate area. No further losses have been reported to date.



Aerial Hunting Operations

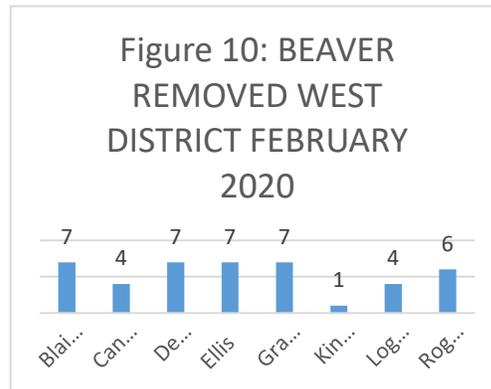
On February 8th, aerial control operations were conducted in Bryan County. The area flown was a

project to protect approximately 35,000 acres on area landowners to mitigate damage being caused from feral swine. A total of 4.3 hours of flight time was utilized to remove an additional 138 feral swine from the immediate area. An additional 35 feral swine were removed with remote cage traps and neck snares bringing the total numbers of feral swine removed from the area to 1,051 since October 1st, 2019.

Beaver Damage Management

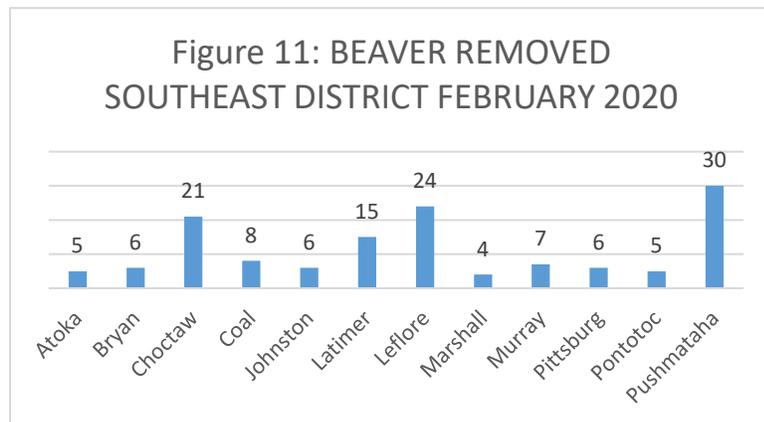
On February 1st, a Murray County landowner contacted WS for assistance with beaver damage management. The landowner reported beaver were causing damage to one of his pond dams. The Specialist responded to the request and confirmed beaver were responsible for an estimated \$5,000 in damages to the area. Management efforts were successful in quickly removing the problem beaver.

On February 3rd, a Caddo County Road Commissioner requested assistance with beaver causing damage to county road and bridges. The Commissioner reported that beavers were responsible for \$5,000 in damages do the beaver damming up the culvert and flooding and damaging the adjacent count road. The Wildlife Specialist responded and verified beaver were responsible for the damage and utilized conibears to remove 8 beaver from the adjacent property. Control efforts are complete at this



time.

On February 6th, a LeFlore County Commissioner contacted Wildlife Services for assistance with beaver control. The Commissioner reported beavers were plugging culverts and flooding roadways at three different road sites. The Specialist responded to the request for assistance and confirmed beavers were responsible for an estimated \$7,500 in repair costs to the roadways. Management efforts were successful in quickly removing the problem beaver from the areas. No



further losses have been reported to date.

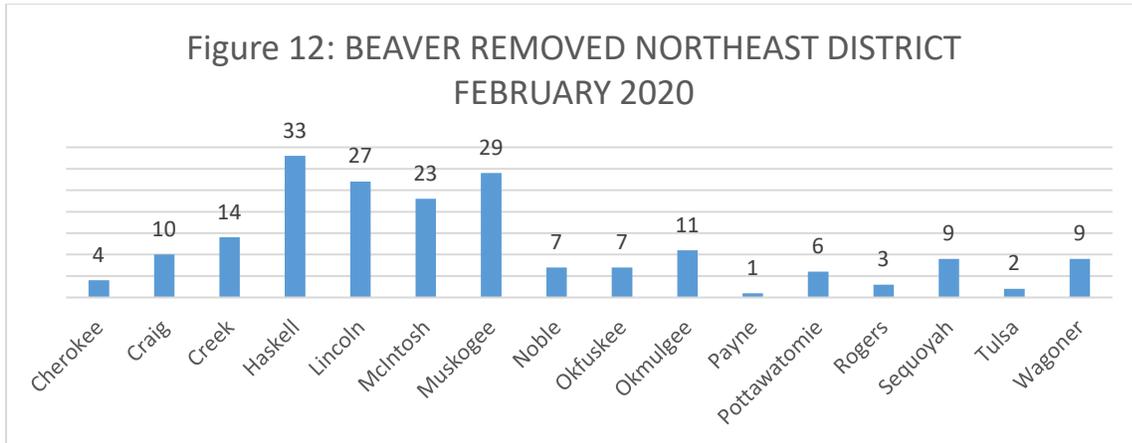
On February 10th, a Custer County Road Commissioner requested assistance with beaver. The Commissioner reported that beaver had blocked up the culvert and had caused \$1,000 damage to the road. The Wildlife Specialist for Custer County responded and verified beaver were responsible for the damage and utilized conibears to

remove 5 beaver. No further damage has occurred and work is completed.

On February 24th, a Blaine County Road Commissioner requested assistance with beaver. The Commissioner reported that beaver had blocked up the culvert and had caused \$500 damage to

the road. The Wildlife Specialist for Blaine County responded and verified beaver were responsible for the damage and utilized conibears to remove 8 beaver. No further damage has occurred and work is ongoing.

On February 19th, Wildlife Services received a call from a Tulsa County landowner who operates a Christmas tree farm with a complaint that beavers had destroyed 24 trees valued at \$2000. After investigating the property, the Specialist utilized conibear traps to remove 2 beavers. Work is ongoing at this time.



Beaver Damage County Roadways

On February 6th, WS was contacted by a Creek County Commissioner with Beaver damage concerns. The commissioner reported that beaver were responsible for flooding a county roadway. The flooding damage estimated at \$1,200. The Specialist responded to the request and verified that beaver were responsible for the damage. The Specialist utilized thermal vision to remove a total of 9 problem beaver. Work is continuing at this time.



Figure 13 – Specialist setting conibear traps in Ottawa County

On February 4th, Wildlife Services was contacted by an Ottawa County Commissioner with beaver damage control concerns. The Commissioner reported that beaver were responsible for flooding a county roadway in Pitcher, Oklahoma. The EPA implemented a buyout for the town due to harmful toxins, now making it a modern day ghost town. The Specialist responded to the request and verified that beaver were responsible for

Figure 14: Specialist in culvert in Pottawatomie County



the damage reported. The Specialist is currently utilizing a conibear trap to remove the problem beaver. Work is ongoing at this time

On Feb. 10th, WS Specialists received a request from a Pottawatomie Co. Commissioner for beaver damage control. The Commissioner reported that beaver had built a dam in a culvert under a county roadway and was causing significant flooding. The Specialist responded to the request and verified that beaver were responsible for the damage reported. The

Specialist removed 6 beaver utilizing conibear traps. The Specialist was able to crawl into the culvert downstream and remove the dam. Work is continuing at this time.

Table 1: Beaver, Coyote, and Feral Swine removal in the State, January 2020

County	Beaver	Coyote	Feral swine	District
Adair	2		40	NE
Alfalfa	1	15		W
Atoka	5			SE
Beaver		92		W
Beckham		27	85	W
Blaine	7	33	52	W
Bryan	6	8	225	SE
Caddo	13	7	77	W
Canadian	4			W
Carter				SE
Cherokee	4			NE
Choctaw	21		378	SE
Cimarron		33		W
Cleveland	4			C
Coal	8			SE
Comanche		23		W
Cotton		14	18	W
Craig	10		36	NE
Creek	14		6	NE
Custer	2		158	W
Dewey	7	10	26	W
Ellis	7	34	1	W
Garfield		2		W

Garvin		4	19	SE
Grady	7			W
Grant		24		W
Greer		51	70	W
Harmon			52	W
Harper		31		W
Haskell	33			NE
Hughes				SE
Jackson		5		W
Johnston	6	2	13	SE
Kay			6	NE
Kingfisher	1			W
Kiowa		3		W
Latimer	15			SE
Leflore	24		66	SE
Lincoln	27		10	NE
Logan	4	17	7	W
Love			260	SE
Major				W
Major		4	32	W
Marshall				SE
Marshall	4			SE
McClain		4		SE
McCurtain				SE
McIntosh	23		2	NE
Murray	7			SE
Muskogee	29			NE
Noble	7		12	NE
Nowata				NE
Okfuskee	7		91	NE
Oklahoma	11	6	72	C
Okmulgee	11		17	NE
Osage	4	14	172	W
Ottawa	1			NE
Pawnee				NE
Payne	1		6	NE
Pittsburg	6		16	SE
Pontotoc	5			SE
Pottawatomie	6		1	NE
Pushmataha	30	4	174	SE
Roger Mills	6	59	8	W
Rogers	3			NE

Seminole				SE
Sequoyah	9			NE
Stephens		28		W
Texas		25		W
Tillman		10	15	W
Tulsa	2			NE
Wagoner	9		49	NE
Washington				NE
Washita		1	16	W
Woods		52		W
Woodward	2	18		W
TOTAL	415	660	2288	

*NE –Northeast, SE –Southeast, W – West, C – Central Districts

During the month of February, the Wildlife Services Disease Biologist was able to collect samples from 84 feral swine in 4 Counties; Caddo County, Garvin County, Okfuskee County, and Osage County. These samples will be tested for classical swine fever, pseudorabies, swine brucellosis, and for genetics.

Table 2: Species/Disease sampling, February 2020

Species/Disease	Sample Type	Samples
classical swine fever	blood/serum	59
genetics	tissue	59
pseudorabies	blood/serum	59
swine brucellosis	blood/serum	59
Total Samples		236

Activities

Altus Air Force Base (AFB)

During February, wintering waterfowl remained a priority at Altus AFB, by monitoring their activity both around the airfield and at the city reservoir. Also conducting harassment methods where necessary because of early Spring mitigation. The end of the month was the transitioning of these birds to start to migrate out of the area, triggering the change back to phase 1 for flying operations. The first movements of the Spring migration have also brought about preparation for the increased bird activity in the upcoming months. Pigeon removal continued in the city as usual. The exiting of Canada geese from the area brought an end to the winter harassment activities at the city reservoir, which will be revisited in June to address any remaining resident birds. Work on the hazard assessment was also a big priority of work during the month, both the conducting of surveys, as well as backlogging previous months' data into the new survey123 system for assessments. Preparation for an upcoming UEI inspection was also a focal point of work, which will be conducted in the spring. Altus AFB personnel was also tasked with assisting in several training events during the month. An application for the potential dove banding project was also submitted to Oklahoma Department of Wildlife Conservation (ODWC) for approval.

Will Rogers World Airport (WRWA)

At WRWA this month we have continued trapping beavers to aid in storm water drainage. WS employees have successfully trapped 7 beavers and are continuing our trapping efforts. At WRWA we have seen a decrease in waterfowl species. WRWA has however started to experience an increase in gull populations due to spring migration. The presence of gulls is normally only on rainy days due to the earthworms surfacing. Our coyote presence and associated take has been consistent with months prior. At WRWA we have also started to see the presence of other migratory birds such as, Killdeer, Brown-headed cowbirds, and Mourning dove. At WRWA we also had to dispatch two feral dogs, after several times of escorting them out of the Airfield Operations Area (AOA). WRWA has seen normal European Starling numbers for this time of year. WS employees have dispatched forty-one, and hazed 1,220. WS employees are continuing our pigeon trapping efforts at AAR. So far this month we have not had any wildlife strikes.

Vance Air Force Base (AFB)

We held our semi-annual Bird Hazard Working Group where we briefed wing leadership about the different wildlife mitigation projects here at Vance. This month I was able to provide most of the inputs for the annual changes to the Bird Aircraft Strike Hazard (BASH) plan. Vance, Air Force Joint Airbase ODWC, Natural Resources Conservation Service (NRCS), Ducks Unlimited, and Enercon all met in Stillwater for the latest draft of the Drummond Flat Environmental Assessment (EA). Wetland restoration at Drummond will continue after an EA draft, if agreed upon by the players mentioned above. Together with the Air Force Wildland Fire Center we burned approximately 490 acres of the Vance Airfield. Last year we burned just over 400 acres on the North half of the airfield. This year we focused on the remaining 600 plus acres to the South. We were able to get 490 acres complete before the wind speed exceeded the burn prescription. Next year we are planning to finish the nearly 200 acres remaining.

Information and Communication

NE District Supervisor was guest speakers at the Grove Rotary Club on February 25th, located at Grove, Oklahoma. The Supervisor spoke over 125 people who attended about concerns with feral swine and how to manage them. The audiences were given information on how feral swine traps work, along with history, current status, and distribution, Biology, food habits, identified signs, and predation of feral swine. The information was well received.

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

**March 2020 Activity Report
for
April 2020 Board Meeting
Agricultural Statistics Division**

General: Temperatures warmed up by the **First weekend in March** in Oklahoma, with highs in the 60's across most of the state. Rainfall totals averaged 0.14 of an inch across the state last week, with the Northeast district recording the highest totals at 0.49 of an inch. According to the February 25, US Drought Monitor Report, drought conditions were rated 13 percent abnormally dry to exceptional drought, down 1 point from the previous week. Additionally, 5 percent of the state was in the moderate drought to exceptional drought category, unchanged from the previous week. Statewide, temperatures averaged in the mid 40's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Temperatures continued their warming trend across Oklahoma the **second week of March**, with average highs in the low to mid 60's across all reporting districts. Rainfall totals averaged 0.17 of an inch across the state last week, with the Southwest district recording the highest totals at 0.37 of an inch. According to the March 3, US Drought Monitor Report, drought conditions were rated 14 percent abnormally dry to severe drought, up 1 point from the previous week. Additionally, 5 percent of the state was in the moderate drought to severe drought category, unchanged from the previous week. Statewide, temperatures averaged in the upper 40's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Spring is on the way during the **third week of March**, with reported highs exceeding 80's in 7 of the reporting districts. Rainfall totals averaged 1.53 of an inch across the state last week, with the Southeast district recording the highest totals at 2.56 of an inch. According to the March 10, US Drought Monitor Report, drought conditions were rated 14 percent abnormally dry to severe drought, unchanged from the previous week. Additionally, 5 percent of the state was in the moderate drought to severe drought category, also unchanged from the previous week. Statewide, temperatures averaged in the mid 60's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Temperatures cooled off over the weekend during the **fourth week in March**, with 7 of the districts reporting lows in the 20's on Saturday March 21st. Rainfall totals averaged 2.32 inches across the state last week, with the Southeast district recording the highest totals at 3.44 inches. According to the March 17, US Drought Monitor Report, drought conditions were rated 8 percent abnormally dry to severe drought, down 6 points from the previous week. Additionally, 4 percent of the state was in the moderate drought to severe drought category, down 1 point from previous week. Statewide, temperatures averaged in the low 60's. Topsoil and subsoil moisture conditions were rated mostly adequate to surplus.

Winter wheat jointing reached 27 percent, up 1 point from the previous year but down 8 points from normal. Rye jointing reached 15 percent, down 6 points from the previous year and down 9 points from normal. Oats jointing reached 4 percent, down 7 points from the previous year and down 7 points from normal.

Pasture and range condition was rated at 92 percent good to fair. Livestock condition was rated at 94 percent good to fair.

Surveys: Surveys conducted between February and March administered by the Oklahoma call center are listed in the table below:

Survey	Enumerated by:	Survey Dates
Trout	Phone	Jan 21 – Feb 11
Bi-monthly Cotton Ginning	Phone	Feb 3 – Feb 5
Organics Survey	Phone	Feb 3 – Mar 13
NFI Slaughter	Phone	Feb 6 – Feb 10
Grain Prices	Phone	Feb 10 – Feb 14
Hay Prices	Phone	Feb 11 – Feb 14
March Crop Production	Phone	Feb 28 - Mar 15
March Hogs	Phone	Mar 2 – Mar 15
Bi-monthly Cotton Ginning	Phone	Mar 2 – Mar 4
NFI Slaughter	Phone	Mar 6 – Mar 10
Grain Prices/Grain Stocks	Phone	Mar 10 – Mar 16
Berry PDI	Phone	Mar 11 – Mar 30
Calling Suspended on 3/18/2020 due to COVID-19		

Statistics: The 2019 Farms and Land in Farms were released on February 20, 2020. Highlights include:

The number of Oklahoma farms remain unchanged from 77,300 farms. Oklahoma land in farms increased in 2019 to 34.4 million acres, up slightly from the previous year. Average farm size increased to 445 acres per farm.

On March 19, 2020, the Price Reactions after Crop Reports were release. Highlights include:

Price Reactions Week after Crop Report			
Crop	Increased Price	No Change in Price	Decreased Price
Corn (1985-2019)	87	1	86
Soybeans (1985-2019)	87	3	84
Wheat (1987-2019)	88	4	86
Cotton (1989-2019)	100	1	84

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 23. In addition, our internet home page was hit 2,649 times in February 2020, for a total of 5,579 for the 2020 year.

