

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

Wednesday, May 20, 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 April 8, 2020.
6. Jimmy Emmons – Update from USDA
7. 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
- M. Legislative Update – JanLee Rowlett

8. Consideration and Proposed Action on Purchases/Contracts
- Printing of 1,500 Oklahoma Agricultural Statistics & Pocket Facts - \$12,000
  - FY21 – OMES Central Printing - \$7,000
  - FY21 – Presort Mail Services - \$6,000
  - FY21 – ImageNet Consulting - \$12,000
  - FY21 – Compsource – Rural Firefighters Workers Compensation - \$171,300
  - FY21 – Rural Fire Pension Fund for FY21 - \$92,000
  - FY21 – AT&T Wireless - \$120,000
  - FY21 – Comdata Inc. - \$1,500,000
  - FY21 – Agency Workers Comp Insurance Premium - \$340,000
  - FY21 – Department of Public Safety (Security Guard) - \$68,300
  - FY21 – Bank of America – Credit Card Charges - \$30,000
  - FY21 – Federal Express - \$30,000
  - FY21 – Petroleum Traders (Bulk Fuel) - \$60,000
  - FY21 – NASDA - \$16,900
  - FY21 – Oklahoma Capital Improvement Authority – Bond Payments - \$1,698,308
  - FY21 – Oklahoma Employee Security Commission – Unemployment Benefits - \$32,000
  - FY21 – Oklahoma Public Employees Retirement System - \$100,000
  - FY21 – OMES – Risk Management - \$77,000
  - FY21 – OMES – FICA Savings - \$25,000
  - FY21 – OMES – Facility Services - \$333,477
  - FY21 – OMES – Information Technology - \$703,000
  - FY21 – OMES – OPM - \$26,000
  - FY21 – Pitney Bowes – Mail Machine Lease - \$20,000
  - FY21 – Oklahoma Turnpike Authority – Pikepasses - \$21,000
  - FY21 – USPS - \$90,000
  - FY21 – Walnut Storage Building - \$14,000
  - FY21 – Xerox - \$78,500
  - FY21 – Galt Temporary Services - \$150,000
  - Web Design and Development by Koch Communications - \$37,425.10
  - OVMA - \$20,000
  - USAHerds - \$27,038
  - Contract Employee for Dairy Services - \$30,000
  - OSU Produce Safety Training Contract - \$450,000
  - Win Wam, Computer Software for produce safety inspections - \$20,000
  - Computers for Food Safety - \$38,000
  - FY21 - \$10,000 Federal Funds w/Oklahoma Gardening Grant
  - FY21 - \$15,000 Federal Funds w/Oklahoma Urban and Community Forestry Council
  - FY21 - \$30,000 Federal Funds – Award Federal pass-through funding to communities
  - Purchase 1000 kg Mass Comparator for testing - \$60,000
  - FY21 – Renewal of contract for graphic designer - \$9,400
  - FY21 – Contract with graphic design firm to work with Agritourism Program - \$30,000
  - FY21 – Agreement with Food Export Association - \$7,000
  - FY21 – Agreement with Discover Oklahoma - \$15,000
  - FY21 – Agreement with Oklahoma Tourism & Recreation Department - \$50,000

9. Consideration and Proposed Action on Cases Resolved by Stipulations

**Consumer Protection Services**

Agwerx Aviation, 2000 N.W. Will Rogers Road, Bartlesville, Oklahoma

Marty Clinton, 15845, SCR 210, Altus, Oklahoma

Jeff Goode, 104 Bryan Road, Devol, Oklahoma

Harvey Farms LIC#164, 1300 South Country Club Rd. El Reno, Oklahoma

Raab Aviation, 7605 Donkey Lane, Marlow Oklahoma

Fred Schmedt, 1701 Lee Drive, 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.”

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

**Consumer Protection Services**

Hempyre Genetics, LLC, 8101 S. I-35 Service Road, Oklahoma City, Oklahoma

11. Next Board meeting scheduled for **Wednesday, July 8, 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

*\*Members of the Board and staff from ODAFF will attend a blood drive at the OBI Donor Center located at 901 N. Lincoln Blvd., Oklahoma City after the Board Meeting. Board members, staff, tour guides, and the public may discuss program issues during the tour; no votes or action will be taken during the tour.*

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

SPECIAL MEETING  
Zoom Teleconference  
Oklahoma City, Oklahoma  
April 8, 2020

The Oklahoma State Board of Agriculture met in regular session at 10:14 a.m., April 8, 2020, via Zoom Teleconference. The public was able to participate by having access to the zoom link via the website. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

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  
Teena Gunter, Director, Agricultural Environmental  
Management Services and Office of General Counsel  
Scott Yates, Director, Food Safety Services  
Morgan Vance, Communications  
JanLee Rowlett, Legislative Liaison  
Jimmy Emmons, USDA/NRCS  
Sidney Lee, eCapitol Reporter

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

Ms. Meriruth Cohenour introduced the guests.

A motion was made by Ms. Dodson, seconded by Mr. Farris, to approve the minutes of the regular meeting of March 4, 2020, as presented.

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. Hurliman, 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. Franklin, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 6 through 11.

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 approve the Proposed Action on Stipulations as submitted and contained on pages 12 and 13.

**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. 29<sup>th</sup>, Del City, Oklahoma  
Clinton Abernathy, 21016 E. CR 165, Altus, Oklahoma  
Todd Harvey, Harvey Farms, LLC, 164, 4111 CR 1120, Hydro, Oklahoma  
Scott Roundebush, 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

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 Ms. Dodson, seconded by Mr. Hurliman, to approve the Proposed Action on Cases by Consent Order as submitted and contained on pages 12 and 13.

**Consumer Protection Services**

Pipeline Maintenance Service, 824 N.W. 3<sup>RD</sup>, Guymon, 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 Ms. Dodson, to approve the finding of emergency for Proposed Action on Emergency Rules.

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. Hurliman, to approve the Proposed Action on Emergency Rules as submitted and contained on pages 14 through 29.

**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]

The vote was as follows:

Farris	Aye
Hurliman	Aye
Arthur	Aye
Franklin	Aye
Dodson	Aye

The motion carried.

Mr. Hurliman and Mr. Franklin addressed the Board and ODAFF employees to show their respect to the department and the Ag industry.

Secretary Arthur thanked Mr. Hurliman and Mr. Franklin for their tremendous service to the state of Oklahoma, to all our farmers and ranchers, and all of our employees at the Department of Agriculture.

There are no Old business presented for the Board to take action upon. Mr. Hurliman moved, Mr. Franklin seconded, that the meeting be adjourned at 11:22 a.m.

By \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Executive Secretary

# 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 – Oklahoma – 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 5<sup>th</sup> 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 5<sup>th</sup> day of April 2020.

*Blayne Arthur*

\_\_\_\_\_  
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

**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**

Licensees 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.

## May 20, 2020 Board Meeting Administration Division Report for March & April 2020

The past couple of months have proved to be unique for Administrative Services. Due to the COVID-19 pandemic the ODAFF building was closed in an effort to keep our staff and visitors safe. During this closure the administrative staff teleworked while coming in only as long as necessary to process mail, make deposits, and scan/copy documents needed to be able to telework. I sure appreciate everyone's patience with our staff as we all worked from home. The new technology of Microsoft Teams and Zoom meetings made teleworking very efficient. The building reopened on May 4<sup>th</sup> after being cleaned/fogged to eliminate COVID-19. A drop box was also installed close to front entrance so customers can drop off payments and/or applications without having to come into the building. Most of the administrative staff are now splitting time between teleworking and working in the office.

Finance was asked to prepare two different fiscal year 2021 budget reduction plans. The first one was a 3% reduction in state appropriations and the second one was a 10% reduction. Once the fiscal year 2021 state appropriations are finalized the Comptroller and I will work with Secretary Arthur and all the divisions on completing the fiscal year 2021 budget plan. Finance is also now preparing the expense report to submit to OMES for reimbursement of COVID expenditures from the Federal Corona Virus legislation. This will likely continue for many more months.