Releases for February:

Crop Production
 Farms and Land in Farms
 Corn, Soy, Sorghum County Est
 Cattle on Feed
 Agricultural Prices

Relating Dates:

February 1, 2020
 2019 year
 2019 year
 February 1, 2020
 February 15, 2020

Release Dates:

February 11, 2020
 February 20, 2020
 February 20, 2020
 February 21, 2020
 February 28, 2020

Releases for March:

Crop Production
 Price Reactions after Crop Reports
 Price Reactions after Livestock
 Cattle on Feed
 Hogs and Pigs
 Prospective Plantings
 Grain Stocks
 Agricultural Prices

Relating Dates:

March 1, 2020
 2019 year
 2019 year
 March 1, 2020
 March 1, 2020
 March 1, 2020
 March 1, 2020
 March 15, 2020

Release Dates:

March 10, 2020
 March 12, 2020
 March 12, 2020
 March 20, 2020
 March 26, 2020
 March 31, 2020
 March 31, 2020
 March 31, 2020

Meetings and Events:

Get-Ag-Cited about the Port
 Peanut Expo
 TECO Meeting
 Sorghum Commission
 SEB/FAC Meeting

Date:

March 3, 2020
 March 12, 2020
 March 17, 2020
 March 26, 2020
 March 27, 2020

Location:

Port of Catoosa, OK
 Weatherford, OK
 Virtual
 Virtual
 Virtual

Respectfully Submitted,

Troy Marshall

MARKET DEVELOPMENT SERVICES

April 8, 2020

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 246
- Total Number of Pre-Service Teachers Impacted: 87
- Total Number of Volunteers Impacted: 60
- Total Number of Students Directly Impacted by Coordinators: 6,126
- Total Number of Resources Given: 1,268

AG IN THE CLASSROOM WEBSITE, LESSON IMPACT, AND SOCIAL MEDIA

- The AITC website had 7,692 visits and 6,181 unique page view visits.
- AITC lessons were downloaded 1,236 times.
- The AITC monthly email is delivered to 12,477 accounts.
- The AITC Facebook page now has 5,195 followers.
- The AITC Twitter page now has 559 followers.
- Oklahoma AITC Instagram account now has 414 followers.
- Oklahoma AITC Pinterest account now has 173 followers.
- The AITC YouTube channel now has 6,103 views.
- Kahoot: 87 Kahoot games with 803+ plays by 6,467+ players.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
36 PreService Teachers	ECU Ada	Think in Pictures Like Dr Grandin: Made corrals and peppermint putty.	Specialty Cropopoly, Jr; AITC Commodity Bookmarks and Barn of other AITC Resources
20 PreService ECE Teachers	OSU	Representative Jacob Rosencrants spoke about "Play Based Learning Initiative." Then AITC Coordinator shared AITC website and resources	Specialty Cropopoly, Jr; Specialty Crop Ag Magazine
15 PreService Teachers	OAEA Spring Convention held at Cameron University, Lawton	Garden in a Glove; Modifying the Plow	Barn of AITC Resources
16 Education Majors	OU	Fruit and Veggie Self Portraits; Thinking in Pictures; Timeline of Food	AITC Resources

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
500 K-8 students and 30 K-8 teachers	AITC Contest Award Presentation at Keys School in Tahlequah	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
50 K-3 students and 6 K-3 teachers	AITC Contest Award Presentation at Dahlongah School in Stilwell	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
100 K-1,4,6-7th grade students and 7 teachers	AITC Contest Award Presentation at Maryetta school in Stilwell	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning students received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
1 high school student Winner, principal and vice principal	AITC Contest Award Presentation at Stilwell HS		Winning students received framed artwork. Was supposed to receive other prizes during Ag Day.
150 PreK-8 students and 8 teachers	AITC Contest Award Presentation at Norwood Elementary in Hulbert	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning students received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
202 PreK-6th students and 10 teachers	Award presentation at Maysville	Secretary Arthur, Meriruth Cohenour, and Cheri Long joined the AITC Staff to announce that Christie Pucket is a National Excellence in Teaching Agriculture Award Winner. During the assembly, students learned about agriculture and were allowed to ask questions.	
40 kindergarten students, 3 teachers and 1 principal	AITC Contest Award Presentation at Roland Elementary	Spoke to the classes about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
250 elementary students and	TOY Finalist Presentation at Anadarko Elementary for Sherree' Orrell	Spoke to the assembly about the reasons agriculture is important in their daily lives	

13 teachers			
20 elementary students and 1 teacher	Coloring Contest Winner Presentation at Cornelson Elementary in Fairview	Spoke to the class about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
250 ECE students and 13 teachers	Coloring Contest Winner Presentation at Depew Elementary	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
10 high school students and 1 teacher	Poster Contest Winner Presentation at Waukomis High School Ag-Ed Class	Spoke to the class about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
450 PreK-6 students and 23 teachers	Poster Contest Winner Presentation at Lindsay Elementary School	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from OK Beef Council
180 6th grade students and 9 teachers	Mustang Horizon Intermediate School	National AITC - Ag Careers lessons and activities	AITC Ag Commodity Bookmarks
3- 7th students and 1 teacher	AITC Contest Award Presentation at Eisenhower Middle School in Lawton	Award Presentation	Winning students received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
300 7-12th grade students and 15 teachers	AITC Teacher of the Year presentation at Morrison	Spoke to the assembly about the reasons agriculture is important in their daily lives	
260 3rd-5th grade students and 13 teachers	TOY Finalist Presentation for Anna Wofford and Student Winner Presentation at Frederick Elementary	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
500 PreK-5 students and 25 teachers	AITC Contest Award Presentation at Richmond Elementary School in Stillwater	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning students received framed artwork. Was supposed to receive other prizes during Ag Day.
900 6-7th grade students	AITC Contest Award Presentation at Stillwater Middle School	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning students received framed artwork. Was supposed to receive other prizes during Ag Day.

120 High School Students	Port of Catoosa Ag at the Port Student Event	Oklahoma's Inland Waterway	12 Cropopolis Jr Games; 20 Sets of AITC Seed packets; 50 Ag on Rt 66 magazines
250 PreK-5th grade students and 13 teachers	AITC Contest Award Presentation at Mooreland Elementary School	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from Oklahoma Beef Council
400 6th grade students and 20 teachers	AITC Contest Award Presentation at Whittier Middle School in Norman	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from OK Beef Council
480 3rd-5th grade students and 24 teachers	Bonnie Plants Cabbage Contest Winner Presentation at Cleveland Elementary School	Spoke to the assembly about the reasons agriculture is important in their daily lives	25 Ag on Rt 66 Magazines; 25 Upper Level Specialty Crop Magazines; 2 Fruits, Nuts, and Veggie Booklets; 2 Sets of Bookmarks for Cabbage Winner's teacher last year and this year.
130 PreK-6th grade students and 7 teachers	AITC Contest Award Presentation at Canton Elementary School	Spoke to the assembly about the reasons agriculture is important in their daily lives	Winning student received framed artwork, citations, and a medal and gift card from OK Beef Council
550 6-12th grade students	STEM Day at Central Tech in Drumright	Spoke to students about STEM in agriculture	Gave out 100 bookmarks and 10 sets of Engineering Process Posters/Tearsheets Upper level
30 9-12th grade students and 1 teacher	AITC Contest Award Presentation at Stuart High School	Spoke to the class about the reasons agriculture is important in their daily lives	

Ag in the Classroom- Resources Mailed or Delivered

Number of Resources	Location Resources were Mailed or Delivered	Resources Mailed
1	Emerson Elementary in Duncan	A Barn of AITC Resources
1	Prue School	A Barn of AITC Resources
13	Olive Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
100	Cushing PreK	ABC's of Oklahoma Agriculture student coloring book (PreK-

		3rd)
50	Cushing Upper Elementary	Does Chocolate Milk Come From Brown Cows? Student Activity sheets
25	Union 6th-7th Grade Center	Specialty Crop Ag Mag Activity Book student magazine
20	Union 6th-7th Grade Center	Specialty Crops Ag Mag student magazine;
40	Union 6th-7th Grade Center	ABC's of Oklahoma Agriculture student coloring book
50	Cleveland Intermediate School	Specialty Crop Ag Mag Activity Book student magazine
540	OSU for 1st Grade Ag Fest	Specialty Crops Ag Mag student magazine;
30 sets	OSU for 1st Grade Ag Fest	AITC Commodity Bookmarks
18	OSU for 1st Grade Ag Fest	Specialty Cropopoly Jr
6	Luther Middle School	Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
6	Luther Middle School	Specialty Crops Ag Mag student magazine (PreK-3rd)
1 each	Luther Middle School	Fruits, Nuts, and Veggies, Oh My!, Harvest of the Month set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd)
50	Cleveland Intermediate School	Specialty Crop Ag Mag Activity Book student magazine (4th-12th)
100	LeFlore County Extension	Specialty Crop Ag Mag Activity Book student magazine (4th-12th)
100	Cherokee County Health Services Council	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
3	Chisholm Public Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
1 each	Chisholm Public Schools	Fruits, Nuts, and Veggies, Oh My!, Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Upper Level teacher poster (4th-12th)
30	3J Farms OK ~ A Learning Farm	Specialty Crops Ag Mag student magazine (PreK-3rd)
30	3J Farms OK ~ A Learning Farm	Specialty Crop Ag Mag Activity Book student magazine (4th-12th)
18	3J Farms OK ~ A Learning Farm	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
12	3J Farms OK ~ A Learning Farm	Oklahoma Red Dirt Groundbreakers (3rd & 9th- Oklahoma History)
19 each	Saint Luke's Christian School	Lower Level Specialty Crop Mags, Ag on Rt 66, FNV, Seeds, Cropopoly, HOM Posters
4 class sets	Orvis Risner Elementary - Edmond	4 class sets of "Thinking in Pictures" reader

Ag in the Classroom- Other Events

Event	Highlights
OK Farmers Market and Agritourism conference, Edmond	Trained 60 producers to use AITC Resources and Activities to create teachable moments on the farm. Harvest of the Month and Nutrition Posters; Fruits, Nuts, and Veggie booklets; and Commodity Bookmarks given to use at their venue.
AFR Booth	Talked to 200 people and shared AITC information
AITC Advisory Meeting	Advisory board members shared commodity updates and also heard from Secretary Blayne Arthur.
Meeting at Carnegie Middle School	Helped with developing an elective class at the middle school for Ag in the Classroom
LETRS Unit 7 Training	SDE
Spring 2020 Pork Council Grant	6 recipients were notified they will receive \$500 each
SEOSU Education Department	Site visit to set up professional development for education majors
Allen; Antlers Elementary and Hugo Elementary	Site visits about a PD in the Fall

Ag in the Classroom- New Lessons; Website Additions; Resources

Type	Website URL
New Lesson	Modifying the Plow 3rd-5th grade: https://www.agclassroom.org/ok/lessons/lessons/plow.pdf
New Census Lesson	Counting Sheep or People? Census 2020 PreK-2nd Grade: https://www.agclassroom.org/ok/lessons/sheep/countsheep.pdf
New Census Lesson	American Farmers Count! Census 2020 3rd-5th Grade: https://www.agclassroom.org/ok/lessons/intermed/census.pdf
Updated Lesson	Think in Pictures: Like Dr. Grandin 3rd-5th Grade: https://www.agclassroom.org/ok/lessons/intermed/census.pdf
New Lesson	Think in Pictures: Like Dr. Grandin 6th-8th Grade: https://www.agclassroom.org/ok/lessons/intermed/thinkpictures_68.pdf
Updated Lesson	Pop, Pop, Popcorn 3rd-5th Grade: https://www.agclassroom.org/ok/lessons/corn/popcorn_prek2.pdf
New Lesson	Pop, Pop, Popcorn PreK-2nd Grade: https://www.agclassroom.org/ok/lessons/corn/popcorn_prek2.pdf

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Joe's Farm	Bixby	U-pick	Joe requested social media help – updated his Facebook profile, created a post and taught him and a staff member how to use canva (social media tool), Joe is cutting back on produce and focusing more on strawberries and adding blackberries, wants to add u-pick flowers this year, and eventually a produce retail store in his renovated barn.
National Cowboy & Western Heritage Museum	OKC	Farm & Ranch Attractions	Attended a tourism industry meeting, attended a tour of the new exhibit being built

Agritourism - New Producers or Potential Producers

Producer	Location		Category	Highlights
Tucker's Tulips	Ada		Horticulture	Site visit and added as a new producer, first u-pick tulip farm in the state
The Picking Fields	Hydro		Horticulture	Email consult, visiting soon
B-C Ranch	Vinita		Country Stay, Pumpkins, Winery & Vineyards	Site visit and consultation. Ken has lots of ideas. Should be ready to add as a country stay this summer and eventually pumpkins and winery.

Agritourism – Web and Social Traffic

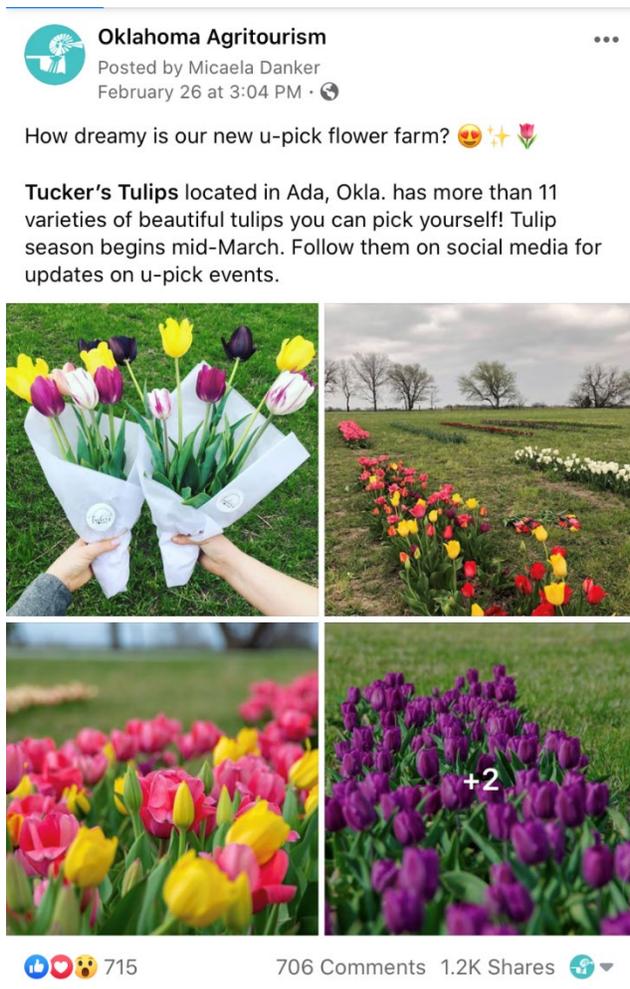
Facebook: 11,328 page likes

Instagram: 1,172 followers

Agritourism - Other Activities

- Hosted the Oklahoma Farmers Market and Agritourism Conference
 - Day 1: 4 hour marketing session with 50 producers
 - Day 2: 4 agritourism sessions, 24 farmers market sessions, 454 attendees
 - Day 3: agritourism bus tour with 35 participants
- Wrote a new blog post for spring activities in agritourism
- Met with Caddo County representatives to promote OK agritourism
- Radio interview with Caddo County Extension Agent for Anadarko Radio about agritourism
- Updated wine trail map on the website and brochure
- FFA Day at the Capitol: took photos of FFA members and Secretary Arthur, edited and sent photos to FFA Advisors
- Update Jelly Making Trails, contacted all producers
- Updated Agritourism events calendar for Agritourist newsletter
- Governor's Wheat Challenge: set up and ran video/audio
- Assisted with OK History Center to plan the OK Farm-To-Table event

- OYE Skillathon: created test officials, created a graphic for social media, made flyer to post at OYE w/schedule, created the practicum test answers
- Created a new OK Grown logo for farmers market bags and for OK Grown stickers
- Created an agritourism advertisement for Enid News travel section
- Attended a meeting with USDA – Rural Development staff to learn how our organizations can help each other
- OSU student job shadow
- Presented to Ripley FCCLA about choosing a career and OK agritourism
- Coordinate the launch of Loklahoma
 - Loklahoma connects consumers with producers who are selling local food
 - Gathered producer information to create regional lists
 - Created social media graphics to promote to consumers
- Success story: We made a post promoting our new tulip farm, see below. We had 715 likes, 706 comments, more than 1,200 shares and overall our post reached 190,748 people on Facebook. We helped this business triple the number of followers on Facebook from 1,200 follows to almost 4,000 now!



ECONOMIC DEVELOPMENT

Activity	Action	Location
2020 Specialty Crop Block Grant	After the RFA went out on January 21st the SCBG grant coordinator worked with potential applicants to answer questions about the program and if their ideas would qualify for the grant. Deadline for submitting applications was March 19th. ODAFF received 15 external proposals requesting over \$1.2 million in funding. USDA notified ODDAF we will receive \$589,536.30 to distribute. Proposals will now go before a selection committee for their review.	
Viticulture & Enology Grant program	A selection committee met on February 19th to review the 4 applications submitted for funding. Following the criteria set forth by ODAFF the committee selected 2 proposals for funding. (Oklahoma Grape Management Class and Research Vineyard Support & Monitoring The Vectors Of Grapevine Red Blotch Virus Using Minion Sequencing In Oklahoma)	
Agriculture Enhancement & Diversification Program	At the January 30th meeting, two (2) Farm Diversification applications were approved for Robert Horton and Native American Hemp LLC. Contracts have been written and mailed to recipients for their signature.	
Review and approve SCBG invoices	SCBG grant coordinator approved 10 invoices for payment after reviewing receipts and purchases in make sure they were within the terms of the contractual agreement with ODAFF.	
USDA Rural Development meeting	Members of the Market Development staff traveled to Stillwater on March 5th and met with 2 members of the USDA Rural Development staff to get a better understanding of their financial assistance programs and how they could benefit the various clientele of Market Development.	Stillwater

FARM TO SCHOOL

ACTIVITY	ACTION	LOCATION
Farmer's Market Conference	Farm to School Staff had a booth and presented at the Farmers Market Conference. At the booth staff encouraged producers to fill out the Farm to School Survey for producers. We got back 5 surveys. Staff also presented during a session. There were 36 in attendance. Staff went over what Farm to School is and how it functions in our state. Participants	Hilton Garden Inn - Edmond

	played a game using fruits and Vegetables. This activity came from an AITC resource.	
Agritourism Tour	Farm to School Staff participated in this tour. Drove behind the bus to help participants get to areas that were not suitable for the bus to go if needed.	Farms visited included: Farm on Fishmarket, a Christmas Tree farm, winery and Lavender farm
USDA – National Farm to School Conference Call	Discussed USDA Proposed Rule changes in regards to schools and serving food to the students With the Summer Feeding Program.	Office
Greener Grounds Hydroponic Farm Visit	Irene Schulz and her husband built this facility and it is state of the art. They grow several varieties of lettuce and herbs and they also grow tomatoes. The lettuce is grown using hydroponics using tilapia fish. 6 containers of fish that when they start with the tiny fish can have 1000 in each tank, so 6000 fish! At the time of the visit they had around 450-500 fish. The process is very impressive. After our visit, we discussed visits and tours and they definitely want visitors, especially students.	Sand Springs
Food Desert Ideation Meeting	Farm to School is a part of a food desert committee. Today was the second meeting which they called it Food Ideation. We met and discussed ideas on how help with the food desert issues our state faces.	American Heart Associate Building in OKC
Farm to School Radio Interview	David Nowlin with OSU extension hosts a radio show in Grady County. Did an interview about Farm to School	Chickasha
Farm to School Conference Call for Southwest Region Coordinators	Introductory meeting to get acquainted with our counterparts in the Southwest region. This includes: Oklahoma, Arizona, Arkansas, New Mexico, Texas, Louisiana, and Utah. A decision was made to do quarterly calls to help support F2S programs in our region and to discuss any important items regarding grants, proposals, USDA items etc.	Call

FARMERS MARKETS

Event/Meeting	Location	Details
2020 OKFMAC	Edmond	Farmers Markets managers, vendors and supporters met for a 3 day conference over local food.
Agritourism rolling workshop	Various	The 3 rd day of the OKFMAC. Toured 4 different Agritourism Venues
Launch Loklahoma	Various	Helped Agritourism staff with launch of the new local food campaign Loklahoma
Open Farmers Markets	Various	Gathered a list of for sure markets opening in March and created COVID-19 fact sheet for them.

Other Activities:

- Staff spent two weeks in Chile learning about the countries Agriculture. This trip was the final of OALP.

INTERNATIONAL

Activity	Action	Location
Ag Commerce Meeting	Discuss the details of STEP for the trade shows and the USDA mission to Spain for the OK Sorghum Commission	ODOC
GIT (Governors International Team) Meeting	Updated the group on our STEP grant upcoming deadline and status. Discussed cancellation of the World Trade Conference & Consular Trade Summit April 1-3 rd in Owasso.	ODOC
ODEC Meeting (Oklahoma District Export Council)	This meeting was cancelled due to the Postponement of the World Trade Conference due to COVID19 cancellation of the Consul Summit decided in the GIT meeting.	N/A
USDA Trade Missions Announced	While final dates are subject to confirmation, scheduled 2020 trade missions include: <ul style="list-style-type: none"> • North Africa (Algeria, Libya, Morocco and Tunisia), March 16-19 • Philippines, April 20-23 • Spain and Portugal, June 8-11* • United Kingdom, September 14-17* • Australia and New Zealand, October 19-23* • Peru, November 2-5 • United Arab Emirates, November 15-18* 	N/A

	*Denotes first-time destination	
Meeting with Christine Wheaton for Fancy Food	Christine is assisting with the companies getting registered with the Specialty Food Association. They have changed their membership procedures.	Call
Food Export NRA project	1. This project is still a go at this present time. Following up with the buyers and participants to keep them informed of the ongoing changes. Food Export is not yet booking travel for anyone.	Conference Call
STEP Grant Project	<ul style="list-style-type: none"> Coordinated with Commerce on how to reimburse money already spent by companies and how to roll over grant to 2021. <p>CANCELLED -National Restaurant Association Show May 16-19, 2020 https://www.nationalrestaurantshow.com/</p> <p>Fancy Food Show June 28-30, 2020 https://www.specialtyfood.com/shows-events/summer-fancy-food-show/</p> <p>The companies that have applied and been accepted are as follows: Fancy Food <ol style="list-style-type: none"> Ben Jack Laredo Kize Amelia’s Creamery Schwab Meat NRA Show <ol style="list-style-type: none"> Schwab Meat Shawnee Milling Value Added Products </p>	
MIO Expo	<ul style="list-style-type: none"> Assisted with Set up and attended the show to visit companies about Food Export and network 	Southwind Hills Goldsby, OK
Trade Ecosystem & Referral Document	<ul style="list-style-type: none"> Stephen Sullivan, Sr. Trade Specialist for SBA and Jesse Garcia discussed a future document that would be a resource to all service providers visiting with Oklahoma Companies. Stephen took note of the 	Call

	unusual “ecosystem” we have here in Oklahoma and when the document is complete would like to share this as a best practice with other states.	
MIO/Commerce Event	Visited hotels and got info on cost of room rental, food etc for the MIO/ Commence event set to take place April 29 th in conjunction with the FFA Convention. Unfortunately, at this time both event are postponed due to COVID19. Hopefully they will both take place in the fall.	Sheraton, Downtown OKC
USDA RD/ODAFF meeting	Met with USDA Rural Development staff as the first of quarterly meetings to see how we can overlap and assist each division’s programs. Introductions were a start and shared about all programs as a start.	USDA RD office Stillwater, OK
Food Export New Liaison for Oklahoma	Had an introduction call with the Liaison assigned to Oklahoma. Jeremiah James will be taking the lead at Food Export and will ODAFF and all of OK companies go to for questions and issues. We set up a monthly call to discuss recruitment/catchup.	Call

Company Visits:

Schwab Meats, 1111 Linwood Blvd, OKC

List of companies visited at the MIO EXPO

Ace in the Bowl

Ameila's Creamery

Bedre

Clements Food Company

Del Real Foods

Della Terra Pasta

Dianes signature Products

Griffin Food Company

Head Country

Healthy Cravings

Homeland Baking

KiZE Concepts

Leonard Mountain

Mountain View Meats

Over the Fence

Prairie Wolf Spirits

Schwab Meat

Shawnee Mills

Siegi Sausage
Suan's
Woody Candy
Dough Boyz
Schwab

MADE IN OKLAHOMA PROGRAM

Meeting	Location	Details
Liquidfish meeting	Liquidfish office (OKC)	Met with Liquidfish staff to discover new logo options
MIO Expo	Goldsby	MIO Coalition companies set up for restaurants, food service, etc to come and see their products.
USDA Discovery Meeting	Stillwater USDA Office	ODAFF Staff met with USDA staff to discover what programs the USDA offers that can help small businesses.
MIO Coalition General Meeting	Fiddler Marketing	Attended the MIO Coalition General meeting.
MIO Emerging Committee	Fiddler Marketing	Listened to presentation about online marketing
Penn Square Mall Meeting	Penn Square Mall	Staff and Agritourism staff met with the marketing team and discussed opportunities for Made in Oklahoma and how we can help the mall.
Energy OKC Meeting	Energy Office	Staff met with OKC Energy staff to learn and discover more about the MIO night event.
Tulsa Home and Garden Show	Tulsa	11 Made in Oklahoma companies were involved in the MIO area. It was a great event with decent participation. The show closed early due to COVID-19.

New Made in Oklahoma Companies

Company Name	Location	Details	Website
Twister Strums	Norman	Veteran owned shop making handcrafted folk and roots musical instruments.	https://twisterstrums.com/
MiraFlex	Oklahoma City	All natural anti-inflammatories	https://miraflexworks.com
Premier Popcorn	Tulsa	Gourmet Popcorn	https://premier-popcorn.com/

Other Activities:

- Cancelled 2020 Ag Day at the Capitol information

MIO COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent	Highlights
Digital Billboard Advertising	\$2,000/month	Features rotating company ads and restaurant of the month ads – each month rotates between OKC & Tulsa Markets
Digital Marketing (ad's)	March: \$1,800 YouTube \$2,000 Facebook \$255 Google Display	Meet MIO video and MIO 20 th anniversary ads showcasing MIO products & encouraging folks to buy local & drive traffic to MIO website
MIO Featured Monthly Recipes in Tulsa World and Oklahoman	\$500/month each	Featured press release and 1-2 showcased recipes in food section
Oklahoma Today Podcast	\$500/month	MIO sponsoring Oklahoma Today Podcast
MIO City Bus Wrap	\$1500/month/ bus	Busses run throughout the OKC and Tulsa on different routes for one full calendar year.
Marketing, Consulting and Graphics Retainer with Boiling Point Media	\$4,500	Social media posts, digital presence, analytics, management of content and creation of digital footprint, recipe file management.
MIO TV Cooking Segments on KFOR, KAUT and KWTW • 8 featured segments	3/7, 3/11,	MIO Recipes for the month of February & March were featured during on-air cooking segments with David Brooks.
Social Media Stats	BPM retainer	Twitter: 5,598 Instagram: 2,335 Facebook: 14,631

Made in Oklahoma Coalition – Other Activities

Activity	Information
MIO + Edible Magazine Meeting • February 10 th	Staff met with Edible magazine to discuss potential partnership opportunities for FY 2021
Food Service Meeting • February 14 th	Staff and MIO FS Committee met to plan for July MIO Restaurant Showcase event and talk through logistics with the RFBO to which all event proceeds will go towards
Expo Planning Meeting • February 14 th	Final expo planning meeting before the event. Tied up loose ends
MIO Recipe Photoshoot • February 21 st	Staff, MIO food photographer & MIO food stylist met and shot March, April, May and June recipes (6 total)
MIO Market Research Planning Meeting • February 27 th	Staff and MIO planning committee met with Bill Shapard of Shapard research to develop questionnaire for focus groups and make plan for shop-a-longs and market research activities
March MIO Monthly Meetings • OKC, OK • March 6 th	Monthly MIO meetings were held at the Oklahoma Department of Agriculture, Food and Forestry. Retail, General and Emerging Committee meetings were held that day.
MIO Expo • Goldsby, OK • March 4 th	MIO put on its 5 th annual Expo on March 4 th at Southwind Hills Barn Venue. The event was well attended by all major Oklahoma retailers, distributors (retail and food service), and companies reported back that they made significant contacts and business deals at the event. Staff was happy with the turnout, all things considered, and thanks all of the State

	Board of Ag members for attending, and for the ODAFF Directors and Secretary Arthur for their support of the event.
Meeting with Penn Square Mall <ul style="list-style-type: none"> • OKC, OK • March 10th 	Staff along with other market development team members met with Penn Square Mall to discuss potential partnership opportunities for member companies and mutual promotions
MIO + Chesapeake Arena MIO House Promotion Meeting <ul style="list-style-type: none"> • Thunder Game v. Utah Jazz • March 11th 	<p>Staff was to present the CEA Food Service providers, Savor & Levy, with the first ever MIO House recognition award, however the game got cancelled during pre-game warm-up. Even though the game was cancelled MIO still got some recognition as the Thunder put a blurb about MIO and the recognition in the in-game program and also in a pre-game email to season ticket holders time presentation and sending updates to season ticket holders to announce the launch</p> <p>What does it mean to be an MIO House? It means a venue has committed to utilizing local food products and Made in Oklahoma ingredients in their eating establishments, including concessions throughout the concourse, suites, and in-house restaurants, whenever possible. As of now the arena is using products from 20 MIO companies.</p>
Lazy E Timed Event Championship + Chuck Wagon Feed Sponsorship <ul style="list-style-type: none"> • March 13th -15th 	MIO sponsored the Lazy E Timed Event Championship Chuck Wagon feed for the 4 th time this year. MIO companies provided food donations for the wagons and MIO also donated \$1000 for the event. MIO was branded throughout the meal area and was represented in arena signage as well.

MARKET NEWS SERVICES

February 6, 2020		March 23, 2020		DIFFERENCE
WHEAT: (bu)	\$4.23-4.57	\$4.45-4.79		\$0.22 higher
MILO: (cwt)	\$5.52-5.96	\$5.16-5.52		\$0.36 to \$0.44 lower
SOYBEANS: (bu)	\$7.51-8.03	\$7.59-8.19		\$0.08 to \$0.16 higher
CORN: (bu)	\$3.59-3.89	\$3.35-3.59		\$0.02 to \$0.06 lower
COTTON: (lb)	62.91 cents	47.15 cents		15.76 cents lower

OKC WEST (EL RENO) STEER CALVES AND YEARLINGS:

Medium & Large Frame No. 1 Muscle Thickness (500-600 lb) Calves

(2-04-20) \$164.00-\$179.00 Wtd. Avg. \$169.13

(3-18-20) \$151.00 Wtd. Avg. \$151.00

Yearlings 600-700 lbs.

(2-04-20) \$145.00-\$156.00 Wtd. Avg. \$150.83

(3-18-20) \$111.00-\$128.00 Wtd. Avg. \$121.48

Six weekly Oklahoma Market Reports were sent to 4,284 subscribers (up from 3,715) in Feb.

The voice messaging system was accessed 5,336 times in Feb. 2020 and 6,662 Mar. 1-23, 2020.

Hay Report: Alfalfa and hay trade movement was at a standstill again this week, trade remains steady. Most of the Alfalfa quoted at the top of the price ranges, had to be flawless. Heavy rainfall across the trade area has hampered hay trade and movement. Producers are about a month and a half way from new crop hay and hoping markets will have come back to some sort of normalcy. Warmer weather especially overnight is needed for this to happen.



Oklahoma Department of Agriculture,
Food, and Forestry
April 8, 2020 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
Feb. 10 through Mar 15, 2020

AEMS Division Monthly Activities

Meet the new Director of AEMS Teena Gunter



Meet Nadia Richomd AEMS new Admin Technician



- February 28, 2020 & March 13, 2020 – A representative from the AEMS division participated in conference calls with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- March 12, 2020 – A representative from the AEMS division worked at the OSU-ODAFF Swine Research Project site.
- Division staff continue to manage programs, including reviewing engineering and other technical documents, reviewing different types of annual reports, working complaints, conducting annual inspections and following-up on investigations.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 1

Complaints and Inspections

A summary of the complaints received and investigated plus all the inspections and technical assistance conducted by the ODAFF AEMS Staff for this reporting period:

9	Complaints received and investigated this reporting period.
2	Complaints closed this reporting period
Complaints Received - Breakdown	
	Cattle - 6 Swine - 0 Poultry- 1 Other - 2
46	Year to date complaints received in FY 20
42	Year to date complaints closed in FY 20
55	LMFO/CAFO inspections, plus technical assistance
286	Poultry inspections and technical assistance

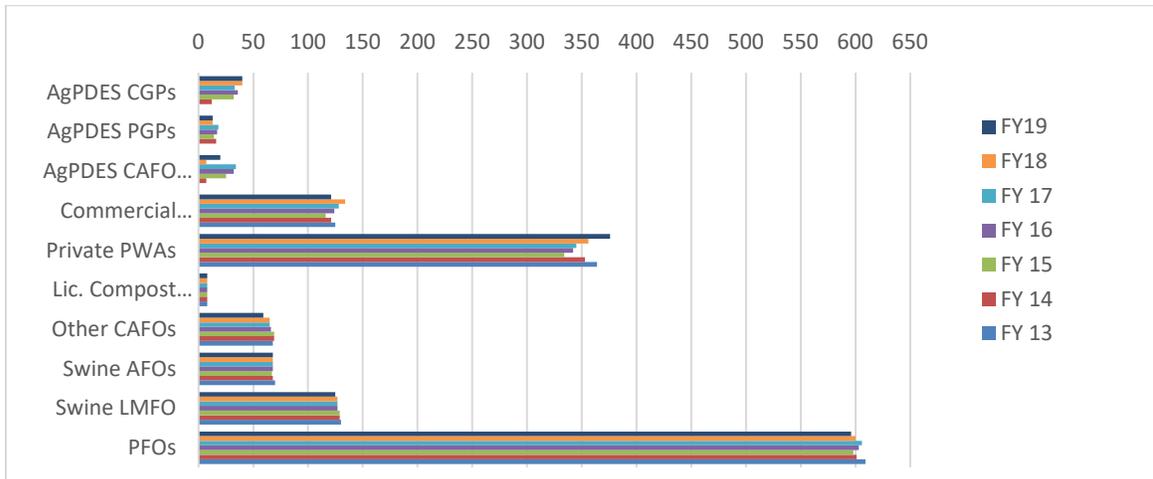
CAFO and LMFO Activities - Month and Fiscal Year 2020

	Feb 10 – Mar 15, 2020	FY 20 Total
Complaint or Compliance Follow-ups	31	90
Annual Inspections	43	408
Carcass Disposal Inspections	22	169
Technical Assistance with Contacts	12	111
Site Visit/Review – No contact made	9	44

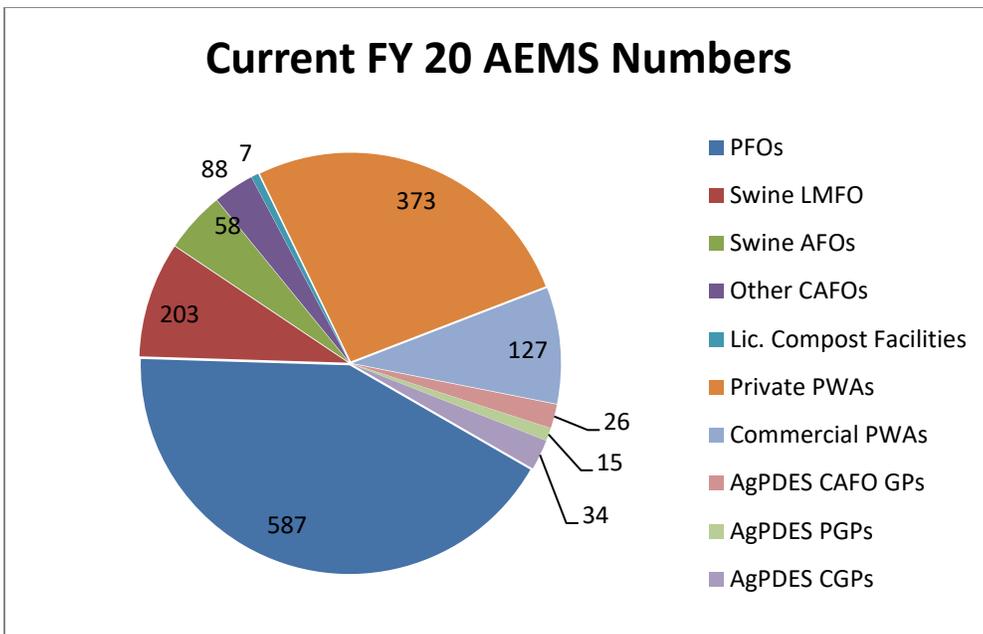
Poultry Activities – Month and Fiscal Year 2020

	Feb 10 – Mar 15, 2020	FY 20 Total
Complaint or Compliance Follow-ups	8	48
Annual Poultry Inspections	101	402
Poultry Technical Assistance	185	1129
Soil Samples Collected	140	276
Site Visit/Review – No contact made	69	565
Construction Stormwater Inspection	0	1
Eucha-Spavinaw CNMP Written	39	37
New PFO License Pre-Site Inspections	0	3

FY13-FY19 Trends - Licensed/Permitted Operations



Current FY 20 AEMS Numbers



Respectfully

Teena G Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**APRIL 2020 BOARD REPORT
REGARDING FEBRUARY 15, 2020 THROUGH MARCH 20, 2020 ACTIVITIES
OF THE
OFFICE OF GENERAL COUNSEL**

ACTIONS FOR BOARD CONSIDERATION:

Matter	Type of Resolution	Amount
Brian Cox	Stipulation	\$200.00
Tony Nguyen	Stipulation	\$5,000.00
Fong Moua	Stipulation	\$200.00
Gene Shed	Stipulation	\$1,000.00
Todd Harvey	Stipulation	\$250.00
Sipcam Agro USA, Inc.	Stipulation	\$1,000.00
Natalie Wheeler	Stipulation	\$250.00
Scott Roundebush	Stipulation	\$250.00
Clinton Abernathy	Stipulation	\$250.00
Advanced Auto Parts	Stipulation	\$525.00
U. S. Applicators, LLC	Stipulation	\$1,000.00
Pipeline Maintenance Serv.	Consent Order	\$500.00

CONTRACTS REVIEWED OR DRAFTED (42):

Forestry - 2
Market Development - 6
Wildlife - 29
Food Safety - 1
Admin - 2
CPS - 2

ADMINISTRATIVE HEARING PROCEEDINGS:

ODAFF v. Spectrum Division of United Industries, OGC 18-434: Briefed and awaiting ALJ decision.
ODAFF v. Spectrum Division of United Industries, OGC 18-435: Briefed and awaiting ALJ decision.
ODAFF v. Spectrum Division of United Industries, OGC 18-436: Briefed and awaiting ALJ decision.

ODAFF v. Spectrum Division of United Industries , OGC 18-438: Briefed and awaiting ALJ decision.
ODAFF v. Spectrum Division of United Industries , OGC 18-528: Briefed and awaiting ALJ decision.
ODAFF v. King, Alan , OGC-17-479: Initiated individual proceedings. Scheduling Order issued. Set for hearing June 4, 2020.
ODAFF v. Enterprise Grain Co. LLC , OGC-19-567: Initiated individual proceedings. Negotiations ongoing.
ODAFF v. Fairbanks Scale , OGC-19-609: Initiated individual proceedings. Service attempts ongoing.
ODAFF v. Mansion Farms , OGC-19-319: Initiated individual proceedings. Scheduling Order issued. Set for hearing June 4, 2020.
ODAFF v. Terry Vigil , OGC-19-606: Scheduling Order issued. Set for hearing May 7, 2020.
ODAFF v. Hitch Enterprises , OGC-19-882. Initiated individual proceedings. Negotiations ongoing.
ODAFF v. Gerald Wilson , OGC-19-212. Initiated individual proceedings. Negotiations ongoing.
ODAFF v. Robinson Brothers , OGC-19-823. Scheduling Order issued. Set for hearing July 2, 2020.
ODAFF v. Seaboard , OGC 19-388. Initiated individual proceedings. Negotiations ongoing.
W.L. Hardesty, et al v. ODAFF , OGC-19-____. Petition for Declaratory Ruling. Order issued. Initial appearance before ALJ set for May 7, 2020.
ODAFF v. Mary Jo Collum , OGC-19-961: Negotiations ongoing. Prehearing conference set for May 7, 2020.
ODAFF v. Raab Aviation , OGC-19-676: Negotiations ongoing. Prehearing conference set for May 7, 2020.
ODAFF v. Lawn Guy , OGC-19-549: Negotiations ongoing. Hearing scheduled for May 7, 2020.
ODAFF v. Mosquitno, LLC , OGC-19-979: Negotiations ongoing. Prehearing conference set for May 7, 2020.
ODAFF v. Flea Stoppers , OGC-19-982: Initiated individual proceedings. Prehearing conference set for May 7, 2020.
ODAFF v. Fred Schmedt , OGC-19-833: Initiated individual proceedings. Prehearing conference set for May 7, 2020.
ODAFF v. Marty Clinton , OGC-19-839: Initiated individual proceedings. Prehearing conference set for May 7, 2020.
ODAFF v. Raab Aviation , OGC-19-821: Initiated individual proceedings. Prehearing conference set for June 4, 2020.
ODAFF v. Dr. Earth , OGC-19-677, OGC-19-678, OGC-19-679, OGC-19-680, OGC-19-681, OGC-19-682: Initiated individual proceedings. Prehearing conference set for June 4, 2020.
ODAFF v. Stet. Corp. , OGC-19-886: Negotiations ongoing. Prehearing conference set for May 7, 2020.

ODAFF v. AgWerx Aviation, OGC-19-894: Initiated individual proceedings. Prehearing conference set for May 7, 2020.

OTHER ACTIONS AND PROCEEDINGS:

Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF, McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 3/25/19).