Due to this month's Board meeting being later in the month, we were able to report on two months of financial reports. Please see the following March and April 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 calendar year 2020 activity for March and April 2020

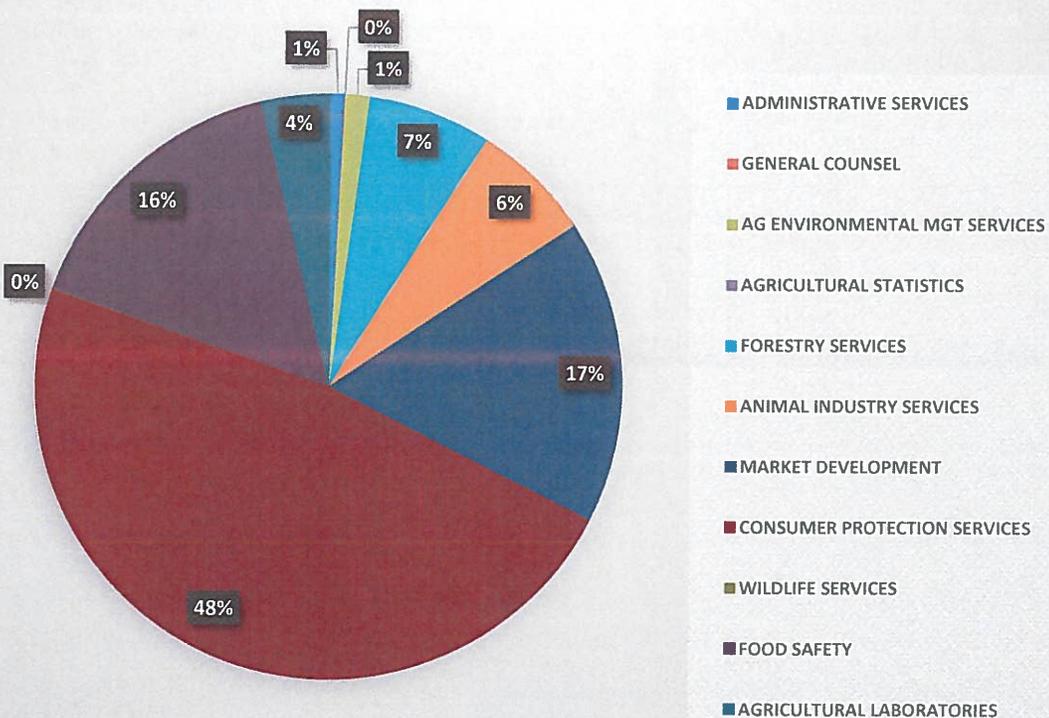
**Oklahoma Department of Agriculture, Food & Forestry**  
**Monthly Budget Report**  
**As of March 31, 2020**

<b>Object Code</b>	<b>Account Description</b>	<b>Fiscal Year 2020 Budget</b>	<b>Fiscal Year 2020 Expenditures thru 4/30/2020</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
11	Salary Expense	16,698,771	11,185,436	8,640,513	(3,127,178)
12	Insurance Prem	5,199,724	3,271,916	26,919	1,900,889
13	FICA & Retirement	4,048,258	2,681,906	2,168	1,364,184
19	Inter & Intra Agency Pay	-	13,222	19,163	(32,385)
15	Professional Services	2,974,715	1,672,214	1,220,492	82,010
21	Travel-Reimbursements	432,981	145,036	-	287,945
22	Travel-Agency Direct	472,395	172,579	21,000	278,816
31	Miscellaneous Admin	927,973	455,368	138,666	333,939
32	Rent Expense	622,237	314,940	168,357	138,940
33	Maintenance & Repair	1,071,028	607,145	137,625	326,258
34	Specialized Sup & Mat'ls	1,200,900	427,165	525,899	247,836
35	Production, Safety and Su	262,112	202,764	7,395	51,953
36	General Operating Expen	196,307	56,543	5,723	134,041
37	Shop Expense	454,165	269,670	69,904	114,591
41	Office Furniture & Equip	1,576,026	565,024	500,084	510,919
42	Library Equip & Rental	-	2,217	-	(2,217)
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	-	1,404,710	282,875	(1,687,584)
53	Refunds, Indemnities, Res	30,000	1,898	-	28,102
54	Program Reimbursements	8,040,532	4,725,897	824,738	2,489,897
55	Pmts to Local Gov't Subd	828,972	520,901	1,197,026	(888,955)
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	-	51	636,622	(636,672)
810	Req Only	-	-	152,389	(152,389)
	<b>Operating totals</b>	<b>47,541,507</b>	<b>28,696,600</b>	<b>14,577,557</b>	<b>4,267,350</b>
<b>Class Funding</b>	<b>Class Fund Description</b>	<b>Fiscal Year 2020 Budget</b>	<b>Fiscal Year 2020 Expenditures thru 4/30/2020</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
19811	General Revenue FY18 Carryover	-	-	-	-
19001	General Revenue	21,405,610	12,617,149	8,049,393	739,068
19901	General Revenue				
200	OK County Fair Enhancement	-	-	-	-
205	Rural Fire Defense Equip	190,000	-	20,500	169,500
210	Agriculture Revolving Fund	17,599,983	11,292,734	5,172,556	1,134,692
215	Vol Firefighter Emp Contra	-	-	-	-
225	Enhancement & Diversific	354,006	9,500	30,000	314,506
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	11,788	839,213
250	RF Equip Grant Rev Fund	-	114,000	-	(114,000)
255	Ag Evidence Law Enforcement Fund	4,013	-	-	4,013
256	Viticulture & Enology Development	350,000	42,248	150,604	157,148
262	Egg Grading	766,455	228,924	424,172	113,360
285	Milk & Milk Products Insp	339,560	116,064	112,907	110,589
286	Agriculture Revolving Fund	25,868	2,495	7,505	15,868
287	Healthy Food	500,000	-	-	500,000
420	Specialty Crop Block Grants	560,000	175,975	235,632	148,394
57601	Cash Appropriations	4,000,000	4,000,000	-	-
	<b>Total</b>	<b>47,541,507</b>	<b>28,696,600</b>	<b>14,577,557</b>	<b>4,267,350</b>

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

DIVISION	PERIOD RECEIPTS	YEAR TO DATE REVENUE
ADMINISTRATIVE SERVICES	11,620.34	193,147.78
GENERAL COUNSEL	350.00	25,322.99
AG ENVIRONMENTAL MGT SERVICES	19,766.00	298,166.81
AGRICULTURAL STATISTICS		-
FORESTRY SERVICES	99,691.51	1,271,802.54
ANIMAL INDUSTRY SERVICES	97,471.00	240,896.94
MARKET DEVELOPMENT	244,339.81	643,116.29
CONSUMER PROTECTION SERVICES	697,933.07	6,654,573.77
WILDLIFE SERVICES	600.00	31,804.00
FOOD SAFETY	230,198.60	2,025,380.99
AGRICULTURAL LABORATORIES	55,577.84	827,850.37
<b>TOTAL DIVISIONS (SEE RECEIPTS GRAPH)</b>	<b>1,457,548.17</b>	<b>12,212,062.48</b>
APPROPRIATED FUNDS	1,783,801.00	16,054,209.00
COMMODITY STORAGE INDEMNITY	28,825.49	224,067.40
<b>AGENCY TOTAL</b>	<b>3,270,174.66</b>	<b>28,490,338.88</b>

**March 2020 Division Receipts**



**APRIL BOARD REPORT  
 COMMODITY STORAGE INDEMNITY  
 INVESTMENT REPORT  
 AS OF MARCH 31, 2020**

Investments with Office of State Treasurer:			
Cash Management Account:			\$10,855,012.92
		<u>FY-2020 RECEIPTS</u>	
		CURRENT MONTH	YTD
		-----	-----
	NEW	\$0.00	\$0.00
	INTEREST	\$28,825.49	\$214,067.40
	REINSURANCE	\$0.00	\$10,000.00
	RECOVERED COSTS	\$0.00	\$0.00
	ELEVATOR SALVAGE	\$0.00	\$0.00
	MATURED LONG TERM INVEST	\$0.00	\$0.00
		-----	-----
	TOTALS	\$28,825.49	\$224,067.40
		=====	=====

## INVESTIGATIVE SERVICES ACTIVITIES



INVESTIGATIONS	MARCH	YTD
LIVESTOCK	5	23
FIRE	2	5
PROPERTY	0	3
TIMBER	0	0
OTHER	4	6
TOTAL INVESTIGATIONS OPENED	11	37
CLOSED PENDING ADDITIONAL INFORMATION	11	20
NO CRIME	5	14
NO PROSECUTION	1	3
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	4	5
REFERRED FOR ADMINISTRATIVE ACTION	0	0
TOTAL INVESTIGATIONS COMPLETED	21	42
COUNTS FILED	6	7
VALUE OF LOSSES - ALL CRIMES	\$30,600.00	\$333,050.00
RECOVERED LOSSES - ALL CRIMES	\$381,700.00	\$430,600.00
NUMBER OF CATTLE REPORTED STOLEN	14	141
NUMBER OF CATTLE RECOVERED	1	36

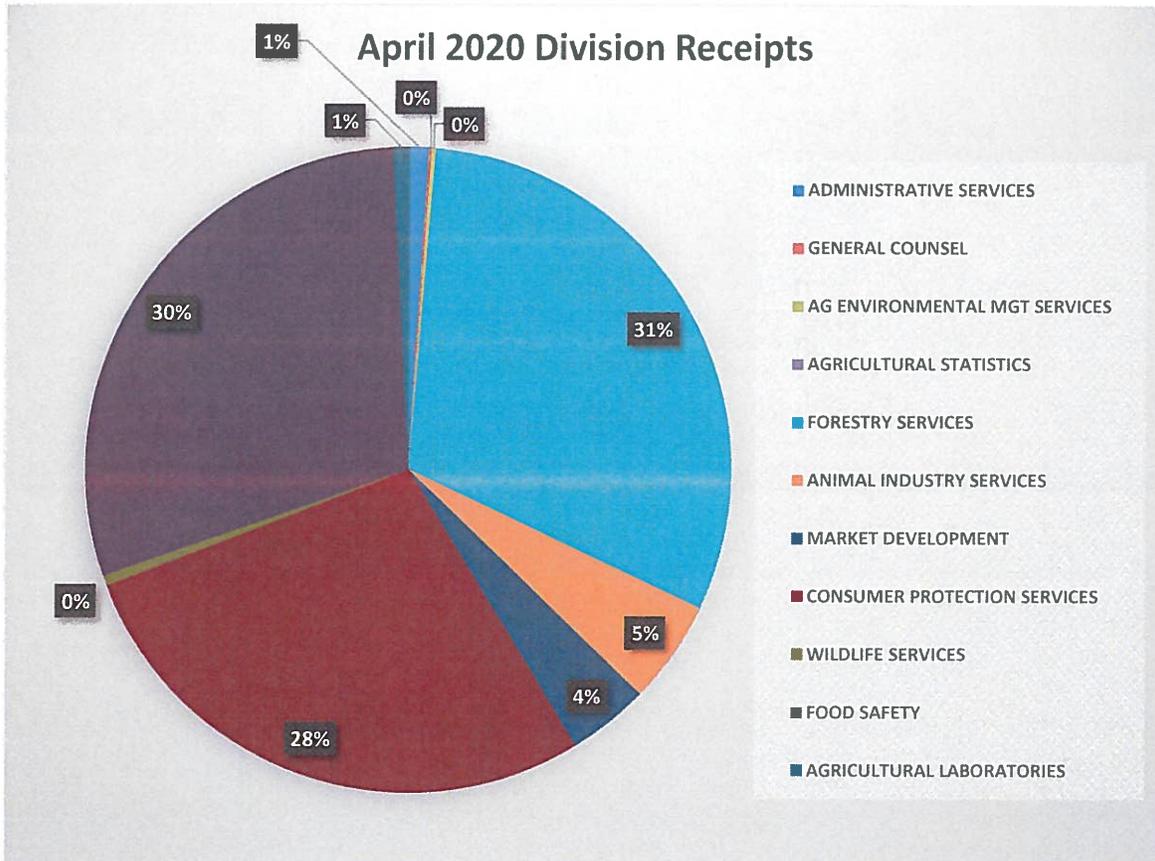
There are more counts filed for one federal case referred back to Kansas for prosecution. This was a large case with over \$300,000 of property recovered.

**Oklahoma Department of Agriculture, Food & Forestry**  
**Monthly Budget Report**  
**As of April 30, 2020**

Object Code	Account Description	Fiscal Year 2020 Budget	Fiscal Year 2020 Expenditures thru 4/30/2020	Encumbrances & Pre Encumbrances	Available Budget
11	Salary Expense	16,698,771	13,004,245	5,828,221	(2,133,695)
12	Insurance Prem	5,199,724	3,804,620	26,919	1,368,185
13	FICA & Retirement	4,048,258	3,105,434	2,168	940,657
19	Inter & Intra Agency Pay	-	13,222	19,163	(32,385)
15	Professional Services	2,974,715	1,710,456	1,247,298	16,961
21	Travel-Reimbursements	432,981	160,637	-	272,344
22	Travel-Agency Direct	472,395	202,885	27,910	241,600
31	Miscellaneous Admin	927,973	519,178	111,975	296,819
32	Rent Expense	622,237	320,870	165,161	136,206
33	Maintenance & Repair	1,071,028	624,229	131,041	315,758
34	Specialized Sup & Mat'ls	1,200,900	429,807	523,450	247,643
35	Production, Safety and Su	262,112	241,221	7,395	13,496
36	General Operating Expen	196,307	67,349	-	128,958
37	Shop Expense	454,165	310,646	46,888	96,632
41	Office Furniture & Equip	1,576,026	593,910	473,475	508,641
42	Library Equip & Rental	-	2,301	-	(2,301)
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	-	1,404,710	282,875	(1,687,584)
53	Refunds, Indemnities, Res	30,000	1,898	-	28,102
54	Program Reimbursements	8,040,532	4,908,713	609,392	2,522,428
55	Pmts to Local Gov't Subd	828,972	534,924	1,183,003	(888,955)
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	-	51	466,413	(466,463)
810	Req Only	-	-	140,548	(140,548)
	<b>Operating totals</b>	<b>47,541,507</b>	<b>31,961,306</b>	<b>11,293,294</b>	<b>4,286,907</b>
Class Funding	Class Fund Description	Fiscal Year 2020 Budget	Fiscal Year 2020 Expenditures thru 4/30/2020	Encumbrances & Pre Encumbrances	Available Budget
19811	General Revenue FY18 Carryover	-	-	-	-
19001	General Revenue	21,405,610	14,371,309	6,284,884	749,418
19901	General Revenue	-	-	-	-
200	OK County Fair Enhancement	-	-	-	-
205	Rural Fire Defense Equip	190,000	-	20,500	169,500
210	Agriculture Revolving Fund	17,599,983	12,657,460	3,790,646	1,151,877
215	Vol Firefighter Emp Contra	-	-	-	-
225	Enhancement & Diversific	354,006	9,500	39,000	305,506
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	11,788	839,213
250	RF Equip Grant Rev Fund	-	114,000	-	(114,000)
255	Ag Evidence Law Enforcement Fund	4,013	-	-	4,013
256	Viticulture & Enology Development	350,000	72,248	120,604	157,148
262	Egg Grading	766,455	296,339	360,669	109,447
285	Milk & Milk Products Insp	339,560	154,824	110,560	74,176
286	Agriculture Revolving Fund	25,868	2,495	7,505	15,868
287	Healthy Food	500,000	-	-	500,000
420	Specialty Crop Block Grants	560,000	185,620	184,639	189,742
57601	Cash Appropriations	4,000,000	4,000,000	-	-
	<b>Total</b>	<b>47,541,507</b>	<b>31,961,306</b>	<b>11,293,294</b>	<b>4,286,907</b>

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

DIVISION	PERIOD RECEIPTS	YEAR TO DATE REVENUE
ADMINISTRATIVE SERVICES	14,145.15	207,292.93
GENERAL COUNSEL	1,725.00	27,047.99
AG ENVIRONMENTAL MGT SERVICES	2,726.00	300,892.81
AGRICULTURAL STATISTICS		-
FORESTRY SERVICES	442,049.88	1,713,852.42
ANIMAL INDUSTRY SERVICES	74,073.50	314,970.44
MARKET DEVELOPMENT	58,528.20	701,644.49
CONSUMER PROTECTION SERVICES	400,562.56	7,374,546.33
WILDLIFE SERVICES	7,400.00	39,204.00
FOOD SAFETY	425,154.14	2,450,535.13
AGRICULTURAL LABORATORIES	11,390.40	839,240.77
<b>TOTAL DIVISIONS (SEE RECEIPTS GRAPH)</b>	<b>1,437,754.83</b>	<b>13,969,227.31</b>
APPROPRIATED FUNDS	1,783,801.00	17,838,010.00
COMMODITY STORAGE INDEMNITY	22,240.50	246,307.90
<b>AGENCY TOTAL</b>	<b>3,243,796.33</b>	<b>32,053,545.21</b>



**MAY BOARD REPORT  
 COMMODITY STORAGE INDEMNITY  
 INVESTMENT REPORT  
 AS OF APRIL 30, 2020**

Investments with Office of State Treasurer:				
Cash Management Account:				\$10,877,253.42
		FY-2020 RECEIPTS		
			CURRENT MONTH	YTD
			-----	-----
	NEW			
	INTEREST		\$0.00	\$0.00
	REINSURANCE		\$22,240.50	\$236,307.90
	RECOVERED COSTS		\$0.00	\$10,000.00
	ELEVATOR SALVAGE		\$0.00	\$0.00
	MATURED LONG TERM INVEST		\$0.00	\$0.00
			\$0.00	\$0.00
			-----	-----
		TOTALS	\$22,240.50	\$246,307.90

## INVESTIGATIVE SERVICES ACTIVITIES



INVESTIGATIONS	APRIL	YTD
LIVESTOCK	6	29
FIRE	2	7
PROPERTY	2	5
TIMBER	0	0
OTHER	4	10
TOTAL INVESTIGATIONS OPENED	14	51
CLOSED PENDING ADDITIONAL INFORMATION	20	40
NO CRIME	9	23
NO PROSECUTION	1	4
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	2 *	7
REFERRED FOR ADMINISTRATIVE ACTION	0	0
TOTAL INVESTIGATIONS COMPLETED	32	74
* Charges presented by agency requesting assistance		
COUNTS FILED	0	7
VALUE OF LOSSES - ALL CRIMES	\$40,350.00	\$373,400.00
RECOVERED LOSSES - ALL CRIMES	\$55,350.00	\$485,950.00
NUMBER OF CATTLE REPORTED STOLEN	9	150
NUMBER OF CATTLE RECOVERED	6	42

## MAY 2020 BOARD REPORT AGRICULTURE LABORATORY SERVICES (March and April 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.