W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes, Okmulgee County District Court Case No. CJ-2019-040: Petition served. Answer filed. Motion to Dismiss heard and denied September 4, 2019. Pending filing of Answer within 20 days by Cervantes.

Aaron Grey v. ODAFF, Oklahoma Merit Protection Commission Case No. MPC-20-002: Discovery requests and depositions pending. Hearing date set.

ODAFF v. Urban Agrarian, LLC and Matthew R. Burch, Oklahoma County District Court Case No. CJ-2019-6533: Petition filed. Service made on Defendant. Agreed Journal Entry of Judgment signed and filed.

Kirk Marshall v. ODAFF, Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Answer drafted and prepared for filing. Pending preparation of Motion to Dismiss.

MEETINGS:

Date	Activity
February 17, 2020	Senate Agriculture Committee
February 17, 2020	House Agriculture Committee
February 18, 2020	Leadership Oklahoma Spring Issues Summit
February 19, 2020	OU Law Career Fair
February 21, 2020	Oklahoma Cooperative Association regarding farmers markets
February 24, 2020	Senate Agriculture Committee
February 24, 2020	House Agriculture Committee
February 25, 2020	OWRB regarding Delaware County Order
February 25, 2020	EPA Region 6 regarding compliance
February 25, 2020	Collections Meeting
February 25, 2020	Corteva Agri and State Senator
February 26, 2020	Oklahoma Team Watershed Implementation Plan
February 27, 2020	White Buffalo
February 27, 2020	OGC Staff
February 28, 2020	White Buffalo
March 3, 2020	State Senator
March 4, 2020	MIO Anniversary Event
March 4, 2020	State Board of Agriculture
March 4, 2020	Forest Regeneration Center

March 5, 2020	Pet Breeders Staff
March 5, 2020	Illinois River Working Group
March 6, 2020	Interview Galt Employee
March 9, 2020	State Representative
March 10, 2020	AEMS Staff
March 10, 2020	Director's Meeting
March 11, 2020	Illinois River Watershed Water Quality Standards Update
March 11, 2020	OGC Laserfiche Process Demonstration
March 12, 2020	Commissioners of Land Office
March 16, 2020	Director's Meeting
March 17, 2020	White Buffalo
March 17, 2020	Director's Meeting
March 18, 2020	EPA Region 6 AgPDES Conference

RULE ACTIVITIES:

<p>Chapter 2. Fees (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 10. Agricultural Products (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 13. Fuel Alcohol (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 15. Animal Industry (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 17. Water Quality (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 18. Carcass Disposal (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 30. Consumer Protection (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>

<p>Chapter 37. Food Safety (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 40. Market Development (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 44. AgPDES (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2020): Permanent rules adopted by Board February 5, 2020. Agency Rule Report submitted to the Governor and Legislature February 14, 2020. Statement of Submission filed with Office of Administrative Rules February 14, 2020.</p>
<p>OHRC</p>
<p>Chapter 15. Licensing (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 25. Entries and Declarations (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 35. General Conduct (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 50. Human Substance Abuse Testing (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 60. Running the Race (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.</p>
<p>Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020.</p>

25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.
Chapter 75. Oklahoma-Bred Program (Permanent FY 2020): Permanent rules adopted by Oklahoma Horse Racing Commission on February 20, 2020. Agency Rule Report submitted to the Governor and Legislature February 25, 2020. Statement of Submission filed with Office of Administrative Rules February 25, 2020.
Chapter 80. Gaming Licensing Requirements (Permanent FY 2020): Public hearing conducted on March 9, 2020.
Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2020): Public hearing conducted on March 9, 2020.
Chapter 90. Gaming Operations (Permanent FY 2020): Public hearing conducted on March 9, 2020.

OPEN RECORDS REQUESTS (15):

Admin (2)
AEMS (2)
Animal Industries (1)
CPS (5)
Forestry (1)
OHRC (1)
Pet Breeder (3)

OKLAHOMA HORSE RACING COMMISSION

Litigation: OQHRA v. OHRC , Oklahoma County Case No. CV-2019-1513-643: Hearing held June 28, 2019. Order of Dismissal entered. Petition in Error from OQHRA filed in Supreme Court. OHRC Response to Petition in Error filed. Designation of Record filed and Record completed. Case placed on “fast-track” docket by Order of the Oklahoma Supreme Court. Plaintiff’s Motion to Retain in the Supreme Court DENIED. Case assigned to Oklahoma Court of Appeals.
Litigation: Rick Robinson v. OHRC , Rogers County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Hearing on permanent injunction held October 24, 2019. Injunction Denied. Further action pending.
Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC , Oklahoma County District Court Case No. CV-2020-430: Petition served. Motion to Dismiss filed and set for hearing June 25, 2020.
Litigation: Cruz Villafranco v. OHRC , Oklahoma County District Court Case No. CV-2020-430: Petition for Temporary Restraining Order. Served. Emergency heard and denied. Pending other action.
Litigation: Mary Meza v. OHRC , Oklahoma County Case No. CV-2019-2781: Petition filed. Motion to Dismiss filed and set for hearing June 25, 2020.

Litigation: Samuel Valdivia v. OHRC , Sequoyah County Case No. CV-2020-26. Petition for Temporary Restraining Order and Petition for Injunction served and emergency hearing held. Temporary Restraining Order entered. Hearing set for March 19, 2020 not held due to closure of the Sequoyah County Courthouse due to COVID-19. Pending other action.
Litigation: Oscar Nunez v. OHRC , Oklahoma County Case No. CV-2020-449: Petition filed and served. Pending Answer.
OHRC Round Table discussion
Hearings at Will Rogers Downs
Hearings at Remington Park
OHRC regular meeting
Prepare cases for presentation
Provide discovery to opposing counsel
Research as requested for OHRC Executive Director
Discuss OHRC meeting
Discuss OHRC rule comments
Research certain approval authority of Commission director
Discuss rule amendments with Commission director

OTHER ACTIVITIES:

Discussed certified applicator licensing with citizen
Review ODAFF rules in response to inquiry from OSDH
Discuss certain Food Safety rules with Director
AgPDES review and discussions with staff
Interviews with potential externs
ALA Webinar
Collections
Food for Thought webinar
ALJ Docket
Discuss various Human Resource matters
Discuss issue with CPS personnel
EPA conference call
OBA Indian Law section webcast
Open Records inspection with outside attorney
Discuss ImageNet bills for Laserfiche with Administration
Discuss hemp legislation with CPS
Meet with Executive Office regarding AEMS
Discuss poultry nutrient management plan legislation
Discuss revisions to AEDB legislation
Discuss essential infrastructure
Respond to request from state information reporting service
Respond to question relating to farm corporations
Discuss terms of contract between ODAFF and WSD
Discuss rule amendments with division director

Discuss press poultry questions with Executive Office
Discuss farmers market/farmers hub bill
Discuss Forestry checks to fire departments
Sign AgPDES documents
Review and revise HB3314 Home Bakery Act legislation
Discuss pheromone legislation with CPS
Discuss Curtis Smith Open Records request
Prepare revisions to meat definitions
Prepare revisions to HB2008 regarding city ordinances
Discuss AgPDES and compost facility
Revise farmers market/farmers hub legislation
Discuss farm corporations
Discuss various contract issues with Market Development
Discuss board minutes with Executive Office
Discuss emaciated horses complaint
Discuss biologics with AIS
Discuss legislation with Executive Office
Close no action taken OGC-19-1021 Jacob Farms LLC unregistered pesticide
Close no action taken OGC-19-1028 Liquid Fence Company unregistered pesticide
Close no action taken OGC-19-1025 BASF Corporation unregistered pesticide
Close no action taken OGC-19-1015 Seaboard Beelman unauthorized discharge
Close no action taken OGC-19-1020 Control Solutions Inc. unregistered pesticide
Close no action taken OGC-19-1033 Voluntary Purchasing Groups unregistered pesticide
Close no action taken OGC-19-1016 Hartz Mountain Corp. unregistered pesticide
Close no action taken OGC-19-1017 Zep Commercial Sales and Service unregistered pesticide
Close no action taken OGC-19-1019 Petro-Canada Lubricants Inc. unregistered pesticide
Close no action taken OGC-19-1018 Becker Underwood unregistered pesticide
Close no action taken OGC-19-1022 Jacob Farms LLC unregistered pesticide
Close no action taken OGC-20-003 Simplot J.R. Co. unregistered pesticide
Close no action taken OGC-20-047 Seaboard Lindsey #355 unauthorized discharge
Close no action taken OGC-20-045 Tri State Pest Management no certified applicator and incomplete records
Close no action taken OGC-20-007 Liquid Fence Co. unregistered pesticide
Close no action taken OGC-20-008 Senoret Chemical Co. unregistered pesticide
Close no action taken OGC-20-010 Spray Nine Corporation unregistered pesticide
Close no action taken OGC-20-011 Guaranteed Horse Products LLC unregistered pesticide
Close no action taken OGC-19-1031 Bonide Products Inc. unregistered pesticide
Close no action taken OGC-19-1021 BASF Corporation unregistered pesticide
Close no action taken OGC-19-1034 Liquid Fence Co. unregistered pesticide
Discuss fuel alcohol law repeal with Corporation Commission
Discuss Dollar General cases

Draft amendments to HB3786
Discuss declaratory action
Discuss a lockbox for ODAFF with Administration
Discuss ethics rules for employees
Discuss renewal for Forestry contract
Discuss ice cream and dairy products with Food Safety
Interview various potential law clerks
Discuss, research and draft legislative language for waste by pollution issues
Discuss heat treat for bed bugs legislation
Review and discuss division Continuity of Operations Plan
Review and discuss Coronavirus information
Discuss contract addendum with Conservation Commission
Discuss Executive Office travel with Administration
Discuss potential contingencies for processing plants
Set up employees to work from home
Review SB661 regarding Open Meetings Act
Discuss and review Hanor investigation plan
Review agriculture essential services letter to Governor
Discuss poultry grower transfer application
Discuss poultry registration, education, and setbacks with citizen
Discuss essential infrastructure with Executive Office
Review Oklahoma Bar Journal
Review poultry as a CAFO according to EPA guidance

COMMERCIAL PET BREEDER AND ANIMAL SHELTER ACTIVITIES:

Discuss AEMS issues with Judi
Discuss various pet breeder letters
Discuss Letter of Warning with pet breeder
Review multiple pet breeder inspection reports
Review pet breeder complaints

Complaints		
	Current	Fiscal Year
Received	7	24
Closed	10	29
Investigations	3	30
Follow-up	8	38
Open Complaints	26	

Current Active Licenses	
Breeders	165
Shelters	60

Shelter Inspection		
	Current	Fiscal Year
Pre-Inspection	1	2
Annual Inspection	1	7
Follow-up	0	4
Technical Assistance	9	62
Close-out	0	0

Breeder Inspection		
	Current	Fiscal Year
Pre-Inspection	0	5
Annual Inspection	0	6
Follow-up	0	1
Technical Assistance	8	61
Close-out	0	4

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY REPORT MARCH 2020

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

Poultry and Egg Section

In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 1,040,520 pounds of poultry – whole legs, drumsticks and split breast meat. ODAFF inspectors provided USDA Shell Egg grading on 52,337 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. The USDA Federal-State Supervisor conducted quarterly audits on ODAFF poultry and shell egg graders under the USDA cooperative agreement.

Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Seven organic crop producers
- Two organic processors
- One organic livestock producer
- Two retail organic inspections
- The organic section had requests for 4,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States.
- The organic section had 6 requests for organic crop applications, 2 requests for organic processing applications and 2 requests for organic livestock applications.

Produce Safety Section

- Assisted with Produce Safety Alliance grower courses held in Edmond and Tulsa for education and outreach to produce growers
- Sponsorship, outreach/information table and a produce safety breakout session along with a farm tour at the Oklahoma Farmers Market and Agritourism Conference
- The Produce Safety staff attended the Rural Economic Development and Community Garden event at Boley, OK
- Justin McConaghy attended and spoke at the Mid-Continental Association of Food and Drug Officials educational conference
- Assisted with NASDA workgroup for job position descriptions
- FDA monthly webinar
- Conference call with South Central States Produce Safety Programs

**Oklahoma Meat Inspection Services
Investigations and Compliance Activities**

Planned Compliance Reviews	09
Random Compliance Reviews	175
Person-to-Person Contacts	14
Special Investigations and/or Projects	04
Reports of Apparent Violations	02
Detentions	01
Consumer Complaints	06
Verbal Warnings Issued	05
Letters of Warning Issued	02
Samples Submitted to Lab for Analysis	00
Accident Investigations	01
Administrative Procedures Act	00

**The Oklahoma Highway Patrol notified Meat Inspection Compliance of Three (3)
Truck Accidents involving Feeder Calves & Poultry Products**

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
US HWY 56 & 64 N.E. BOISE CITY, OK	42,800 POUNDS OF FRESH PORK BELLIES	ALL 42,000 POUNDS OF FRESH PORK BELLIES CONDEMNED AND TAKEN TO SEWARD COUNTY LANDFILL, LIBERAL, KS

Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out Two (2) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes.

Meat Inspection

Meat Sample Activity:	
Samples Submitted for Analysis	11
Samples Not Analyzed	0
Samples Analyzed	11
Samples Non-Compliant	0
Samples Negative results	11

All Meat Inspection are performing their daily inspection duties on that establishments that are open.

MEAT INSPECTION

Number of Cattle	880
Total Beef Condemned	1,000 lbs
Number of Swine	214
Total Pork Condemned	120 lbs
Number of Sheep and Goats	300
Total Condemned	0 lbs
Number of Rabbits	0
Total Condemnations	0 lbs
Number of Exotic Deer	0
Total Condemnations	0 lbs
TOTAL MEAT INSPECTED	700,500 lbs

PROCESSED MEAT INSPECTED

Processed Red Meat	48,035
Condemned on Reinspection	1,000 lbs
Poultry (Portions)	6,350 lbs
Condemned on Reinspection	250 lbs
Rabbit Meat	170
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	254,405 lbs

A total of 22 meat samples were taken with 0 out of compliance.

A total of 5 water samples were taken with 1 out of compliance.

DAIRY SECTION

Dairy staff conducted routine inspections at dairy plants and farms, conducted dairy plant equipment checks and collected ice cream samples, raw milk and retail milk and milk products samples and container samples for laboratory analysis for March.

Dairy staff Gary Lewis recently completed a survey for Kalona Farms. Survey resulted in passing scores for sanitation and enforcement compliance these passing scores are listed on FDA's Interstate Milk Shippers List website and allows for the interstate shipment of milk produced by Oklahoma dairy farmers.

Dairy staff Gary Lewis, Scott Fisher and Pete Echelle recently attended a mandatory FDA training course in Austin, Tx. for State Rating officers. State Rating officers (SRO) are listed on the FDA Website. State rating officer's conduct surveys on dairy farms BTU's and milk plants and allows for interstate milk shipment.

Milk Pasteurization course scheduled for Oklahoma City Mar. 23-26 was cancelled due to Covid-19.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line underlining the name.

Scott Yates
Director of Food Safety

Board Report February – March

ODAFF Telework and COVID-19

In an attempt to mitigate the spread of COVID-19, over 98% of ODAFF employees are teleworking. The main ODAFF building and the laboratory have been closed and will reopen on April 20th, complying with the OKC Shelter-in-Place order by the mayor.

Multiple documents on guidance for COVID-19 agriculturists have been created and can be found on the homepage of our website, ag.ok.gov.

Agriculture Youth Council | Roundtable and Job Shadow Presentations

On March 2nd, the 2020 class of AYC came to ODAFF for the last time as a regular session and presented their job shadow experiences. These students shadowed two people in the ag industry: one in ODAFF and one in a sector of ag of their choosing. The top three AYC members were to present at Ag Day at the Capitol, but because this event was changed to a virtual event, they will be presenting online!

Congratulations to the top three AYC members: Landri Chaplin, Colby Cook and Jager Pifer! We are so proud of the entire AYC for this year and look forward to opening up applications for this upcoming school year!

The AYC also participated in a roundtable discussion with Sec. Arthur and JanLee Rowlett. They had exceptional advice and input on how to better the council for the future.



Secure Beef Supply Workshop | Colorado

Morgan Vance, Dr. Hall, Dr. Ruby and Dr. Gorczyca-Southerland attended a Regional Secure Beef Supply workshop in Colorado that focused on the guidance available in the Secure Beef Supply Plan so producers, packers, states, and federal animal health officials can work together to further define the permit process to move feedlot cattle to harvest during a foot and mouth disease (FMD) outbreak. Topics addressed included pre-outbreak steps for feedlots and packers, resources available for enhanced biosecurity, disease monitoring, and the current status of surveillance options to demonstrate no evidence of FMD infection in cattle. Having the SBS Plan guidance implemented, when possible, prior to an FMD outbreak can speed up a successful response and eventually enable the issuance of animal movement permits.

Wheat Challenge | Gov. Stitt and Lt. Gov. Pinnell's Wheat Faceoff

Governor Kevin Stitt and Lt. Governor Matt Pinnell made a stop at ODAFF to check on their wheat for the Governor's Wheat Challenge! This fall, Governor Stitt and Lt. Governor Pinnell made their picks to determine the best wheat, based off of yield, flavor profile and other factors — Smith's Gold, chosen by Gov. Stitt and Baker's Ann, chosen by Lt. Gov. Pinnell. The wheat is currently growing outside of Oklahoma Department of Agriculture Food and Forestry.

During their visit, they heard from Sec. Blayne Arthur and Oklahoma Wheat Commission Executive Director Mike Schulte about the industry and then had the opportunity to try each of the wheat varieties in loaves of bread!

Oklahoma is ranked No. 5 in the nation for wheat production, and wheat is Oklahoma's largest cash crop, with more than 5 million acres of winter wheat sown annually.

Keeps your eyes peeled to see the wheat growth progress at the ODAFF building! May the best wheat win!



March Traveling Board Meeting | Made in Oklahoma Event

The Board of Agriculture and ODAFF Directors traveled to Goldsby for the Made in Oklahoma Expo, the board meeting and to visit the ODAFF Forest Regeneration Center. The MIO Expo was a day of food and fun where we explored the culinary offerings of over 50 Made in Oklahoma companies.

For more pictures, visit <https://odaff.smugmug.com/ODAFF-Events-/Made-in-Oklahoma-Expo--Board-Trip/>



APRIL 8, 2020 BOARD MEETING

PURCHASES/CONTRACTS

AEMS

A request for \$45,000.00

Professional Services – The AEMS Division will soon be completing a four year contract with a Consultant who was hired to review Comprehensive Nutrient Management Plans (CNMP), Nutrient Management Plans (NMP); plus performance of duties in the areas of poultry, swine, cattle, Best Management Practices and in compliance, technical assistance and reviews or other related actions as requested by the Director of the AEMS Division. The AEMS Division is requesting approval of \$45,000 to solicit for a Nutrient Management Specialist, an Independent Contractor to development the plans with options to renew.

Failure to hire a Consultant to perform these activities will result in noncompliance with the laws that regulate poultry, swine and cattle industry

A request for \$48,276.00

Professional Services – Request approval of renewal, not to exceed \$48,276.00 for the OSU Poultry Education program. The funds are appropriated dollars. The funding is for Poultry Waste Management training, as needed, for operators of poultry feeding operations and land applicators of poultry waste, to attend educational training on poultry waste management which is provided by Oklahoma State University through the Oklahoma Cooperative Extension Service.

Failure to renew will result in noncompliance with the law that regulates poultry feeding operations operators and land applicators of poultry waste.

A request for \$170,000

Professional Services – FY21 request for approval of \$170,000 to fund MOA with OWRB to sample LMFO groundwater monitoring wells around lagoons. Funding is provided from EPA and dispersed directly to OWRB through OSEE.