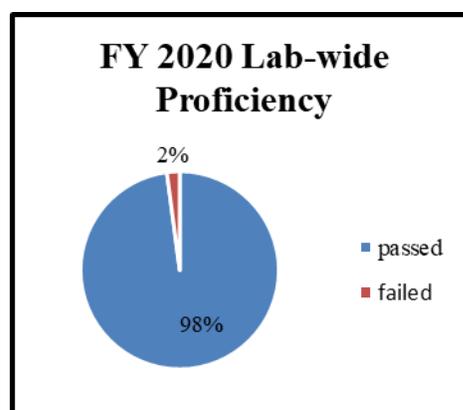
Performance Test Logs for March and April 2020:

General Chemistry	
PT Samples Received	5
Number of Analytes	35
PT Samples Reported	5
Number of Analytes Reported	32
Completed PT Reports	5
Number of Analytes Passed	43
Number of Analytes Failed	0

Inorganic	
PT Samples Received	1
Number of Analytes	4
PT Samples Reported	2
Number of Analytes Reported	16
Completed PT Reports	1
Number of Analytes Passed	4
Number of Analytes Failed	0

Pesticides	
PT Samples Received	0
Number of Analytes	0
PT Samples Reported	3
Number of Analytes Reported	4
Completed PT Reports	0
Number of Analytes Passed	0
Number of Analytes Failed	0

Lab Wide PT Performance to Date:



In March and April,

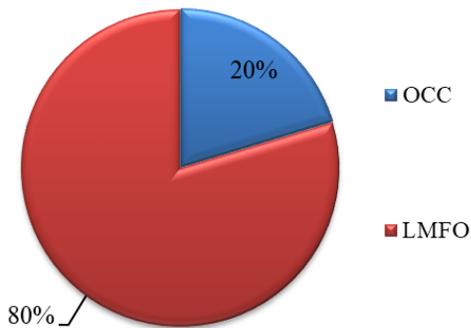
- ❖ Safety training for the third quarter of FY2020 was conducted.
- ❖ The meeting for the FY2020 Food & Dairy Internal Audit was conducted and corrective action items were implemented.
- ❖ Accommodations were made in regards to scheduled proficiency testing and limited access to the testing facility.
- ❖ At-home training supplies for both quality and safety were provided to all lab employees.
- ❖ A blood drive was organized and saw attendance of 120% of the attendance goal.
- ❖ The annual internal quality audit was initiated in the Bureau of Standards.

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

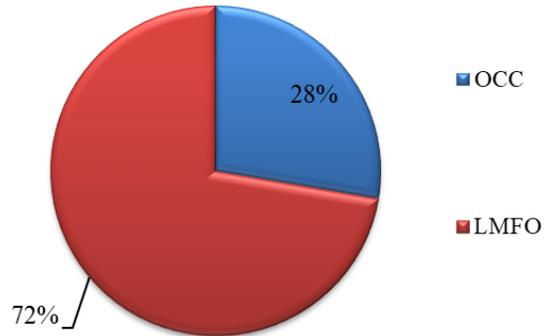
**Inorganic Sample Breakdown**

Customer	Samples	Determinations
OCC	44	396
LMFO	59	354
<b>Total</b>	<b>103</b>	<b>750</b>

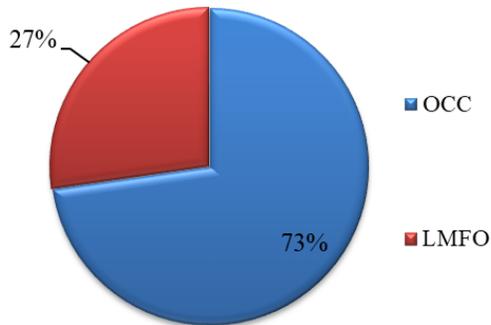
**March 2020  
Sample Breakdown**



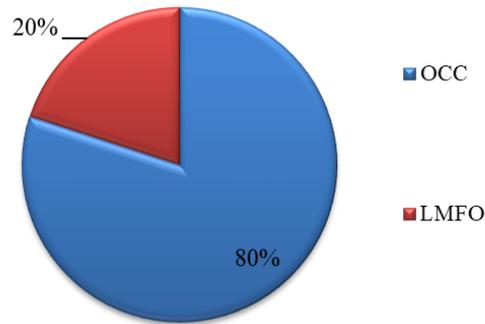
**March 2020  
Determinations Breakdown**



**April 2020  
Sample Breakdown**



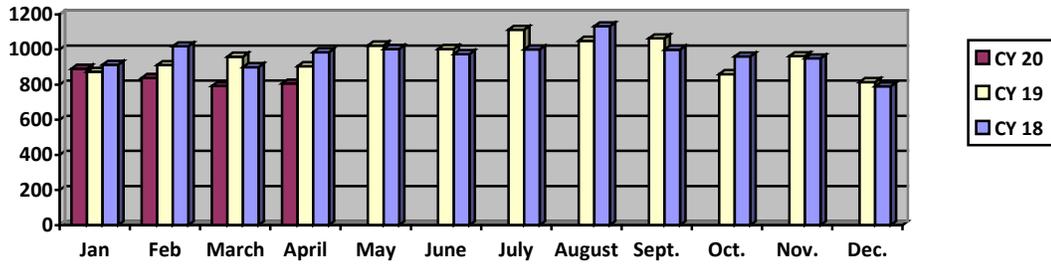
**April 2020  
Determinations Breakdown**



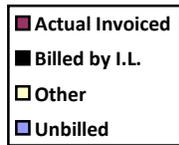
**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The Section completed somewhat routine dairy analysis to satisfy the four antibiotic tests required within a six month period by the FDA for in-state dairies. During this time, the Section analyzed primarily dairy samples with the anticipation that meat and water sampling would start up again in May. There were no antibiotic violations discovered during this time.

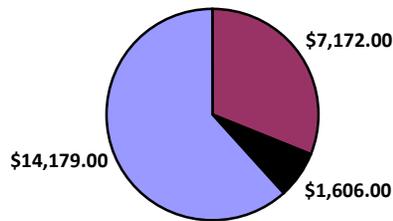
**Total Determinations**



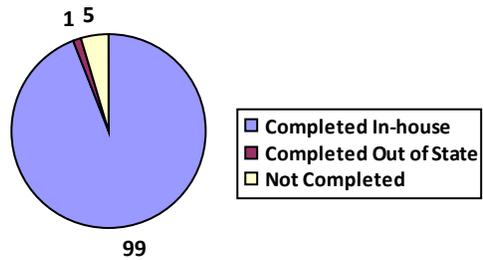
**March**



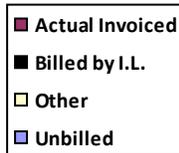
**Revenue Breakdown**



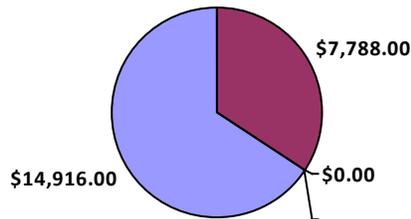
**Dairy Farms**



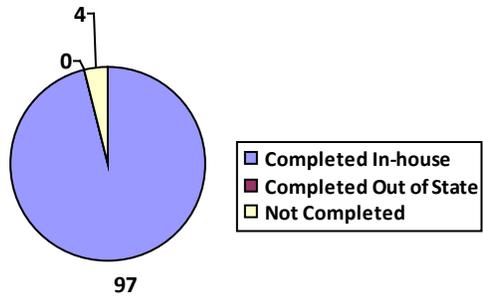
**April**



**Revenue Breakdown**



**Dairy Farms**



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

Testing activity in the Section remained steady in March with a total of 128 samples received. Crop types continue to consist mainly of sorghum, soybeans, corn, spring turf and summer forage grasses. A total of 700 pounds of blended tall fescue and ryegrass seed was placed under stop sale due to expired tags.

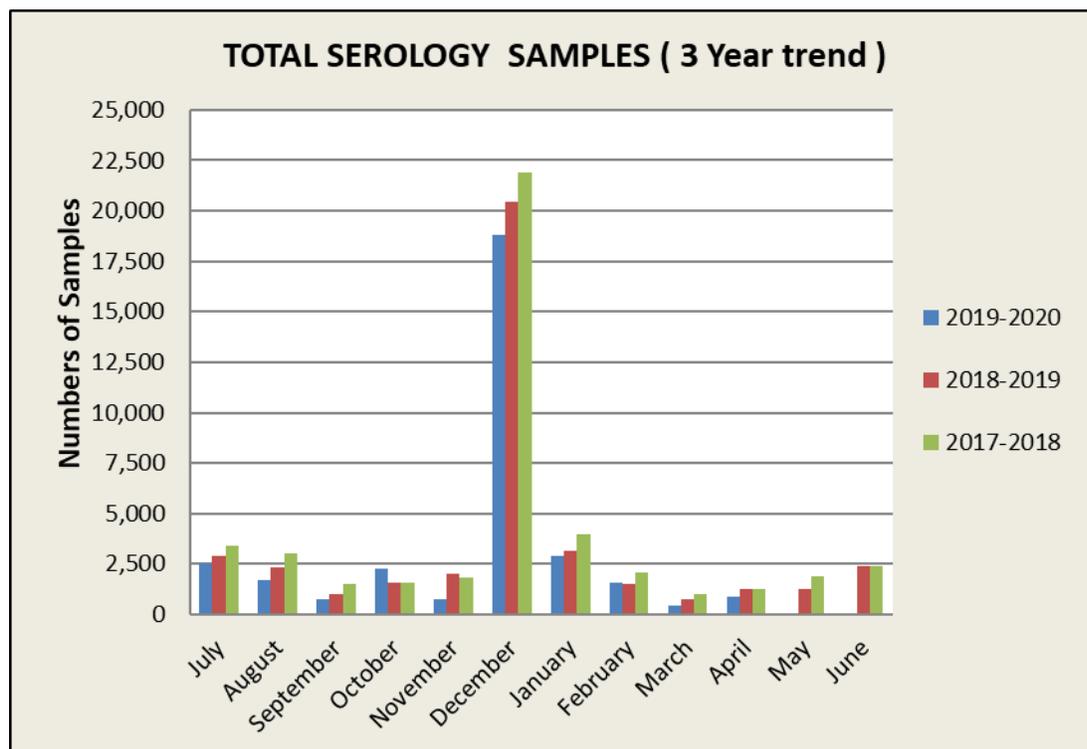
Officials from the Oklahoma Crop Improvement Association (OCIA) requested assistance in verifying germination percentages for several lots of foundation peanut seed varieties. Two of Oklahoma's newest peanut varieties, Ole and Contender, are showing lower than normal

germination this year. Both varieties have high oleic acid character and are more susceptible to freeze damage. Low temperatures were verified as the problem due to the weather event occurring days before the seeds were harvested. Results were slightly higher than what was expected allowing the seed to be sold at the minimum germination standard of 70%.

In April, the Board of Directors of the OCIA held their quarterly board meeting by email communication. Crop reports provided by the Directors suggest that most of the state’s certified wheat crop is in good condition. Field conditions during the winter months remained wetter than normal in northern and central areas and has somewhat hindered deep root development resulting in more needed nitrogen applications. Fungicide applications are also popular as leaf rust has started to show up in many fields. The biggest concern among the growers is freeze damage. Many areas of the state were affected with overnight temperatures dropping into to the 20’s several nights in a row. It is still unknown how severe the damage will be.

Workflow in the Section remained steady, having received 157 samples. Sampling by CPS field inspectors was below normal but began picking up in the last two weeks of the month. Retail seed dealers are reporting adequate inventories for all summer crop seed. Testing on official regulatory samples resulted in a total of 1,500 pounds of blended turf grass seed being placed under stop sale due to noxious weeds present in excess of allowable tolerances.

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



3-year Summary of Samples Analyzed March			
Year	Brucellosis	Pseudorabies	E.I.A.
2020	429	32	0
2019	578	153	12
2018	527	103	79

3-year Summary of Samples Analyzed April			
Year	Brucellosis	Pseudorabies	E.I.A.
2020	651	234	14
2019	989	250	3
2018	861	335	40

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

During the time that the Agency and Laboratory were closed, the Section was working intermittently to get analyses completed. During the times when the staff was teleworking they were able to update the quality system, participate in vendor trainings, and increase their knowledge base on instrumentation used in the Laboratory.

	Feed	Fertilizer	Lime	Total
<b>Samples Received</b>	82	93	16	191
<b>Samples Completed</b>	333	56	21	410
<b>Determinations</b>	1162	174	126	1462
<b>Violations</b>	121	20	17	158
<b>Violation %</b>	10.41%	11.49%	13.49%	10.81%

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

During this time, the Section was primarily teleworking, but intermittently staff members came in to analyze samples associated with potential human health risk. The Section Supervisor participated in a Hemp Regulators conference call.

Pesticide Section by the numbers:

March	Number	Test	Det	Average TAT (days)
Formulation Conc.	2	4	5	68
Form. Proficiency Test	2	2	2	53
Residue Soil	6	7	48	18
IFA Soil	3	3	18	13
IFA Soilless	1	1	6	15
Service Sample	1	2	14	13
Hemp	1	1	1	20

<b>Average Residue Turnaround Time: 18</b>
<b>Average Formulations Turnaround Time: 68</b>
<b>Average Hemp Turnaround Time: 20</b>

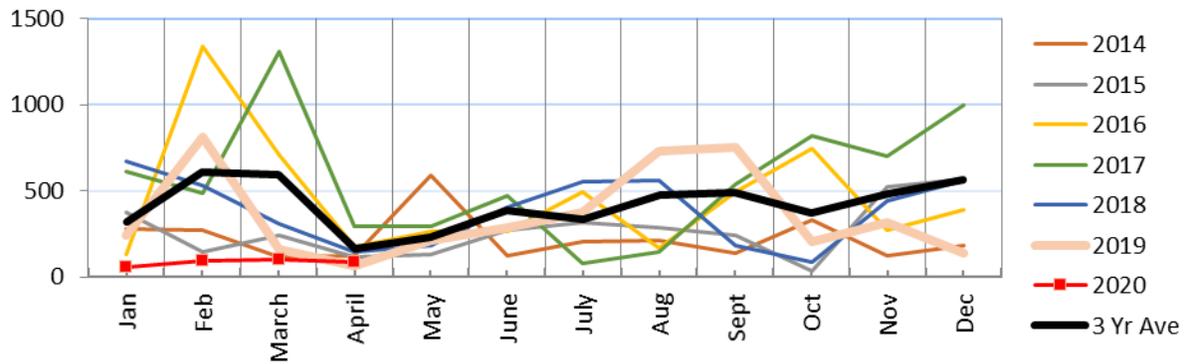
**April**  
 Formulation Conc.  
 Residue Swab  
 Residue Vegetation  
 Service Sample  
 Hemp

	Number	Test	Det	Average TAT (days)
Formulation Conc.	1	2	2	92
Residue Swab	2	2	12	1
Residue Vegetation	2	2	13	6
Service Sample	49	49	57	38
Hemp	1	1	1	3

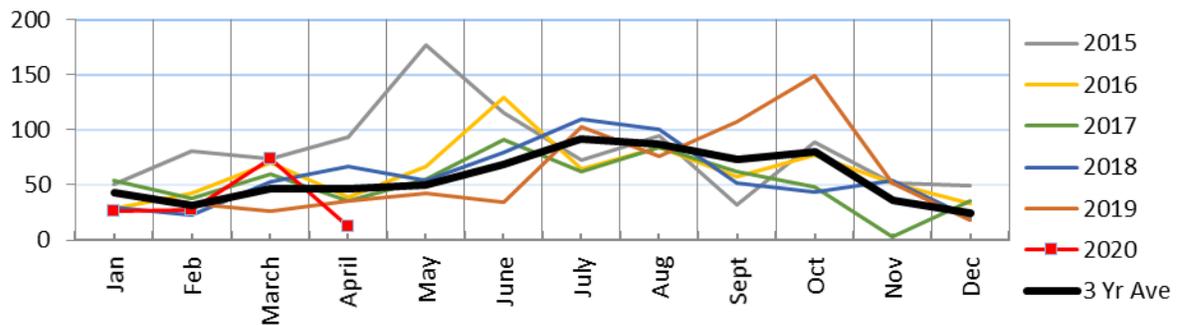
**Average Formulation  
 Turnaround Time: 92  
 Average Residue  
 Turnaround Time: 35  
 Average Hemp  
 Turnaround Time: 3**

	Totals		
	# of Samples	# of Tests	# of Determinations
March	22	26	100
April	55	56	85

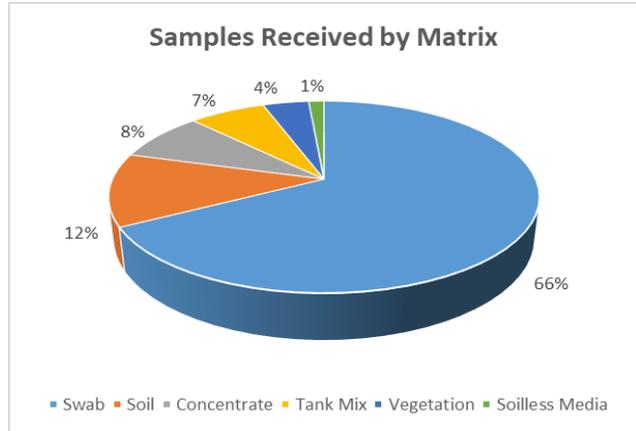
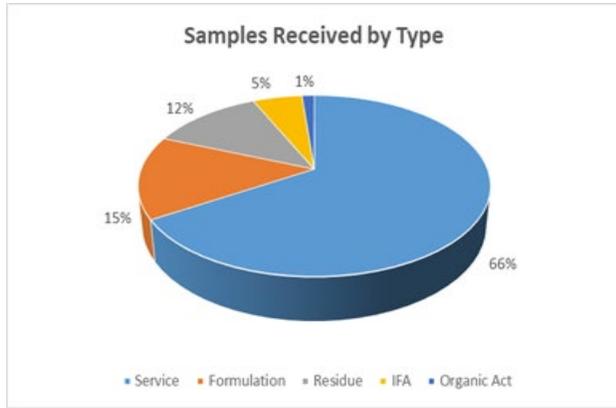
Determinations the Section completed by month:



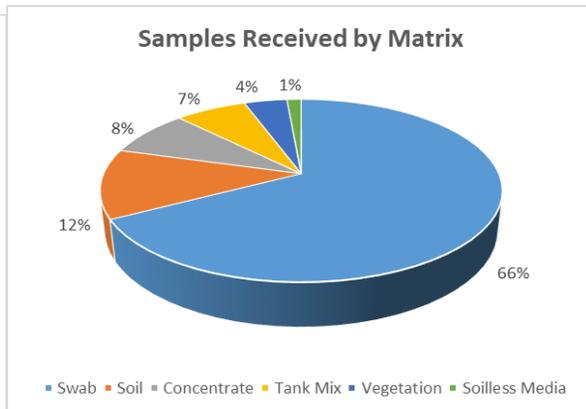
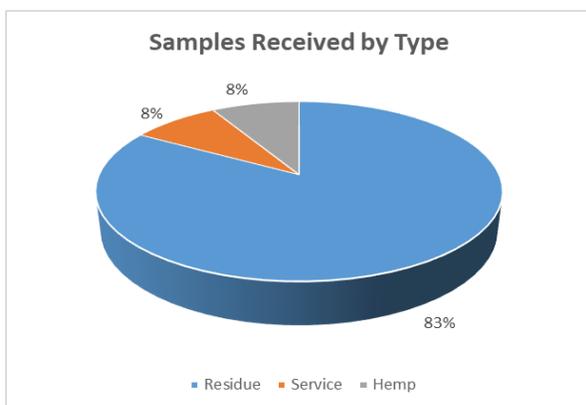
Samples the Section received by month:



March



April

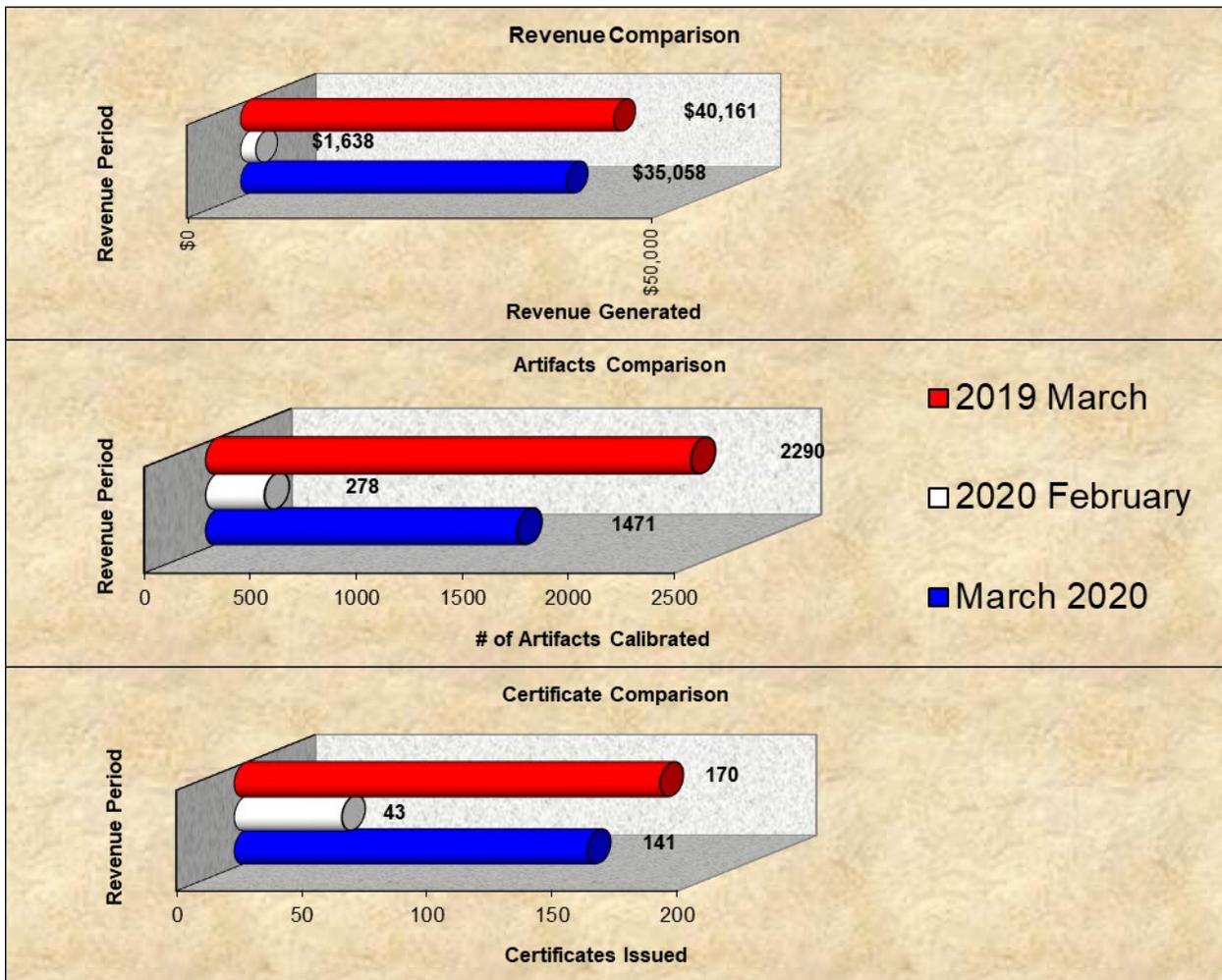


**OKLAHOMA BUREAU OF STANDARDS:** (Jeremy Nading, State Metrologist)

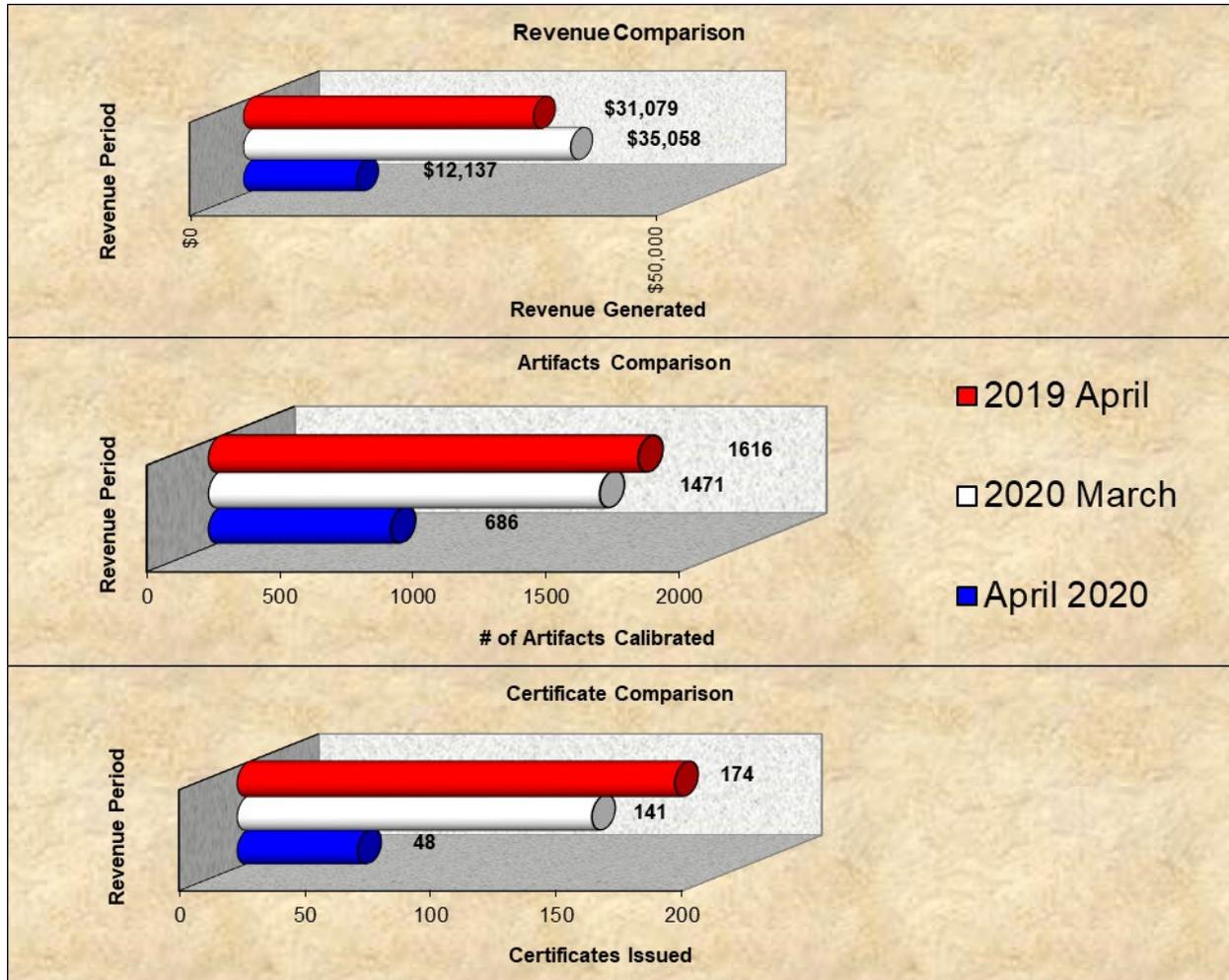
The Bureau completed the calibration of the internal mass standards. No significant problems were identified during the update process.