Consumer Protection Services

Audio Visual Equipment --\$10,500.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

The audiovisual equipment will provide with opportunities to provide training to our field staff and to better participate with USDA, FDA, EPA and Kelly Computer Systems. Currently in order to provide training to field staff you have to bring them together physically at a site which is expensive. This will provide with an opportunity to do a webinar style training, which is more efficient.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without the audiovisual equipment, we will be more limited in the trainings we can do for our field staff including safety trainings. It also limits us to some on our meetings with USDA, EPA, FDA, and Kelly Computer Systems.

Oklahoma State University Pesticide Program Contract Approval --\$130,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 3-82 (B), applicators are required to be certified in a category or categories in which they make pesticide applications. ODAFF administers these exams under state law and delegated federal authority from EPA. Additionally, the law also requires a practical training exam after the written exams have been passed for certain categories such as fumigation, structural and general pest. To support the certification and training program the EPA grant includes monies for development of study manuals specific for each exam and for a practical exam when necessary. Other uses of the EPA grant monies include assisting applicators, owners and farmers with compliance for the federal worker protection standards. In order to comply with these requirements assistance was requested from Oklahoma State University (OSU) for the purpose of study manuals, WPS compliance support and providing a venue for the practical examination school.

OSU as a land grant university has proven expertise in each of the pesticide categories and education that lends itself well into writing study material for the written examinations. They also have a state of the art training facility for practical exams that allows each applicator to experience many different application sites during an exam. This has resulted in two positive outcomes for ODAFF. The first is a large decrease in the number of complaints which frees up agency time and resources. The second is the ability to do these exams as a group instead of individually for each applicator which requires fewer personnel to complete the task. Finally, since education is one of the universities main purposes they are an excellent source to provide training for the federal worker protection standard.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Currently, ODAFF does not have the resources to develop, print and distribute study material for the certification and training program. The agency also does not have enough staff to monitor all practical exams individually so additional staff would be necessary without OSU. The federal WPS program would also be problematic without the assistance of OSU. OSU provides a neutral party to review a facilities compliance with WPS and provide assistance and education to show them how to comply with federal law.

OSU provides critical support in the pesticide program through training material and assistance that would be difficult for the agency to provide without additional personnel. The loss of OSU's assistance would place a great strain on ODAFF's limited resources.

Oklahoma State University Soil Fertility Research --\$450,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 8-77.7 (A), ODAFF is required to collect an inspection fee of \$1.00 per ton of which \$0.50 per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University (OSU) for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Though tonnage amounts vary each year due to when a crop is planted, commodity prices, fertilizer prices and the weather we use the upper range of inspection fees paid annually to determine the amount of \$450,000.00 that could potentially be paid out to OSU. However, the actual amount paid to OSU will be based on the amount of inspection fees paid to ODAFF.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This is a statutory requirement of the Oklahoma Fertilizer Act and needs to be done to further research to prevent the pollution of lands and waters of Oklahoma from fertilizers.

Unwanted Pesticide Disposal Program --\$350,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Pursuant to 2 O.S. § 3-82(J) (3), ODAFF is required to collect a registration fee of \$210.00 for each pesticide or device label registered. A portion of these fees, in the amount of \$300,000.00 annually, shall be dedicated for conducting programs for unwanted pesticide disposal. This amount shall be deposited into the State Department of Agriculture Unwanted Pesticide Disposal Fund and shall be dedicated for this use only. Since not all of the \$300,000.00 in the funds is utilized each year they are then carried forward into the next fiscal year and the amount available for unwanted pesticide disposal in fiscal year 2019 is \$350,000.00.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This is a statutory requirement of the Combined Pesticide Law and needs to be done to prevent the pollution of lands and waters of Oklahoma from unwanted pesticides.

Ranch Scale Truck Bed Request --\$30,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

ODAFF CPS currently has a 15-year-old ranch scale vehicles that has broken down and is being replaced. To complete the replacement we also need to purchase a bed for carrying, loading and unloading the weights. The loss of the use of this truck will affect our ability to complete the testing of ranch scales in Oklahoma.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This vehicle bed is needed to be able to complete our inspections its loss will affect our ability to test ranch scales.

Small Scales --\$26,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Many of the scales used by the inspectors for the small-scale weights and measures inspections are old and in need of updating. The new scales will help inspectors better perform their job duties checking random and standard packed products.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without new scales, we will have a higher incident of them breaking down and needing repairs as well as potentially needing replaced.

Verizon Wireless --\$25,000.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

Verizon is used as the main form of communication for field staff and office staff. Additionally, with the Agency moving forward with online services having access to a mobile wireless for field staff is essential to their job duties.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

Without wireless there would be no way to communicate or move forward with our online system for inspections. Additionally, it will slow response times to complaints including those that are time sensitive like human health related and environmental.

Purchase of fifteen (15) Weight Sets for CPS field inspectors - \$ 9600.00

South Dakota Agricultural Laboratories testing fees for pesticide samples related to the new dicamba and 2,4D product - \$9,800.00

ESRI software maintenance contract for FY2021 to support GIS systems for the agency- \$4,000.00

OSU laboratory testing fees for soil and water samples related to environmental pollution investigations - \$9,800.00

Forestry Services

FY 21 - \$55,000

Purchase ESRI ArcGIS Online Licenses (Federal Grant) – **Justification:** This allows the OFS Incident Management Team and fire personnel to utilize Collector, giving our firefighters real-time wildland fire data exchange. Data collected from the Collector application gives firefighters an advantage on fighting fires and increases overall firefighter and public safety.

FY 20 - \$9,500

Purchase soil media to grow containerized seedlings at FRC and FTIC for landowners.

Justification: Soil media is needed to grow seedlings for conservation plantings. Without soil media for the containers, we would not be able to grow containerized seedlings, which may lead to lack of seedlings and planting failure.

FY 20 - \$15,000

Purchase the pouring of a concrete pad in an existing pole barn. **Justification:** Numerous landowners are requesting seedlings grown in containers for their harsher sites and we are unable to meet the demand now due to the lack of infrastructure for the equipment. We have the container filling equipment, we simply don't have a structure solid location to set it up. This concrete pad will allow us to set up and use the container filling equipment, which in return will meet landowner needs and save resources and time from having to do it all by hand.

FY 20 – \$25,000

Contract certified SRS cruisers from the State of Alabama to complete FIA plots in Oklahoma. **Justification:** Oklahoma's FIA program is approximately 950 plots behind schedule due to chronic staffing issues. Only Foresters who have completed the rigorous USFS-SRS certification process can complete FIA plots. Alabama's FIA crew is ahead of schedule and has a surplus of USFS-SRS certified cruisers that could help OFS catch up. At OFS current rate, OFS cannot spend the money given by the USFS for the FIA program before the grant runs out and OFS will lose/give back, a large sum of money, which could be used to hire the Alabama cruisers to help OFS catch up.

Market Development

FY2020 – 32 hotel rooms (at the state per diem rate) and meeting room for Ag in the Classroom Teacher Road Trip - \$6,910.00

Oklahoma Viticulture and Enology Grants - \$42,466

This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This grant project with the Oklahoma Grape Industry Council will promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns along with increasing the positive economic impact of the wine industry in Oklahoma. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

FY2020 – Loklahoma – Billboard, social media and print advertising - \$20,000.00

FY2020 - Made in Oklahoma Bags for re-sale to MIO program participants. - \$6,000.00

FY2020 – Ag in the Classroom Educational Resources for students – ABC’s Coloring book and Rt. 66 resource - \$5,550.66

Wildlife Services

\$769,000 – Cooperative Service agreement with USDA APHIS Wildlife Services to provide wildlife damage management activities to farmers and ranchers in Oklahoma. Activities are related to damages incurred from feral swine, beavers, coyotes, and avian predators.

ANNUAL WORK PLAN PERIOD: JULY 1, 2020 TO JUNE 30, 2021

A. Objective: To provide for the protection of human health and safety, agricultural interests, and other private and public property from wildlife damage.

B. Anticipated Project Results and Benefits: Through application of a variety of wildlife damage management methods and techniques, a reduction in the loss of resources and the protection of human health and safety are anticipated.

C. Plan of Action:

1. Number and type of personnel: One wildlife Biologist. Fourteen Wildlife Specialists and one seasonal Wildlife Specialist where a need exists. One Feral hog Troubleshooter in southern, OK.

2. Conduct a Mobile Forces program (Mobile Forces Wildlife Specialists) as established by the Legislature.

3. Use of special equipment: All legal and authorized equipment, including, but not limited to, aircraft.

D. Monitoring of Accomplishments: The Wildlife Services (WS) employees will complete all required reports of the WS program documenting activities and accomplishments. Periodic reports of activities and accomplishments will be provided upon request to the ODAFF.

BUDGET: Funds provided by ODAFF will be applied toward the salary and operating expenses of the WS employees. ODAFF will be billed quarterly on an annual basis for the expenditures incurred by WS/ not to exceed \$769,000 for State FY 2021.

\$ 39,500 - ODAFF Wildlife Services is requesting approval to purchase four (4) Kawasaki 4010 4x4 side by side UTV's. These UTV's will allow the wildlife specialist to move trapping equipment into remote locations unable to be accessed with a traditional vehicle, additionally they will be used to survey land looking for wildlife damage more efficiently. Not approving of this purchase will mean we continue operating in a less efficient way. Currently, traps are moved manually into remote locations increasing the risk of injury to the employee and surveying for wildlife damage by foot decreases productivity. This way of operation is less efficient and costs the agency more dollars due to longer and fewer visits daily.

Wildlife Services is requesting approval for a cooperative agreement with the City of Norman in the amount of \$20,000 to be paid to ODAFF/WS for services rendered for 1 year by WS Staff to aid in the reduction of wildlife while using approved methods. This agreement will help offset expenses incurred by the Department. Failure to approve this agreement would create a human health and safety hazard to the citizens in the City of Norman.

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

APPROVAL OF CASES

ON THIS 5th day of April 2020 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 5th day of April 2020.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
April 5, 2020**

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Brian Cox	OGC-19-312	AEMS	\$200.00
Fong Moua	OGC-19-217	AEMS	\$200.00
Gene Shed	OGC-19-213	AMES	\$1,000.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Advance Auto Parts	OGC-19-630	CPS	\$525.00
Clinton Abernathy	OGC-19-835	CPS	\$250.00
Todd Harvey	OGC-19-695	CPS	\$250.00
Scott Roundebush	OGC-19-832	CPS	\$250.00
Sipcam Agro USA, Inc.	OGC-19-696	CPS	\$1,000.00
U. S. Applicators, LLC	OGC-19-243	CPS	\$1,000.00
Natalie Wheeler	OGC-19-831	CPS	\$250.00

Cases Resolved by Consent Order

Consideration and Proposed Action on Cases Resolved by Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Pipeline Maintenance Service	19-851	CPS	\$500.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. BRIAN COX

Case File No: OGC-19-312

**BRIAN COX
2139 UNION GROVE RD
HAWORTH, OK 74740**

Summary of Facts:

Respondent improperly over-applied litter exceeding the acceptable limit for surface application.

Statute or Rule Violation: Respondent violated Okla. Stat. Tit. 2 § 10-9.19 by applying poultry litter over the acceptable limit for surface application.

Proposed Administrative Penalty: The proposed penalty was \$200.00. The Respondent stipulated and paid the fine.

Deviations: None.

Other Actions Required: None

OGC Attorney: James W. Rucker

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

RECEIVED

MAR 03 2020

OFFICE OF GENERAL COUNSEL
OKLA. DEPT. OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

BRIAN COX)
2139 UNION GROVE RD.)
HAWORTH, OK 74740)

RESPONDENT.)

Case No: OGC: ~~4026~~

19-312 BC

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Brian Cox
Signature

Brian Cox
Printed Name and Title:

Date: 2/29/20

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
DEC 23 2019
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC: 19-312

BRIAN COX)
2139 UNION GROVE RD.)
HAWORTH, OK 74740)

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on March 5, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(A)(16); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of applying poultry waste in the State of Oklahoma.

16. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

Okla. Stat. Tit. 2 § 10-9.19:

1. Prior to any land application of poultry waste by a poultry waste applicator, the applicator shall obtain the most recent soil and poultry waste tests as required by the Oklahoma Poultry Waste Applicators Certification Act.
2. Land application of poultry waste in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall not be made at any rate which exceeds the most recently published *United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards*.
3. The Oklahoma Department of Agriculture, Food, and Forestry may promulgate rules pursuant to the Administrative Procedures Act which will prohibit the land application of poultry waste in a nutrient-limited watersheds and nutrient-vulnerable groundwaters based upon lower soil phosphorous levels than are allowed in this section for non-nutrient-limited watersheds and non-nutrient-vulnerable groundwaters.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- The Respondent operates as a poultry waste applicator within the state of Oklahoma.

- ODAFF regulations require that soil and/or litter to be applied at any rate not exceeding the most recently published United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards.
- Respondent's applicator annual report shows that he applied poultry litter on September 25, 2017 at a rate of 3 tons per acre.
- Respondent's litter test analysis along with the rate, results in an application over the acceptable limit for surface application.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.19 by applying poultry litter over the acceptable limit for surface application.

ATTORNEY CONFERENCES

19. *If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.*

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;

- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

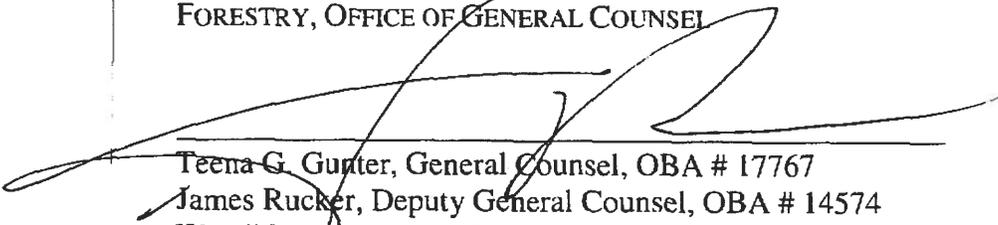
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL



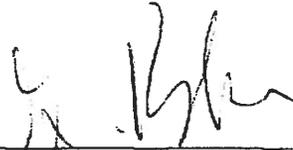
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA # 13873
Shelby Rice, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 13 day of Dec, 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

Brian Cox
2139 Union Grove Rd.
Haworth, OK 74740



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC: 16-426

**BRIAN COX)
2139 UNION GROVE RD.)
HAWORTH, OK 74740)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. FONG MOUA
Case File No: OGC-19-217**

**FONG MOUA
465 PRAIRIE RD
GARVIN, OK 74736**

Summary of Facts:

Respondent improperly land applied litter where the Nutrient Management Plan was written as an export only plan.

Statute or Rule Violation: Respondent violated 2 O.S. 2 § 10-9.7 and OAC 35:17-5-5 by improperly disposing of litter in a manner not provided for in the NMP.

Proposed Administrative Penalty: The proposed penalty was \$200.00. The Respondent stipulated and paid the fine.

Deviations: None.

Other Actions Required: None

OGC Attorney: James W. Rucker

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

MAR 06 2020

STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC: 19-217

FONG MOUA)
465 PRAIRIE RD)
GARVIN, OK 74736)

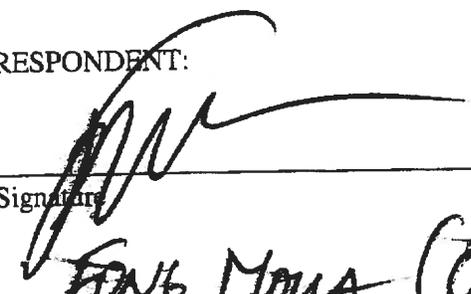
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature: 

Printed Name and Title: FONG MOUA (Owner)

Date: 3-1-20

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

FONG MOUA)
465 PRAIRIE RD)
GARVIN, OK 74736)

RESPONDENT.)

Case No: OGC: 19-217

FILED
JAN 06 2019
STATE BOARD OF AGRICULTURE

AMENDED NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (“ODAFF”) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (“ALJ”) at **1:30 p.m. on Thursday, March 5, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of operating a swine feeding operation (SFO) under the name Houston Contracting Farm, with a primary business address at 10000 E. Yost Rd, Glencoe, Oklahoma.

16. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. § 10-9.7:

- A. All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.
- B. The criteria for Best Management Practices shall be promulgated by rules by the Board and shall include, but not be limited to, the following:
 1. There shall be no discharge of poultry waste to waters of the state;
 2. Stored poultry waste shall be isolated from outside surface drainage by covers, ditches, dikes, berms, terraces or other such structures;
 3. No waters of the state shall come into direct contact with the poultry confined on the poultry feeding operation;
 4. Poultry waste handling, treatment, management, and removal shall:
 - a. not create an environmental or a public health hazard.
 - b. not result in the contamination of waters of the state, and
 - c. conform to such other handling, treatment and management and removal requirements deemed necessary by the Oklahoma Department of Agriculture, Food, and Forestry to

implement the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

The rules promulgated by the Board pursuant to this section shall provide for exceptions to the storage requirements for poultry waste in emergency situations. Such exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. In such situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.

- C. Every poultry feeding operation shall have a Nutrient Management Plan which shall include at a minimum:
1. A description of poultry waste handling procedures and availability of equipment and type of equipment to be used;
 2. The calculations and assumptions used for determining land-application rates;
 3. All nutrient analysis data, for soil and poultry waste testing;
 4. Legal description of lands to be used by an operation for land-application;
 5. Land-application rates of poultry waste shall be based on the available nitrogen and phosphorous content of the poultry waste and shall provide controls for runoff and erosion as appropriate for site conditions;
 6. The procedures documented in the Nutrient Management Plan shall ensure that the handling and utilization of poultry waste complies with the following requirements:
 - a. adequate poultry waste storage shall be provided consistent with rules promulgated by the Oklahoma Department of Agriculture, Food, and Forestry pursuant to subsection B of this section,
 - b. poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen except in conformance with the Nutrient Management Plan.
 - c. poultry waste shall only be applied to suitable land at appropriate times and rates. Discharge or runoff of waste from the application site is prohibited. Timing and rate of applications shall be based on assimilation capacity of the soil profile, assuming usual nutrient losses, expected precipitation, and soil conditions, and
 - d. poultry waste application shall be prohibited on land subject to excessive erosion:

35:17-5-5. Nutrient Management Plan

- (a) The NMP shall contain, at a minimum, the following:
- (1) A description of poultry waste handling procedures and availability of equipment and type of equipment to be used.
 - (2) The calculations and assumptions used for determining land application rates.
 - (3) All nutrient analysis data, including soil and poultry waste testing.
 - (4) Legal description of lands to be used by an operation for land application.
 - (5) Soils map with description and type or series.