The Bureau participated in a National Mass Echelon I Proficiency Test. There was one failing result out of fifty points of data. This failure will be investigated once the final report is issued.

March



April

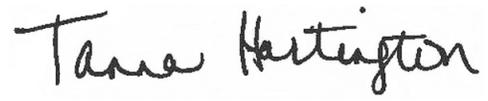


Summary of work completed:

March	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	4	\$1,952.00	6%	38	3%
In-State Customers	10	\$33,106.00	94%	1433	97%
Totals	14	\$35,058.00		1471	

April	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	2	\$2,068.00	17%	25	4%
In-State Customers	3	\$10,069.00	83%	661	96%
Totals	5	\$12,137.00		686	

Respectfully Submitted,

A handwritten signature in black ink that reads "Tanna Hartington". The signature is written in a cursive style with a prominent initial "T".

Tanna Hartington  
Director, Laboratory Services Division

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

FEED SAMPLES	302
FEED DETERMINATIONS	1047
POSSIBLE VIOLATIONS	114
FERTILIZER SAMPLES	21
FERTILIZER DETERMINATIONS	51
POSSIBLE VIOLATIONS	7
LIME SAMPLES	7
LIME DETERMINATIONS	42
POSSIBLE VIOLATIONS	6
PESTICIDE SAMPLES	22
PESTICIDE DETERMINATIONS	100
INORGANIC LAB SAMPLES	59
DETERMINATIONS	390
STATE-FEDERAL VET. LAB. SAMPLES	461
STATE-FEDERAL VET. LAB. DETERMINATIONS	672
NUMBER POSITIVES	0
SEED SAMPLES	160
SEED DETERMINATIONS	175
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	141
NUMBER OF STANDARDS CALIBRATED	1471
FEE CHARGES	\$35,058.00
DAIRY AND FOOD SAFETY SAMPLES	328
DAIRY AND FOOD SAFETY DETERMINATIONS	792
POSSIBLE VIOLATIONS	16
<b>TOTAL SAMPLES</b>	<b>1501</b>
<b>TOTAL DETERMINATIONS</b>	<b>4740</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>144</b>

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

FEED SAMPLES	31
FEED DETERMINATIONS	115
POSSIBLE VIOLATIONS	7
FERTILIZER SAMPLES	35
FERTILIZER DETERMINATIONS	123
POSSIBLE VIOLATIONS	13
LIME SAMPLES	14
LIME DETERMINATIONS	84
POSSIBLE VIOLATIONS	11
PESTICIDE SAMPLES	55
PESTICIDE DETERMINATIONS	85
INORGANIC LAB SAMPLES	44
DETERMINATIONS	360
STATE-FEDERAL VET. LAB. SAMPLES	899
STATE-FEDERAL VET. LAB. DETERMINATIONS	1050
NUMBER POSITIVES	0
SEED SAMPLES	64
SEED DETERMINATIONS	70
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	48
NUMBER OF STANDARDS CALIBRATED	686
FEE CHARGES	\$12,137.00
DAIRY AND FOOD SAFETY SAMPLES	321
DAIRY AND FOOD SAFETY DETERMINATIONS	806
POSSIBLE VIOLATIONS	13
<b>TOTAL SAMPLES</b>	<b>1511</b>
<b>TOTAL DETERMINATIONS</b>	<b>3379</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>45</b>



APRIL 2020

**OKLAHOMA FORESTRY SERVICES BOARD REPORT**

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

**APRIL HIGHLIGHTS**

**Oklahoma Forestry Services’ role in COVID-19 emergency response**

OFS has been busy supporting the Oklahoma State Dept. of Health’s response to the COVID-19 emergency since March 24<sup>th</sup>. Forestry Services is providing logistical support out of the Health Department’s Warehouse in Oklahoma City. Since the start of the operation, forty Forestry personnel and three Animal Industries personnel from across the state have assisted. The mission support has been available seven days a week to tirelessly deliver critically-needed personal protective equipment, medical supplies and COVID-19 test kits to hospitals, nursing homes and first-responders across the state. Additionally, OFS is picking up donated and purchased supplies from all corners of Oklahoma and beyond. With more than 1,000 deliveries completed by early May, OFS will continue this operation as long as needed. OFS personnel are honored to play a role in supporting patients, the medical community, and first responders by delivering the lifesaving supplies they need.

**WILDFIRE RESPONSE**

Wildfire response surged in March – in line with the seasonal expectation – although fire activity again fell below average with a somewhat early transition to green-up and growing season. Wildfire response for the agency was 30% of normal with less than 20% of the average acres burned.

The current temperature/precipitation outlooks looking into mid-May point to cooler than average temperatures and near-normal precipitation. The seasonal expectation for May and early June containing the least fire occurrence and least acres burned is reasonable. Human caused ignitions are less likely with increased live fuel moisture although lightning-caused ignitions are likely given any storm system moving across the dry, elevated areas where rainfall totals are lagging such as the mesas in Cimarron County and the Quartz Mountain area.

April 2020 Fire Response	Fires	Acres
<b>2020 Wildfires Year-to-Date</b>	<b>263</b>	<b>55,337.7</b>
<b>OFS Protection Area - Month</b>	<b>19</b>	<b>3,780</b>
5-Year Average	60	2,446
10-Year Average	66	3,695
<b>Protection Area YTD</b>	<b>229</b>	<b>19,858</b>
OFS Response Outside Protection Area	0	
<b>OFS Response Outside Protection Area YTD</b>	<b>21</b>	<b>34,715</b>
Fire Department Reports	2	103
<b>Fire Department Reports YTD</b>	<b>13</b>	<b>764.9</b>
Prescribe Burns - SE	12	841
Prescribe Burns - EC	9	977
Prescribe Burns - NE	1	105
Prescribe Burns - OKOKS	1	8
<b>Prescribed Burns - YTD</b>	<b>23</b>	<b>1931</b>

**COMMUNITY OUTREACH**

Due to the COVID-19 crisis the Forest Heritage Center was closed to the public in mid-March and will reopen when Beavers Bend State Park believes it is safe to open buildings to the public within the park. Also, OFS has cancelled its annual Youth Forestry Camp, which was scheduled for May 31 – June 5 at Beavers Bend.

Respectfully Submitted,

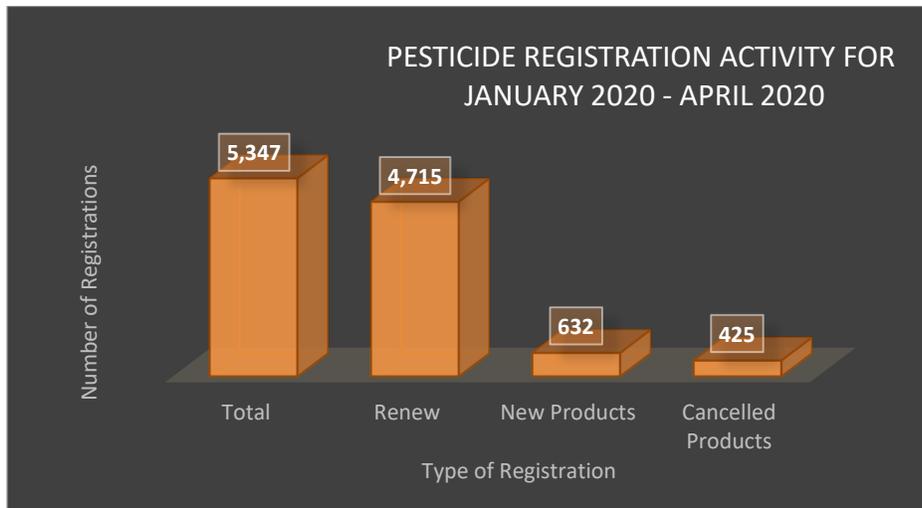
Mark Goeller  
 Director/State Forester

**MAY 22, 2020 BOARD MEETING**  
**CONSUMER PROTECTION SERVICES DIVISION**  
**REPORT FOR MARCH/APRIL 2020**

**PESTICIDE SECTION**

Pesticide Registration Activity

Pesticide registrations for January 2020-April 2020 are presented in the following chart. A total of 5347 products were registered, of the products registered 4715 were renewals and 632 were new. There were 425 products cancelled.



Pesticide Samples

Pesticide samples taken March-April 2020 are presented in the following chart. A total of 27 Residue, 6 Concentrate, and 5 Tank Mix samples were taken.