- (6) Land application rates of poultry waste shall be based on the available nitrogen and phosphorus content of the poultry waste and soil test results.
- (7) The procedures documented in the NMP shall ensure that the handling and utilization of poultry waste complies with the following requirements:
- (A) Adequate poultry waste storage shall be provided. Poultry waste shall not be stored without adequate protection from rainfall and runoff. All new poultry feeding operations shall make provisions for storage of poultry waste prior to operating. Exceptions to storage requirements for poultry waste in emergency situations shall be granted on a case by case basis. Exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. However, in all situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.
- (B) Poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen or snow covered except in conformance with the NMP.
- (C) Poultry waste shall only be applied to suitable land at appropriate times and rates as specified by the NMP. Runoff of poultry waste from the application site is prohibited.
- (D) All practices necessary to minimize movement of poultry waste to watercourses shall be utilized and documented in the NMP.
- (E) Edge of field, grassed strips shall separate water courses from runoff which may be carrying eroded soil and poultry waste.
- (F) Poultry waste application shall be prohibited on land subject to excessive erosion.
- (G) Land application rates of poultry waste shall provide controls for runoff as appropriate for site conditions.
- (b) The NMP shall also include a method for the disposal of carcasses. The NMP shall include provisions for disposal of carcasses associated with normal mortality and shall include provisions for emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates. Accepted methods of carcass disposal include:
- (1) Rendering
- (A) Disposal of all carcasses shall occur within a reasonable period of time as approved by the State Department of Agriculture.
- (B) Storage facilities shall be sealed or have lids and maintained so as to prevent pests and odors.
- (2) Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.
- (3) Composting by methods as approved in the NMP.
- (4) Incineration shall only be used as a method of carcass disposal if the poultry feeding operation has a valid air quality permit from the Oklahoma Department of Environmental Quality, Air Quality Division, if required.
- (c) Storage and land application of poultry waste shall not cause a discharge or runoff of significant pollutants to waters of the State or cause a water quality violation to waters of the State.
- (d) The operator shall notify the State Department of Agriculture within twenty-four (24) hours of a discharge.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- (1) ODAFF AEMS Division received Respondent's FY 2018 Poultry Feeding Operation Annual Report.
- (2) Respondent's Nutrient Management Plan (NMP) is written as an export plan, meaning all litter generated by the facility must be exported.
- (3) According to the Annual Report Frank Kempf land applied 525 tons of litter on land associated with your facility on December 5, 2017.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent has violated:

- (1) 2 O.S. 2 § 10-9.7 and OAC 35:17-5-5 by improperly disposing of litter in a manner not provided for in your NMP.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

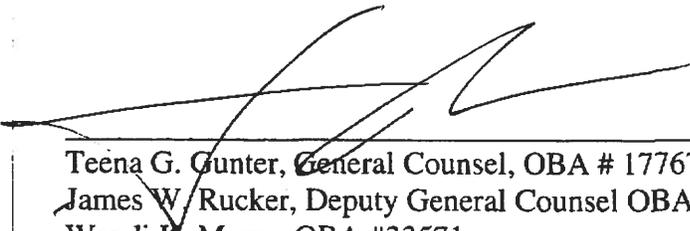
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

32. *If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.*

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

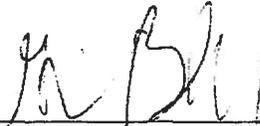


Teena G. Gunter, General Counsel, OBA # 17767
James W. Rucker, Deputy General Counsel OBA #14574
Wendi K. Morse, OBA #33571
Kambi S. Maddy, OBA #13873
Shelby L. Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 6th day of Jan, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FONG MOUA
465 PRAIRIE ROAD
GARVIN, OK 74736**



Gina Blaylock

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. GENE SHED
Case File No: OGC-19-213

GENE SHED
1747 E 135 RD
HOLDENVILLE, OK 74848

Summary of Facts:

Respondent filed to meet freeboard requirements.

Statute or Rule Violation: Respondent violated Oklahoma Administrative Code (OAC) 35:17-3-14(b)(2) by not meeting the required freeboard requirement for its facility.

Proposed Administrative Penalty: The proposed penalty was \$1000.00. The Respondent stipulated and paid the fine.

Deviations: None.

Other Actions Required: None

OGC Attorney: James W. Rucker

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 06 2020
STATE BOARD OF AGRICULTURE
STATE DEPARTMENT OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-213

GENE SHED)
1747 E 135 RD)
HOLDENVILLE, OK 74848)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

MF
3-6-20

Gene Shed
Signature

Gene Shed, Owner
Printed Name and Title

Date: 3-2-2020

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

**GENE SHED)
1747 E 135 RD)
HOLDENVILLE, OK 74848)**

RESPONDENT.)

FILED

DEC 20 2019

STATE BOARD OF AGRICULTURE

Case No: OGC-19-213

AMENDED NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on March 5, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the operation of a swine feeding operation located in Okfuskee County, Oklahoma.

16. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

Oklahoma Administrative Code (OAC) 35:17-3-14(b)(2):

(b) The swine waste management plan shall include:

(2) A date log indicating weekly inspection of wastewater level in the retention structure, including specific measurement of wastewater level. Facilities using pits, ponds, or other waste retention structures for storage and treatment of storm water, manure, and process generated wastewater, including flush water waste handling systems, shall maintain in their wastewater retention structure sufficient capacity to contain rainfall and rainfall runoff from a 25-year, 24-hour rainfall event. The owner shall immediately restore sufficient capacity to contain a 25-year, 24-hour rainfall event after any rainfall event or accumulation of wastes or process generated wastewater which reduces capacity, weather permitting. The 25-year, 24-hour rainfall event capacity shall be in addition to the one (1) foot of freeboard required.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the *alleged violations committed by Respondent*.

- a) On January 11, 2019 ODAFF received an Emergency Land Application request. Included in the request was information documenting that the freeboard space in Respondent's waste retention structure was only 7 inches.
- b) Based upon FY 2018 waste retention weekly level readings Respondent's retention structure was out of freeboard compliance more often than not.
- c) At the time of the FY 2019 annual inspection (January 20, 2019) Respondent's facility had only 7 inches of freeboard.
- d) The freeboard requirement for Respondent's facility is 19.3 inches.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated Oklahoma Administrative Code (OAC) 35:17-3-14(b)(2) by not meeting the required freeboard requirement for its facility.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;

- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

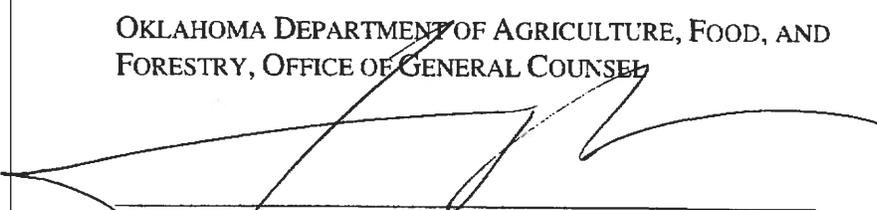
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand Dollars (\$1,000.00).

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

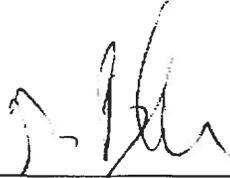


Teena G. Gunter, General Counsel, OBA # 17767
James W. Rucker, Deputy General Counsel OBA #14574
Wendi K. Morse, OBA #33571
Kambi S. Maddy, OBA #13873
Shelby L. Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 20th day of Dec, 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**GENE SHED
1747 E 135 RD
HOLDENVILLE, OK 74848**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-213

**GENE SHED)
1747 E 135 RD)
HOLDENVILLE, OK 74848)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand Dollars (\$1,000.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ADVANCE AUTO PARTS
Case File No: OGC-19-630

ADVANCE AUTO PARTS
4329 S.E. 29TH
DEL CITY, OK 73115

Summary of Facts: An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after the first inspection.

Statute or Rule Violation: Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

Proposed Administrative Penalty: The proposed penalty for this case was Five Hundred Twenty-five Dollars (\$525.00) (Seven violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None

OGC Attorney: Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 10 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
COMPLAINANT,)
v.)
)
ADVANCE AUTO PARTS)
4329 S.E. 29TH)
DEL CITY, OK 73115)
)
RESPONDENT.)

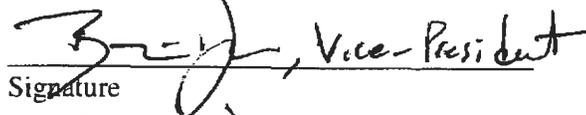
Case No: OGC-19-630

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives the right to a full administrative or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:


Signature

BRIAN DAN
Printed Name

VICE-PRESIDENT
Job Title

2/20/20
Date

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

ADVANCE AUTO PARTS)
4329 S.E. 29TH)
DEL CITY, OK 73115)

RESPONDENT.)

Case No: OGC-19-630

FILED
OCT 10 2019
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on December 12, 2019**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's *Rules of Practice and Procedure*, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of Advance Auto Parts, located at 4329 S.E. 29th, in Del City, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

ALLEGATIONS OF FACT

19. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent:

20. On or about December 13, 2018, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Advance Auto Parts in Del City, Oklahoma. The inspection revealed that eleven (11) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J).

22. On or about August 15, 2019, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Advance Auto Parts in Del City, Oklahoma. The inspection revealed that seven (7) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J).

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspection is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

ATTORNEY CONFERENCES

25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-5997.

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

28. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

29. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

31. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

ENFORCEMENT OF JUDGMENTS

32. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

33. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

34. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

35. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Twenty-five Dollars (\$525.00). (7 violations at \$75.00 per violation)**

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 9th day of October, 2019.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571

* Kambi Maddy, OBA # 13873

Shelby Rice, OBA # 34010

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Facsimile: (405) 522-578

CERTIFICATE OF MAILING

This is to certify that on this 10th day of Oct., 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ADVANCE AUTO PARTS
11940 JOLLYVILLE RD, SUITE 100 NORTH
AUSTIN, TX 78759**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-630

**ADVANCE AUTO PARTS)
4329 S.E. 29TH)
DEL CITY, OK 73115)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Twenty-five Dollars (\$525.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives the right to a full administrative or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name

Job Title

Date



OKLA. DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
PRICE VERIFICATION REPORT

CPS 152 Rev 5/19

INSPECTOR NUMBE 20-JMM-0016

DATE* 8/15/2019

COUNTY Oklahoma

LOCATION*

RECD CPS

CORPORATE

AGN NUMBER AGN0110719

2019 AUG 19 A 8:57 AGN NUMBER

Advance Auto Parts

4329 SE 29th

Del City OK 73115-

MANAGER *Stephen Blakey*

INSPECTION TYP Followup Original Insp# 19-GLS-0042

TELEPHONE* (405) 672-6015

Other Store Type ITEM STATUS

TYPE OF STORE AUTO

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
Lead Free Battery Cable	889603259141	\$9.49	\$10.29	(\$0.80)
Side Post Battery Cable	889603259158	\$10.49	\$11.49	(\$1.00)
Microfiber App. Pads	7621640068279	\$2.59	\$2.99	(\$0.40)
Driven Air Freshner	012844741070	\$3.79	\$3.49	\$0.30
Global Multi-Vehicle Fluid	89275490538	\$7.29	\$7.99	(\$0.70)
Window Film Adhesive Remover	045162470186	\$7.69	\$7.99	(\$0.30)
Socket Set	762164125042	\$13.99	\$14.99	(\$1.00)

Total Number Checked 100 Total Number Of Violations 7 Accuracy 93 % Inspection Result Notice of Violation

REMARKS

WITNESS *Stephen Blakey*

INSPECTOR*

Jasmine Middleton

Jasmine Middleton

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. CLINTON ABERNATHY
Case File No's: OGC-19-835

CLINTON ABERNATHY
21016 E. CR 165
ALTUS, OK 73521

Summary of Facts: Respondent failed to report a notice of intent to apply 2, 4-D and subsequently failed to provide records of that application.

Statute or Rule Violation: OAC 35:30-17-24.1(c)(1-2)

Proposed Administrative Penalty: The penalty was assessed at \$250.00. Respondent paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

CLINTON ABERNATHY)
21016 E. CR 165)
ALTUS, OK 73521)

RESPONDENT.)

Case No: OGC-19-835

FILED
MAR 13 2020
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:


Signature

Clinton Abernathy
Printed Name and Title

Date: 3-5-2020

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

CLINTON ABERNATHY)
21016 E. CR 165)
ALTUS, OK 73521)

RESPONDENT.)

Case No: OGC-19-835

FILED
FEB 19 2020
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, May 7, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides near Altus, OK.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

OAC 35:30-17-24.1

- (a) Applications of products containing 2, 4-D esters or dicamba as an active ingredient to agriculture lands shall not be made in Greer, Harmon, and Kiowa counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.
- (b) Applications of products containing 2, 4-D, dicamba, picloram, triclopyr, or clopyralid as an active ingredient to agricultural lands shall not be made in Jackson and Tillman counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.
- (c) Any person intending to apply any of the herbicides listed in subsection (a) or (b) in the counties and during the times prohibited shall adhere to the following procedure:

- 1) The person shall notify the Department of the intent to apply herbicides listed in subsection (a) or (b) prior to the application on a form provided by the Department.
 - 2) The person shall file a report with the Department on a form provided by the Department no later than seven (7) working days after the last application date provided in the original notification of the herbicide use.
- (d) Failure to comply with this section shall be a violation.
- (e) All records and notifications required by this section shall be in addition to any records required to be maintained by a commercial applicator pursuant to other rules.
- (f) The provisions of this section shall not apply to applications of 2, 4-DB.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about July 29, 2019, an investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.
- As a result of this investigation, it was revealed that Respondent applied Enlist herbicide to S28 2N 19W on or about July 5, 2019.
- A review of ODAFF's records show that Respondent failed to report any notice of intent to apply 2, 4-D.
- Respondent further failed to supply the subsequent application records for this application of 2, 4-D.
- On or about September 17, 2019, a Letter of Warning that detailed the above violation was sent to Clinton Abernathy.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-24.1(c)(1-2) by failing to report a notice of intent to apply and subsequent application records concerning the application of 2, 4-D.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall

have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

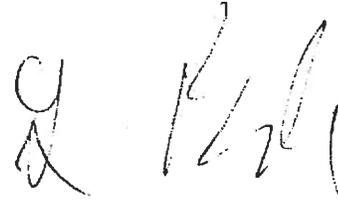


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Rice, OBA #34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 19th day of Feb., 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CLINTON ABERNATHY
21016 E. CR 165
ALTUS, OK 73521**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-835

**CLINTON ABERNATHY)
21016 E. CR 165)
ALTUS, OK 73521)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. TODD HARVEY
Case File No's: OGC-19-695**

**TODD HARVEY
HARVEY FARMS LIC# 164
4111 CR 1120
HYDRO, OK 73048**

Summary of Facts: Respondent used a pesticide in a manner inconsistent with its label by spraying a hemp field with a product that is not labeled for use on hemp or cannabis.

Statute or Rule Violation: 2 OS § 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$250.00. Respondent paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAD 03 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-695

TODD HARVEY)
HARVEY FARMS LIC # 164)
4111 CR 1120)
HYDRO, OK 73048)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT: Todd Harvey

Signature TODD HARVEY
Printed Name and Title

Date: 3-2-20

3-3-20
KH

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

TODD HARVEY)
HARVEY FARMS LIC# 164)
4111 CR 1120)
HYDRO, OK 73048)

RESPONDENT.)

FILED
FEB 19 2020
STATE BOARD OF AGRICULTURE

Case No: OGC-19-695

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, May 7, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, operated an industrial hemp field, known as Harvey Farms, near Hydro, OK.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.
17. **2 OS § 3-86(A)(4)**
 - A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:
 - (4) A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.

ALLEGATIONS OF FACT

18. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about July, 2019, an ODAFF inspector met with Respondent at an industrial hemp field located at E1/2 NE ¼ sec 29 11N 12W & W1/2 NW1/4 sec 28 11N 12W in Caddo County, OK.
- During this visit, it was discovered that on July 4, 2019, Respondent had sprayed Clethodim 2EC on the hemp field.
- Clethodim 2EC's product label does not allow for the product's use on hemp or cannabis.
- On or about August 23, 2019 a Letter of Warning detailing the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

19. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 OS § 3-86(A)(4) by using a pesticide in a manner inconsistent with its label.

ATTORNEY CONFERENCES

20. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

21. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

22. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

23. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
24. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
25. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
26. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

27. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

28. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

29. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
30. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
31. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

32. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.
33. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

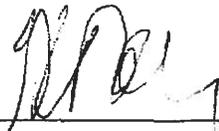


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 17th day of Feb, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TODD HARVEY
HARVEY FARMS LIC# 164
4111 CR 1120
HYDRO, OK 73048**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-695

**TODD HARVEY)
HARVEY FARMS LIC # 164)
4111 CR 1120)
HYDRO, OK 73048)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SCOTT ROUNDEBUSH
Case File No's: OGC-19-832

SCOTT ROUNDEBUSH
20968 E CR 1695
ALTUS, OK 73521

Summary of Facts: Respondent failed to report a notice of intent to apply 2, 4-D and subsequently failed to provide records of that application.

Statute or Rule Violation: OAC 35:30-17-24.1(C)(1-2)

Proposed Administrative Penalty: The penalty was assessed at \$250.00. Respondent paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 10 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-832

SCOTT ROUNDEBUSH)
20968 E. CR 1695)
ALTUS, OK 73521)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Scott Roundbush
Signature

SCOTT ROUNDEBUSH
Printed Name and Title

Date: 3/4/20

3-10-20
49

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

SCOTT ROUNDEBUSH)
20968 E. CR 1695)
ALTUS, OK 73521)

RESPONDENT.)

Case No: OGC-19-832

FILED
FEB 19 2020
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, May 7, 2020** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides near Altus, OK.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

OAC 35:30-17-24.1

- (a) Applications of products containing 2, 4-D esters or dicamba as an active ingredient to agriculture lands shall not be made in Greer, Harmon, and Kiowa counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.
- (b) Applications of products containing 2, 4-D, dicamba, picloram, triclopyr, or clopyralid as an active ingredient to agricultural lands shall not be made in Jackson and Tillman counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.
- (c) Any person intending to apply any of the herbicides listed in subsection (a) or (b) in the counties and during the times prohibited shall adhere to the following procedure:

- 1) The person shall notify the Department of the intent to apply herbicides listed in subsection (a) or (b) prior to the application on a form provided by the Department.
 - 2) The person shall file a report with the Department on a form provided by the Department no later than seven (7) working days after the last application date provided in the original notification of the herbicide use.
- (d) Failure to comply with this section shall be a violation.
- (e) All records and notifications required by this section shall be in addition to any records required to be maintained by a commercial applicator pursuant to other rules.
- (f) The provisions of this section shall not apply to applications of 2, 4-DB.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about July 30, 2019, an investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.
- As a result of this investigation, it was revealed that Respondent applied Enlist herbicide to S18 1N 20W on or about June 26, 2019.
- A review of ODAFF's records show that Respondent failed to report any notice of intent to apply 2, 4-D.
- Respondent further failed to supply the subsequent application records for this application of 2, 4-D.
- On or about September 25, 2019, a Letter of Warning that detailed the above violation was sent to Scott Roundbush.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-24.1(c)(1-2) by failing to report a notice of intent to apply and subsequent application records concerning the application of 2, 4-D.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) *Criminal actions, which could involve fines, imprisonment, or both; and*
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall

have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

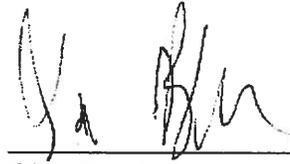


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓ Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 11th day of Feb., 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SCOTT ROUNDEBUSH
20968 E. CR 1695
ALTUS, OK 73521**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-832

**SCOTT ROUNDEBUSH)
20968 E. CR 1695)
ALTUS, OK 73521)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SIPCAM AGRO USA INC.
Case File No's: OGC-19-696**

**SIPCAM AGRO USA INC.
2525 MERIDIAN PARKWAY, SUITE 350
DURHAM, NC 27713**

Summary of Facts: Respondent distributed a pesticide that was not registered with ODAFF.

Statute or Rule Violation: 2 O.S. §3-82(J)(1) and 2 O.S. §3-82(J)(3)

Proposed Administrative Penalty: The penalty was assessed at \$1,000.00. Respondent paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
FEB 19 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-696

SIPCAM AGRO USA INC.)
2525 MERIDIAN PARKWAY, SUITE 350)
DURHAM, NC 27713)

Stop Sale #4551

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:



Signature
Francis X. Pirozzi CFO
Printed Name and Title

Date: Feb 13, 2020

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
NOV 21 2019
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-696

SIPCAM AGRO USA INC.)
2525 MERIDIAN PARKWAY, SUITE 350)
DURHAM, NC 27713)

Stop Sale #4551

RESPONDENT.)

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF), advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, January 9, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the Oklahoma Administrative Code at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of distribution of pesticides to a retail store, Eckroat Seed Company located at 1106 N. Martin Luther King, in Oklahoma City, OK 73117.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. §3-82(J)(1) –

Every pesticide or device distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Board.

2 O.S. §3-82(J)(3) –

Each registrant shall pay to the Board an annual registration fee of Two Hundred Ten Dollars (\$210.00) for each pesticide or device label registered.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
- On or about July 5, 2019, an Inspector from ODAFF conducted an inspection at Eckroat Seed Company located at 1106 N. Martin Luther King, in Oklahoma City, OK 73117.

- The Inspector found Advan Echo 6F ETQ being sold on the premises.
- Advan Echo 6F ETQ is manufactured by Sipcam Agro USA Inc. and is not a registered pesticide with the Oklahoma Board of Agriculture.
- On or about July 9, 2019 a Letter of Warning and a Stop Sale Order (#4551) that detailed the above violation was sent to Sipcam Agro USA Inc.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(J)(1) and 2 O.S. §3-82(J)(3) by distributing a pesticide in Oklahoma that has not been registered with ODAFF for which a registration fee has not been paid.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the Oklahoma Administrative Code at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

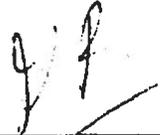


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA # 13873
✓ Shelby Rice, OBA # 34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 21 day of Nov, 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**SIPCAM AGRO USA INC.
2525 MERIDIAN PARKWAY, SUITE 350
DURHAM, NC 27713**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-696

**SIPCAM AGRO USA INC.)
2525 MERIDIAN PARKWAY, SUITE 350)
DURHAM, NC 27713)**

Stop Sale #4551

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. U.S. APPLICATORS
Case File No's: OGC-19-243**

**U.S. APPLICATORS
PO BOX 563
LOUISVILLE, MS 39339**

Summary of Facts: Respondent failed to properly display company's license on company vehicles and failed to maintain adequate application records.

Statute or Rule Violation: OAC 35:30-17-15 and OAC 35:30-17-21

Proposed Administrative Penalty: The penalty was assessed at \$1,000.00. Respondent stipulated and paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 10 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-243

US APPLICATORS)
PO BOX 563)
LOUISVILLE, MS 39339)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

James B. Laird
Signature

JAMES B. LAIRD Managing Member
Printed Name and Title

Date 9-16-19

*a-19-19
PP*

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 09 2019
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-243

US APPLICATORS)
P.O. BOX 563)
LOUISVILLE, MS 39339)

RESPONDENT.)

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on, Thursday, October 10, 2019 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of applying pesticides in Oklahoma City, OK.

16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

OAC 35:30-17-15

All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two (2) inches in height.

OAC 35:30-17-21

(a) Commercial and non-commercial applicators shall keep an accurate record pertaining to pesticide activities, which, at a minimum show:

- (1) Start and stop time of application.
- (2) Total amount of pesticide used.
- (3) Name and address of the commercial or non-commercial company.
- (4) Name and address of person for whom applied.
- (5) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
- (6) Date of application.
- (7) Application rate.
- (8) Dilution rate for mixing.
- (9) Total quantity tank mix used.
- (10) Complete trade name of pesticide product used.
- (11) EPA registration number of pesticide product used.

- (12) Name of adjuvants used when the label requires specific adjuvants.
 - (13) Name of drifting agents used when the label requires specific drifting agents.
 - (14) Target pest for the application.
 - (15) Site where the pesticide was applied.
 - (16) Restricted Entry Interval as stated on the product label.
 - (17) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (18) Copies of any contract issued.
 - (19) Copies of any wood infestation reports issued.
 - (20) Other information as required by the Board.
- (b) Restricted use pesticide dealers shall keep an accurate record of restricted use pesticide sales, which, at a minimum show:
- (1) Complete brand name of the pesticide.
 - (2) EPA registration number of the pesticide.
 - (3) Date the pesticide was sold.
 - (4) Total amount of restricted use pesticide sold.
 - (5) Name of the person to whom sold.
 - (6) Name and license or certification number of the certified or private applicator.
 - (7) Other information as required by the Board.
- (c) Failure to allow inspection of these records by the Board, to provide copies to the Board when requested in person, or to provide a summary of these records within seven (7) working days when requested by mail or in person shall be a violation of this section.
- (d) The principle place of business where records are maintained shall be easily accessible to authorized agents of the Board during reasonable business hours. An applicator's principle place of business shall not be located in a closed gate community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
- a. On or about February 4th, 2019, an Inspector from ODAFF observed employees of the Respondent making applications of pesticides near Oklahoma City, Oklahoma.
 - b. The Inspector observed that four of Respondent's five company vehicles on site did not display the company's license number.

- c. The Inspector also observed that the application records excluded the REI, EPA reg. number, dilution rate for mixing, and tank mix concentration.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-15 and OAC 35:30-17-21 by failing to properly display the company's license number on company vehicles and failing to maintain adequate application records.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant

thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

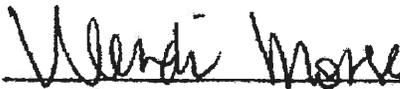
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL



Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

✓ Wendi Morse, OBA # 33571

Kambi Maddy, OBA #13873

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

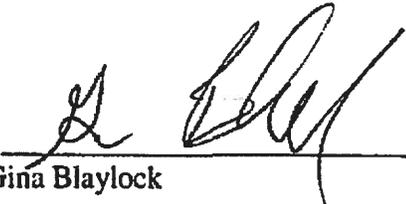
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of Sept, 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**US APPLICATORS
PO BOX 563
LOUISVILLE, MS 39339**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-243

**US APPLICATORS)
PO BOX 563)
LOUISVILLE, MS 39339)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. NATALIE WHEELER
Case File No's: OGC-19-831

NATALIE WHEELER
CNK FARMS
1990 E CR 161
ALTUS, OK 73521

Summary of Facts: Respondent applied a pesticide in a manner inconsistent with its label by applying while the wind speed was in a range lower than that required by the label.

Statute or Rule Violation: 2 O.S. §3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$250.00. Respondent paid the fine in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
MAR 16 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-831

NATALIE WHEELER)
CNK FARMS)
19900 E CR 161)
ALTUS, OK 73521)

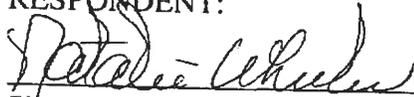
RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:



Signature

Natalie Wheeler Gen Prod CNK FARMS

Printed Name and Title

Date: 3-8-2020

3-11-20
Kf

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

**NATALIE WHEELER)
CNK FARMS)
19900 E CR 161)
ALTUS, OK 73521)**

RESPONDENT.)

Case No: OGC-19-831

FILED
FEB 19 2020
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, May 7, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by *modifying the order* for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides near Altus, OK.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. §3-86(A)(4)

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issues may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about August 31, 2019, an inspector for ODAFF investigated a complaint concerning 2, 4-D drift onto Respondent's cotton field.
- As a result of this inspection, Respondent provided ODAFF with application records for the field.
- Application records indicate that Respondent made an application of Xtendimax herbicide on July 14-15, 2019.
- The wind speed at the time of this application was less than three miles per hour.
- The product's label states that applications should only be made in wind speeds of 3 to 10 mph.
- On or about August 7, 2019, a Letter of Warning that detailed the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(4) by applying a pesticide in a manner inconsistent with its label.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. *Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.*

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred Fifty Dollars (\$250.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

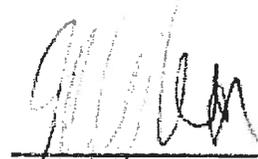
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 19th day of Feb, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**NATALIE WHEELER
CNK FARMS
19900 E CR 161
ALTUS, OK 73521**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-19-831

**NATALIE WHEELER)
CNK FARMS)
19900 E CR 161)
ALTUS, OK 73521)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. PIPELINE MAINTENANCE
Case File No's: OGC-19-851

PIPELINE MAINTENANCE SERVICE
824 NW 3RD
GUYMON, OK 73942

Summary of Facts: Respondent used a pesticide in a manner inconsistent with its label by spraying a driveway area and near desirable trees and roots.

Statute or Rule Violation: 2 O.S. §3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$500.00. Respondent entered into settlement agreement in anticipation of future litigation. Fine was paid in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Rice

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
FEB 20 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-851

PIPELINE MAINTENANCE)
824 NW 3RD)
GUYMON, OK 73942)

RESPONDENT.)

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Pipeline Maintenance (the "Respondent").

AUTHORITY

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

DEPARTMENT'S NOTICE

3. On October 8, 2019, the Department issued a Notice of Violation in Case No's OGC-19-851, ("Notice") to Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

4. In compromise and full settlement of this matter, Respondent shall pay to the Department an administrative penalty of Five Hundred Dollars (\$500). Upon the execution of this agreement by both parties, payment shall immediately be made by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based on or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION.

8. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY.

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

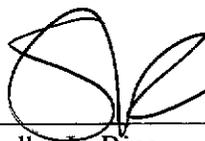
10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

MISCELLANEOUS

11. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
12. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
13. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
17. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL
COUNSEL

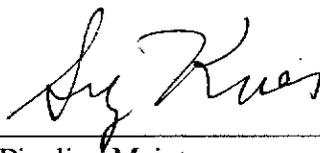


Shelby L. Rice
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

COMPLAINANT

Date: 2/10/2020

- and by -



Pipeline Maintenance
824 NW 3rd
Guymon, OK 73942
Telephone: (580)338-3499

RESPONDENT

Date: 2-14-20

Exhibit A

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 29 2020
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-19-851

PIPELINE MAINTENANCE SERVICE)
824 NW 3RD)
GUYMON, OK 73942)

RESPONDENT.)

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, April 2, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of herbicides near Guymon, OK.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. §3-86(A)(4)

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate.

The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about August 12, 2019, an inspector for ODAFF investigated a complaint concerning herbicide effects on the trees in the Corral Drive In RV Park, located in Guymon, OK.
- Inspection revealed that Respondent had made applications to the gravel area around the park.
- Samples were taken and bromacil and diuron were recovered in the trees and gravel area.
- The product labels state that these products should not be used on driveways and should not be applied near desirable trees or areas where roots may extend into the treated area.
- On or about October 8, 2019, a Letter of Warning that detailed the above violation was sent to Pipeline Maintenance Service.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(4) by applying herbicide in a manner inconsistent with its label.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL



Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
X Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 27 day of Jan, 2019, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

PIPELINE MAINTENANCE SERVICE
824 NW 3RD
GUYMON, OK 73942



Gina Blaylock

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 30. CONSUMER PROTECTION

**SUBCHAPTER 24 - OKLAHOMA INDUSTRIAL HEMP AGRICULTURAL PILOT
PROGRAM**

35:30-24-1. Purpose

The rules of this subchapter establish the licensing requirements and regulation of the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program pursuant to the Oklahoma Agricultural Code, 2 O.S. § 3-401 et seq. The licensing requirements and regulation of the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program shall be administered by the Department and shall conform to the Administrative Procedures Act, 75 O.S. § 250 et seq.; to the Oklahoma Agricultural Code, 2 O.S. § 1-1 et seq.; and to the procedural rules promulgated by the State Board of Agriculture in Title 35 of the Oklahoma Administrative Code.

35:30-24-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Building" means any single standing structure with walls and a roof but shall not include separate structures connected by corridors or breezeways.

"Cannabis" means the plant that, depending upon its THC concentration level, is further defined as either "hemp" or "marijuana". Cannabis is a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species and Cannabis indica and Cannabis ruderalis are subspecies thereof. Cannabis refers to any form of the plant where the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined. The term "Cannabis" is important in describing regulations that apply to plant production, sampling, or handling prior to determining the plant's THC content.

"Contiguous field" means any contiguous tract of land used for the cultivation of industrial hemp and may include contiguous tracts of land occasionally intersected by roads, streams, or other natural features but shall not include a tract or tracts of land intersected by property owned by a third party or gaps in the cultivation of industrial hemp exceeding one quarter of a mile.

"Controlled Substances Act (CSA)" means the federal statutes, codified at 21 U.S.C. 801-971, establishing federal U.S. drug policy under which the manufacture, importation, exportation, possession, use, and distribution of certain substances is regulated. Because cannabis containing THC concentration levels of higher than 0.3 percent is deemed to be marijuana, a schedule I controlled substance, its regulation falls under the authorities of the CSA. The requirements of the CSA are relied upon for the disposal of cannabis that contains THC concentrations above 0.3 percent.

"Cultivation" means the act of planting, growing, or harvesting industrial hemp and any related agricultural activities.

"Cultivation site" means the contiguous field, building, storage area, or processing area in which one or more varieties of industrial hemp may be lawfully cultivated, stored, or processed.

"Decarboxylated" means the completion of the chemical reaction that converts THC-acid (THCA) into delta-9-THC, the intoxicating component of cannabis. The decarboxylated

value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THCA. This term, commonly used in scientific references to laboratory procedures, is the precursor to the term “post-decarboxylation,” a term used in the 2018 Farm Bill’s mandate over cannabis testing methodologies to identify THC concentration levels.

"Delta-9 tetrahydrocannabinol", "Delta-9 THC" or "THC" means the primary psychoactive component of cannabis. Hemp production shall be verified as having THC concentration levels of 0.3 percent or less on a dry weight basis.

"Department" means the Oklahoma Department of Agriculture, Food, and Forestry, its employees, officers, and divisions.

"Growing area" means the portion of a contiguous field or building in which a single variety of industrial hemp is planted, grown, and harvested.

"Handling" means possessing or storing industrial hemp for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process industrial hemp. Handling includes possessing or storing industrial hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person.

"Industrial hemp" means ~~any part of the plant; Cannabis sativa L.; and any part of the plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, whether growing or not, and the seeds thereof.~~

~~**"Institution of higher education"** means any public or private college or university located in Oklahoma that is part of the Oklahoma State System of Higher Education.~~

~~**"Institutional licensee"** means any institution of higher education possessing a license to participate in the Oklahoma Industrial Hemp Agricultural Pilot Program.~~

"Key Participants" means a person or persons who have a direct or indirect financial interest in an entity producing hemp, such as an owner or a partner in a partnership. Executive level corporate employees, including chief executive officer, chief operating officer, and chief financial officer shall be considered Key Participants. Management level positions such as farm, field, and shift managers shall not be considered Key participants.

~~**"License"** means a valid license issued authorization by the Department allowing an institutional licensee for any person to grow and cultivate industrial hemp from low-THC seed in on a registered land area as part of the Oklahoma Industrial Hemp Program.~~

"Licensee" means a person who holds a valid Industrial Hemp License to grow industrial hemp under the Oklahoma Industrial Hemp Program.

~~**"Listed low THC seed"** means low THC seed that has been approved by the Department and listed on the Department's Low THC Seed List.~~

~~**"Low THC seed"** means industrial hemp seed having no more than three tenths of one percent (0.3%) delta-9 tetrahydrocannabinol concentration on a dry weight basis.~~

"Postdecarboxylation" means testing methodologies for THC concentration levels in hemp, where the total potential delta-9-tetrahydrocannabinol content, derived from the sum of the THC and THCA content, is determined and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, known as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The result of this test calculates total potential THC. The

postdecarboxylation value of THC can also be calculated by using a high-performance liquid chromatograph technique, which keeps the THCA intact, and requires a conversion calculation of that THCA to calculate total potential THC.

"Processing" means converting industrial hemp into a marketable form, including the production of all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers.

"Processing area" means any physical location in which entire harvested plants are altered by any manner of mechanical, chemical, or other processing techniques. The processing area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Produce" refers to the propagation of cannabis to produce hemp.

"Storage area" means any physical location in which harvested plants or plant parts are stored. The storage area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Subcontractor" means a person or business entity that has contracted with an institutional licensee and provides supplies, labor, land, or expertise related to the institutional licensee's participation in the Oklahoma Industrial Hemp Agricultural Pilot Program.

"USDA" means the United States Department of Agriculture.

35:30-24-3. Application

(a) Any ~~institutional licensee with a plant science curriculum~~ person, eighteen (18) years of age or older, or business entity may participate in in the Oklahoma Industrial Hemp Agricultural Pilot Program by filing an application with the Department for a license:

- (1) Not less than thirty (30) days prior to the planting ~~or, cultivation, handling, or processing~~ of any industrial hemp crop; or
- (2) No later than December 1 if a subsequent license is required to harvest industrial hemp crops planted before December 31 but scheduled for harvest after December 31.

(b) An ~~institutional licensee~~ applicant shall submit a separate application, pay separate application and inspection fees, and obtain a separate license for each cultivation site ~~licensed by the institutional licensee.~~

(c) The application shall be on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name and address of the ~~institution of higher education~~ applicant;
- (2) EIN number, if the applicant is a business entity, along with names and email addresses of key participants;
- (3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees ~~of the institution of higher education~~ responsible for oversight of the Oklahoma Industrial Hemp Agricultural Pilot Program and communications with the Department relating to the cultivation of industrial hemp;
- (3) (4) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;
- (4) (5) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the address for the subcontractors' primary business locations and any satellite business offices located in Oklahoma;
- (5) (6) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for oversight of the Oklahoma

Industrial Hemp ~~Agricultural Pilot~~ Program and communications with the Department relating to the cultivation of industrial hemp;

~~(6)~~ (7) Proof of ownership for the cultivation site and the following information if the cultivation site is not wholly owned by the ~~institutional licensee~~ applicant:

(A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site; ~~and~~

(B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of industrial hemp at the cultivation site; and

(C) If applicable, a copy of the property lease for the entire duration of the license;

~~(7)~~ (8) If the application identifies a contiguous field as the cultivation site:

(A) A legal description (Section, Township, Range) of the contiguous field;

(B) The global positioning location coordinates at the approximate center of the contiguous field; and

(C) An annotated map or aerial photograph with sufficient detail and clarity to define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of industrial hemp corresponding to each growing area;

~~(8)~~ (9) If the application identifies a building as the cultivation site:

(A) The physical address of the building;

(B) The global positioning location coordinates of the building; and

(C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of industrial hemp corresponding to each growing area;

~~(9)~~ (10) A description of any areas used to store or process plants or plant parts, including but not limited to:

(A) The physical address or location of any storage areas or processing areas;

(B) The global positioning location coordinates of any storage areas or processing areas; and

(C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;

~~(10)~~ (11) A schedule identifying the intended dates of planting and intended dates of harvesting any industrial hemp crop or crops;

~~(11)~~ (12) A statement of intended use and disposition for the industrial hemp harvested from the cultivation site or any plant parts thereof;

~~(12)~~ (13) A notarized and sworn statement from an official or employee of the ~~institutional licensee~~ applicant and from an official or employee of any associated subcontractor that only certified industrial hemp seed will be planted at the cultivation site; and

~~(13)~~ (14) Acknowledgement and agreement with the following terms and conditions:

(A) Any information provided by the ~~institutional licensee~~ applicant or subcontractors is shall be subject to public disclosure under the Open Records Act;

- (B) Any information provided by the institutional licensee applicant or subcontractors may be released by the Department to law enforcement agencies without notice to the institutional licensee applicant or its subcontractors;
- (C) The institutional licensee applicant and subcontractors shall fully cooperate with the Department, grant the Department physical access to any part of the cultivation site and allow the Department to conduct inspection and sampling that the Department deems necessary; and
- (D) The institutional licensee applicant and subcontractors shall submit all required reports by the dates specified by the Department.
- ~~(E) A subcontractor may submit applications, pay associated fees, and file reports required by the Department on the institutional licensee's behalf if authorized by the institutional licensee to do so. The institutional licensee's approval for the subcontractor to submit applications, pay fees, pay fines, and file reports shall be evidenced by an original, dated, signed, and notarized authorization letter from an official or employee of the institutional licensee identified in subsection (c)(2) of this section submitted with the application for a license. A unique original, dated, signed, and notarized authorization letter shall be required for each new application, for each subsequent application, or renewal of an existing license.~~
- ~~(F)~~

(d) The application for a processor/ handlers license shall be on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name and address of the applicant;
- (2) EIN number, if the applicant is a business entity, along with the names and email addresses of key participants; and
- (3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the processing or handling of industrial hemp.

(e) Each applicant shall provide current criminal history reports for all key participants dated within sixty (60) days prior to the application submission date. A license application shall not be considered complete without all required criminal history reports.

(f) Each applicant and subcontractor shall fully cooperate with the Department, grant the Department physical access to any part of a cultivation site, and allow the Department to conduct inspection and sampling.

(g) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

~~(G)~~ (h) Applications that are denied by the Department may be resubmitted within twelve (12) months of the original filing. The Department may waive application fees for resubmitted applications.

35:30-24-4. Grounds for denial of application

(a) The Department may consider a number of factors when deciding to grant or deny a license including, but not limited to, the location of the cultivation site; the criminal history of the institutional licensee applicant, subcontractor, or employees thereof; and prior administrative

actions taken by the Department against the ~~institutional licensee~~ applicant, subcontractors, or employees thereof.

(b) The Department's denial of a license may be contested in the manner provided by this subchapter.

35:30-24-5. License

(a) A separate license shall be required for each cultivation site operated by ~~the institutional a~~ licensee.

(b) All licenses expire on December 31 of the year in which the license was issued. Any industrial hemp that is not harvested on or before December 31 ~~must~~ shall be declared for inclusion in a subsequent license or destroyed by the ~~institutional~~ licensee.

(c) Every license issued by the Department shall remain the property of the Department. Possession of a license does not confer any property right or exemption from criminal liability under the Uniform Controlled Dangerous Substances Act to the ~~institutional~~ licensee, subcontractor, or officials or employees thereof that is not expressly described in this subchapter.

(d) The Department may restrict, limit, or impose conditions on any license that are not similarly imposed on other ~~institutional~~ licensees or cultivation sites.

(e) Licenses shall not be assigned ~~or~~, transferred, pledged, or otherwise disposed of, alienated, or encumbered.

(f) Unless the context expressly indicates otherwise, a subcontractor's compliance with the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program and the rules of this subchapter shall be sufficient to satisfy the obligations of the ~~institutional~~ licensee to comply with the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program and the rules of this subchapter.

(g) All applications for outdoor cultivation sites shall be submitted on or before July 1.

35:30-24-5.1 Land use restrictions

(a) A licensee shall not grow, handle, process, or store industrial hemp in any structure that is used for residential purposes.

(b) A licensee shall not grow, handle, process, or store industrial hemp in any outdoor field or site that is located within one thousand (1,000) feet of a school, daycare, or similar public area frequented by children as determined by the Department.

35:30-24-5.2 Restrictions on sale, transfer, and storage

(a) A licensee shall not sell or transfer or permit the sale or transfer of living industrial hemp plants, viable plant parts, or seeds to any person in the state who does not hold an industrial hemp license issued by the Department.

(b) Licensees may transfer up to one (1) pound of industrial hemp plants or plant parts per transfer to testing laboratories, both within and outside the state for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels. It is the responsibility of the licensee to ensure compliance with the laws of other states.

(c) A licensee shall not store live industrial hemp plants or propagating stock at any location that has not been approved by the Department on that licensee's application.

(d) Storage of hemp shall be locked and secured.

35:30-24-5.3 Establishing records with USDA Farm Service Agency

Licenses shall report industrial hemp crop acreage or square footage to the USDA Farm Service Agency and shall provide, at a minimum, the following information:

(1) Street address and, to the extent practicable, geospatial location for each lot, greenhouse, or indoor growing structure where industrial hemp will be produced. If an applicant operates in more than one location, information shall be provided for all production sites;

(2) Acreage or square footage for each lot, greenhouse, or indoor growing structure dedicated to the production of industrial hemp;

(3) License number; and

(4) Total acreage or square footage of industrial hemp planted, harvested, and destroyed.

35:30-24-6. Continuing obligation to provide information

(a) Every ~~institutional~~ licensee shall have a continuing obligation to provide current information to the Department. The ~~institutional~~ licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information.

(b) The ~~institutional~~ licensee shall file an amendment to the ~~institutional~~ licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated.

(c) The ~~institutional~~ licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.

(d) The employment of a new subcontractor or replacement of an existing subcontractor associated with a license for a particular cultivation site shall require the submission of a new application and the payment of new application and inspection fees by the ~~institutional~~ licensee.

35:30-24-6.1. Transportation

Upon the request of the Department or any authorized law enforcement officer, any person transporting industrial hemp shall produce the following documents for inspection:

(1) Copy of current hemp grower's license;

(2) Current approved certificate of analysis for the harvested hemp crop; and

(3) Processor/Handlers license number, name, address, and contact information.

35:30-24-7. Fees

(a) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).

(b) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.

(c) An hourly inspection rate consisting of Thirty-Five Dollars (\$35.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection

of the cultivation site, and the inspectors' travel time returning from the cultivation to the inspectors' duty station.

(d) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Department, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.

~~(e) An annual nonrefundable registration fee of One Hundred Dollars (\$100.00) shall be paid for listing certified seed on the certified seed program list. A separate annual registration fee shall be required from each vendor for each variety of certified seed included on the certified seed program list. Each new, subsequent, or renewed application for a license to process or handle industrial hemp shall require the payment of a nonrefundable application fee as follows:~~

~~(1) One Thousand Dollars (\$1,000.00) for annual sales less than and including Fifty Thousand Dollars (\$50,000.00);~~

~~(2) Two Thousand Five Hundred Dollars (\$2,500.00) for annual sales less than and including Two Hundred Fifty Thousand Dollars (\$250,000.00) but more than Fifty Thousand Dollars (\$50,000.00); and~~

~~(3) Five Thousand Dollars (\$5,000.00) for annual sales greater than Two Hundred Fifty Thousand Dollars (\$250,000.00).~~

35:30-24-8. Certified Hemp seed program

~~(a) An institutional licensee shall only plant, sell, or purchase certified seed listed on the certified seed program list. Any person who sells hemp seed shall:~~

~~(1) Include a statement on the label which offers a copy of the current Certificate of Analysis and shall provide a copy of the current Certificate of Analysis upon request; and~~

~~(2) Comply with the provisions of the Oklahoma Seed law and rules.~~

~~(b) Institutional licensees may retain seeds cultivated from prior harvests for replanting without offering the retained seed for sale to third parties, however, seed retained in this manner shall be designated as certified seed and listed by the Department on the certified seed program list as specified herein prior to replanting.~~

~~(c) The Department shall approve certified seed for sale and use in Oklahoma by listing certified seed on the certified seed program list.~~

~~(d) The Department may rely on the legally constituted certification officials of a state, foreign country, or the United States to approve certified seed imported into Oklahoma.~~

~~(e) The Department may approve varieties of industrial hemp seed produced in Oklahoma as certified seed for planting, replanting, sale, or purchase. The Department shall rely on the Agricultural Experiment Station and the Agricultural Extension Service of Oklahoma State University, Division of Agricultural Sciences and Natural Resources, or by another appropriate state agency to designate seed produced in Oklahoma as certified seed. Designation of certified seed shall comply with the general requirements of state and federal law for certification of seed.~~

~~(f) The Department shall compile and publish on the Department's website an approved list of certified seed for the certified seed program. The certified seed program list shall identify vendors, varieties of certified seed, and a notation indicating whether the certified seed is commercially available for purchase or is retained for private use and replanting, as follows:~~

~~(1) The Department shall accept informational submissions and payment of annual registration fees by vendors or institutional licensees seeking to include varieties of certified seed on the certified seed program list; and~~

~~(2) Each variety of certified seed registered by a vendor or institutional licensee shall be registered and listed separately and shall require the payment of a separate registration fee.~~

~~(3) Each vendor selling certified seed or retaining certified seed for private use shall register each variety of certified seed that the vendor intends to sell or replant regardless of whether another vendor has registered the same variety of certified seed.~~

~~(g) Listings on certified seed program list shall expire on December 31 of each year. Vendors or institutional licensees may request that listings of certified seed be renewed by submitting a request for relisting on or before December 1 along with the payment of any necessary annual registration fees. Requests for relisting shall not require supplementary informational submissions unless requested by the Department.~~

35:30-24-9. Harvest reports

(a) Not less than thirty (30) days prior to harvest, the ~~institutional~~ licensee shall file a harvest report on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name of the ~~institutional~~ licensee and any associated subcontractors;
- (2) The location of the cultivation site or parts thereof wherever situated;
- (3) A description of each variety of industrial hemp growing at the cultivation site;
- (4) The expected date or dates of harvest for each variety of industrial hemp growing at the cultivation site;
- (5) The expected yield for each variety of industrial hemp planted at the cultivation site along with a description of the growing area in which each variety was planted sufficient to calculate the growing area in acres for outdoor cultivation or square feet for indoor cultivation;
- (6) A description of the intended use and disposition of the industrial hemp product, including but not limited to:
 - (A) Whether the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of industrial hemp;
 - (B) Whether individual plant parts rather than the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of plant parts along with a description of the plant parts sold or transferred;
 - (C) A general description of any mechanical, chemical, or other processing techniques applied to the whole plant before sale or transfer to a third party;
 - (D) The name and contact information of the person or business entity to which the whole plant or plant parts will be sold or transferred; and
 - (E) Whether the whole plant or any part thereof will be destroyed after harvest;
- (7) A description of fertilizers, pesticides, or other chemicals applied to each variety of industrial hemp planted at the cultivation site;
- (8) A description of irrigation or water management practices applied to each variety of industrial hemp planted at the cultivation site;
- (9) A description of tillage or ground preparation practices applied to each variety of industrial hemp planted at the cultivation site; and
- (10) A description of the environmental impacts and viability of each variety of industrial hemp planted along with any supporting documentation.

(b) ~~Not less than thirty (30) days following the harvest~~ On or before December 1, the institutional licensee shall supplement the harvest report and declare the actual yield for each variety of industrial hemp planted at the cultivation site and any material change to the information supplied in the harvest report.

35:30-24-10. Records

(a) The ~~institutional~~ licensee shall retain the following records for no less than ~~five (5)~~ three (3) years from the date the record is obtained or generated:

- (1) All records relating to information supplied in the application for a license;
- (2) All records relating to the use and disposition of industrial hemp harvested or any plant parts thereof;
- (3) All records relating to the storage or processing of industrial hemp or any plant parts thereof; and
- (4) All records relating to the destruction of industrial hemp harvested or any plant parts thereof, including but not limited to, any affidavits, notifications, and electronic records required by this subchapter.

(b) The processor/handler licensee shall retain the following records for three (3) years from the date the record is obtained or generated:

- (1) License number of the grower;
- (2) Copy of the Certificate of Analysis; and
- (3) Amount of hemp purchased from grower.

(c) The ~~institutional~~ licensee shall produce or allow inspection of records at the request of the Department.

~~(e)~~(d) The ~~institutional~~ licensee's obligation to retain and produce records shall be satisfied if the subcontractor retains or produces records.

35:30-24-11. Inspection and testing

(a) The Department shall ~~develop~~ utilize an evidence gathering methodology approved by the United States Department of Agriculture for the inspection of cultivation sites and the collection of industrial hemp test samples.

(b) The Department may develop laboratory testing methodologies to verify the concentration of delta-9 tetrahydrocannabinol in industrial hemp test samples or the Department may contract with another laboratory to conduct such testing using laboratory protocols approved by the Department. If the Department contracts with another laboratory, the contracted laboratory shall meet the following minimum requirements:

- (1) Analytical testing of samples for delta-9 tetrahydrocannabinol-concentration shall use post-decarboxylation or other similarly reliable methods;
- (2) Testing methodology shall account for the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test results shall reflect the total available THC derived from the sum of the THC and THCA content;
- (3) Total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on dry weight basis; and
- (4) A measurement of uncertainty shall be estimated and reported with the lab results. The laboratory shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(c) The Department may shall inspect and take samples from any cultivation site and mature Cannabis sativa L. plants located thereon, as follows:

(1) Within fifteen (15) days prior to the anticipated harvest of cannabis plants, a sample from the flower material shall be collected to determine the total delta-9 tetrahydrocannabinol concentration.

(2) The Department shall send ~~written~~ notification of routine inspections to the ~~institutional~~ licensee and subcontractor, if applicable, describing the date, time, scope, and process of routine testing. The licensee, subcontractor, or representative shall be present during routine inspections and grant unrestricted access to the Department.

~~(2)~~ (3) The Department may conduct unannounced inspections and collect samples from any cultivation site during regular business hours without advance notice.

(4) A producer shall not harvest the cannabis plants prior to collection of samples.

(d) Industrial hemp test samples collected by the Department during routine or unannounced inspections shall be tested to verify that the delta-9 tetrahydrocannabinol concentration of industrial hemp does not exceed 0.3% on dry weight basis.

(e) Industrial pre-harvest hemp sampling shall be conducted according to the Department standard field operating procedures.

(f) The ~~institutional~~ licensee shall pay the hourly inspection fees and laboratory analysis costs for any routine and unannounced inspections within thirty (30) days after receiving an invoice from the Department.

~~(f)~~(g) The Department shall waive all hourly inspection fees and laboratory analysis costs for an unannounced inspection if no violations or inconsistencies are identified by the Department.

35:30-24-12. Violations

(a) The Department may deny, suspend, or revoke a license or fine ~~an institutional~~ a licensee upon a finding by the Department ~~that that the institutional~~ licensee has violated the provisions of the Oklahoma Industrial Hemp Agricultural Pilot Program and the rules of this subchapter.

(b) Violations committed by subcontractors or officials and employees thereof shall be considered violations of the ~~institutional~~ licensee.

(c) The fine for violating the provisions of the Oklahoma Industrial Hemp Agricultural Pilot Program and the rules of this subchapter shall not exceed Ten Thousand Dollars (\$10,000) (\$10,000.00) per violation per day or occurrence.

(d) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct:

(1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license;

(2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department;

(3) Failure to retain records required by this subchapter or produce such records at the request of the Department;

(4) Failure to be present or send a representative for a routine inspection;

(5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections;

(6) Failure to timely pay any fee or invoice issued by the Department;

- (7) Planting, growing, harvesting, storing, or processing the plant, Cannabis sativa L., in locations other than the cultivation site described in the application for license or amendments thereto;
- (8) Commingling hemp plant material from one lot with hemp plant material from another lot;
- (9) Refusal or failure to comply with orders of the Department or the rules of this subchapter requiring the destruction of industrial hemp, Cannabis sativa L. plants with a total delta-9 tetrahydrocannabinol concentration of exceeding three-tenths of one percent (0.3%) on a dry weight basis, or any plant parts thereof;
- (10) Handling, processing, or selling non-compliant hemp which enters the stream of commerce;
- (11) Failure to disclose different varieties of Cannabis sativa L. plants in a single growing area;
- (12) Failure to follow transportation rules as provided within this subchapter; and
- (13) Processing or handling hemp grown without a license.

35:30-24-13. Destruction

- (a) The licensee shall destroy all Cannabis sativa L. plants or plant parts if required by the rules of this subchapter or by order of the Department.
- (b) Destruction of plants shall be conducted pursuant to the provisions of subsection (e) of this section unless the Department provides the licensee written authorization for an alternate method of destruction.
- (c) The licensee shall document the destruction of Cannabis sativa L. plants or plant parts in a corrective action plan, as follows:
 - (1) The licensee shall submit a notification of intended destruction, including the time and date of destruction, to the Department not less than five (5) days prior to the date that the licensee intends to undertake the destruction of the Cannabis sativa L. plants or plant parts. Destruction shall only occur in the presence of a Department inspector or representative;
 - (2) The licensee shall make and retain a date-stamped electronic video recording the collection, ignition, and incineration of the Cannabis sativa L. plants or plant parts. The video recording shall be retained as a record relating to the destruction of industrial hemp for not less than three (3) years. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was complete; and
 - (3) An officer or employee of the licensee or subcontractor responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the cultivation of industrial hemp shall submit an affidavit to the Department affirming the destruction not more than ten (10) days following the destruction.
- (d) Destruction by incineration shall be conducted safely and shall be conducted in a manner consistent with the requirements for prescribed burning at 2 O.S. §16-28.2. The licensee shall delay the destruction required by this subchapter or by order of the Department until the risk of starting a wildfire is minimal.
- (e) If a producer has produced cannabis exceeding the acceptable hemp THC level, the material shall be disposed of in accordance with the CSA and DEA regulations as the material constitutes

marijuana, a schedule I controlled substance under the CSA. The material shall be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer.

35:30-24-14. Hearings and contests

(a) All administrative actions brought by the Department seeking the imposition of a penalty for the violation of this subchapter and all contests brought by a licensee or subcontractor shall be considered individual proceedings and shall comply with the Administrative Procedures Act, 75 O.S. § 250 et seq., and the rules of the Department.

(b) The Department shall grant subcontractors legal standing to participate in individual proceedings if the subcontractor is authorized to do so by the licensee that is the subject of the individual proceeding.

(c) The Department shall initiate an individual proceeding by serving a notice of violation on the licensee and any associated subcontractor listed in the Department's records for the cultivation site in question. An individual proceeding initiated by the Department shall be required for the Department to suspend or revoke a license or impose a fine. The Department shall not be required to initiate an individual proceeding for the denial of an application for a license or to enforce the rules of this subchapter, including but not limited to, ordering the destruction of Cannabis sativa L. plants as specified herein.

(d) A licensee or authorized subcontractor may initiate an individual proceeding contesting the denial of an application, conditions or limitations placed on a license, or order of destruction by filing a petition with the Department. The petition shall state with particularity the factual grounds, arguments, and citation of legal authorities for the contest.

(e) All individual proceedings shall be heard by an administrative law judge. All evidence and legal arguments shall be offered to the administrative law judge consistent with the regular practices and rules of the Department. The findings and recommendation of the administrative law judge shall be presented to the State Board of Agriculture for a final decision. No new evidence or arguments shall be presented to the State Board of Agriculture.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed emergency rule amendments modify the Oklahoma Industrial Hemp Program, modify name of program, add and modify definitions, update language, modify and provide for content of applications, impose submission deadline for certain applications, impose land use restrictions, impose sale, transfer, and storage restrictions, provide requirements for establishing records with USDA Farm Service Agency, impose transportation inspection requirements, modify fee schedule to establish certain licensing fees for processing and handling, modify standards for selling hemp seed, set date for declaration of certain harvest report, modify recordkeeping requirements, modify inspection and testing requirements, identify certain violations, provide procedure for destruction of certain plants and plant parts, and provide legal process for hearings and contests. The purpose of the proposed emergency rule amendments is to update rules governing the cultivation of industrial hemp which was decriminalized in Oklahoma by the passage of SB 868 and approved by the Governor on April 18, 2019. Because SB 868 requires the Oklahoma Department of Agriculture, Food, and Forestry to adopt rules which establish federally compliant standards and procedures as soon as possible, these rules must be approved as emergency rules.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed emergency rule amendments primarily affect those persons participating in the Oklahoma Industrial Hemp Program and related subcontractors.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Persons who participate in the Oklahoma Industrial Hemp Program shall benefit from the proposed emergency rules.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Persons who intend to participate in the Oklahoma Industrial Hemp Program shall be permitted to do so.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

The proposed addition to the fee schedule will reimburse the Department for direct costs incurred by the Department while operating the Oklahoma Industrial Hemp Program. The proposed amendment to the fee schedule to adopt new fees while the Legislature is in session is permitted by 75 O.S. §253(G).

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No economic effect on any political subdivision is anticipated by the proposed emergency rule amendments.

(G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

No adverse impacts on small businesses are anticipated.

(H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:**

No less costly or non-regulatory method is available.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

The proposed emergency rule amendments are consistent with the Oklahoma Legislature's declaration that establishment of the Oklahoma Industrial Hemp Program is "necessary for the public peace, health or safety" and that an emergency is declared to exist. See SB 868 (approved by the Governor on April 18, 2019).

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

No detrimental effect upon the public health, safety, or environment is anticipated with the implementation of the proposed emergency rule amendments.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

March 11, 2020.