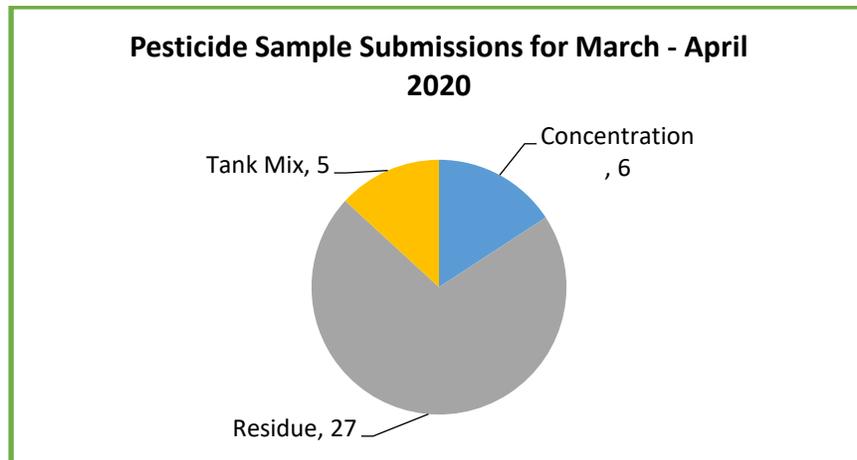


Table 1. Inspection Count for March - April 2020\*

Inspection Type	Number of Inspections		
	March	April	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	55	46	101
Pesticide Applicator Facility	64	20	84
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	20	6	26
Container Containment Inspection	0	0	0
Producer Establishment Use	0	0	0
Termite	78	24	102
Wood	0	1	1
Pre-treat	0	0	0
Drift Investigation	0	0	0
Pesticide Label	4578	5669	10247
Worker Protection	6	0	6
<b>Total</b>	<b>4801</b>	<b>5766</b>	<b>10567</b>

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

Along with the above inspections CPS inspectors also took 15 non agriculture use samples, 17 agriculture use samples and 6 market place samples for a total of 38 samples.

#### Pesticide Testing & Updates

As of April 30, 2020, PSI Services LLC has administered 3,348 exams to approximately 2,297 individuals. On March 20, 2020, PSI closed all testing locations due to the COVID-19 pandemic. On April 13, 2020, PSI opened three locations for businesses that were considered to be essential. Two locations in Oklahoma City and one location in Tulsa opened following CDC guidelines.

March 30, 2020 – ODAFF put out adjusted requirements for Private Applicators and Service Technicians. Private applicators may temporarily complete the take-home test packet in order to receive a Private Applicator’s License. Licensed pesticide companies may apply for a temporary Service Technician Identification that will expire on December 31, 2020.

Pesticide Complaint Summary

PESTICIDE COMPLAINTS	March 20, 2020 – April 30, 2020			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	14	1	0	0
MUSK THISTLE	0	0		
CASES REFERRED TO OGC:	0			

**ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION**

**Plant Protection Program**

Nursery Program

Phytosanitary Certificates

Federal Phytosanitary Certificates Issued from April 1 – April 30, 2020

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

36 Federal Phytosanitary certificates issued @ \$106.00 each

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

0 Federal Phytosanitary Certificates issued @ \$61.00 each

<u>Federal Phytosanitary Certificates (April 1, 2020 - April 30, 2020)</u>		
Country	Product	Quantity Issued
Canada	Assorted Nursery Plants	7
Phillipines	Barrelclover Seed	1
Japan	Sesame Seeds	5
Mexico	Sesame Seeds	20
Thailand	Miscanthus	3

## State Phytosanitary Certificates Issued from April 1 – April 30, 2020

283 Phytosanitary Certificates issued @ \$20 each

<u>State Phytosanitary Certificates - April 1 - April 30, 2020</u>	
State	Certificates
Arizona	10
California	36
Colorado	43
Hawaii	1
Idaho	13
New Mexico	25
Nevada	13
Oregon	10
Montana	3
Tennessee	60
Texas	1
Utah	18
Washington	39
Wyoming	11

### ***Phytophthora ramorum* sampling at Park Hill Nursery**



Figure 1: Rose sampling at Park Hill Nursery

On April 29, ODAFF and USDA participated in the last initial sampling event for this cycle at Park Hill Nursery looking for *P. ramorum*. ODAFF staff Rusty, Richie, Joe, Jarrod, John, and Kaci, along with USDA staff Aaron and Everett surveyed block 507 of roses which had a positive sample for *P. ramorum* last year. While we are still awaiting the results from the samples, all the samples this spring thus far have come back with results of negative or inconclusive. Depending on the remaining sample results, it may be necessary to continue the initial survey at the nursery. However, even with no positive results from the initial sampling event future sampling events will be necessary this summer and fall.

## Industrial Hemp Program



Total Licensed Hemp Growers: 65

Total Licensed Acres: 1,014

Total Licensed square feet: 200,267

ODAFF collaborated with Oklahoma State University to hold a series of three webinars discussing hemp program updates as well as hemp production advice and suggestions.

These webinars were recorded and will be shared with all licensed growers in Oklahoma. I hope to have these posted on our website as well.

Our state hemp plan has been submitted to the Attorney General's office and to Governor Stitt's office for review as required prior to submission to USDA AMS.



## AGRICULTURE RESOURCE SECTION

### 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 <sup>1</sup>	February <sup>2</sup>	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
<b>Total</b>	<b>26</b>	<b>20</b>	<b>46</b>

<sup>1</sup> 309 feed samples analyzed with 1465 determinations <sup>2</sup> 232 feed samples analyzed with 1037 determinations

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

Nutritional Guarantee	Number of Stop Sales		
	January <sup>1</sup>	February <sup>2</sup>	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
<b>Total</b>	<b>9</b>	<b>11</b>	<b>20</b>

<sup>1</sup> 309 feed samples analyzed with 1465 determinations <sup>2</sup> 232 feed samples analyzed with 1037 determinations

## Fertilizer Program

### Program Performance

<b>REPORTING PERIOD MARCH 14, 2020 THROUGH APRIL 24, 2020</b>						
<b>Item</b>	<b>Number</b>	<b>Notice of Deficiency</b>	<b>Letter of Warning</b>	<b>Stop Sale</b>	<b>Samples Deficient</b>	<b>Misc</b>
Fertilizer Samples	54					
Lime Samples	3					
Dry Fertilizer Facility Inspections	7					
Liquid Fertilizer Facility Inspections	7					
Turf Applicator Inspections						
Ammonium Nitrate Audits	5					
Anhydrous Ammonia Dealers	30					
Anhydrous Ammonia Storage Tank Inspections	56					
Anhydrous Ammonia Nurse Tank Inspections	750					
Pre Site Facility Inspections						

## **Weights & Measures Program**

The large capacity scale technicians inspected 23 vehicle scales, 2 of the vehicle scales were rejected. Inspectors also checked 22 ranch scales and will continue to check ranch scales this month and into May.

CPS inspectors checked a total of 1245 small scales and 29 platform scales during this period, 30 scales was rejected. There were 14 random pack inspections and 89 standard pack inspections, 3 received letters of warning. Additionally, 69 price verification inspections were conducted with 1 of these received letters of warning

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



Kenny M. Naylor

Oklahoma Department of Agriculture, Food and Forestry  
Animal Industry Services Board Report  
May 20, 2020  
Activities March 21, 2020 – May 1, 2020

**Animal Disease Traceability:**

The ADT work plan and financial plan for FY20 has been submitted and approved. Similar to last year, there was an opportunity for states to request additional funds in conjunction with the regular work plan and budget that is submitted for consideration. Dr. Gorczyca submitted this additional work plan and budget to be able to purchase additional EID reading equipment for livestock markets in the state as well as EID tag applicators to distribute to producers requesting RFID tags. States will be notified in May if their request for supplemental funds has been approved.

On April 16, Dr. Gorczyca was contacted by officials from the Will Rogers World Airport concerning the importation of a dog from Peru. The owner of the dog was inquiring about regulations to get the dog into OK. Dr. Gorczyca contacted a family member who was representing the owner to get more information about the dog prior to approval for import. Peru is a country that is endemic for screwworm disease, which is a foreign animal disease and would be economically devastating if it should be introduced into OK. The dog was quarantined to its premises in Oklahoma for 2 weeks after its arrival on April 20<sup>th</sup>. The dog was examined by an accredited veterinarian and it was free of any contagious or infectious diseases. The quarantine was released on May 5.

**Aquaculture:**

No activity of note during this time period.

**Biologics:**

During this time period, biological product renewals were finalized. 723 biological products were renewed, 74 new biological products were registered, and 41 biological products were canceled. This generated \$159,400 in revenue during the renewal period. A stop sale was issued to a company that did not renew their biological products after numerous attempts to contact them.

**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 were tested the week of March 30 and no infected cattle were discovered. The herd is planning to keep about 200 of their ranch born heifers as replacements and they were tested May 1 with no positives found.

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. No TB was found in that set of cattle. Another 725 that were suspects on the preliminary test are being sent to slaughter to be examined for TB in early May. Following that we will have a better idea how our portion of the herd will be affected. We are testing the portion of the Oklahoma herd that came from Texas. We have five cows that will have to be euthanized and necropsied on the premises and 120 that will have to go to slaughter to be examined.

Our State and Federal Field Veterinarians follow up on suspect screening tests by private veterinarians by conducting confirmatory tests.

#### **Trichomoniasis:**

During this time period, 2,780 Oklahoma bulls were tested and seven positive bulls from three owners 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.



these warehouses for local dispersal. Oklahoma Forestry Services provided the ground support to receive the shipment of donated food that arrived at the Humane Society of Tulsa and redistribute it to each of the regions.

On April 15, we held a virtual planning meeting for the FMD Vaccine Functional Exercise that is scheduled for November 10, 2020.

Due to the COVID-19 pandemic, the Southern Animal Health Association and USDA APHIS VS have decided to postpone the Foreign Animal Disease Southern Agriculture Functional Exercise (FAD SAFE) originally planned for November 17-19, 2020 until November 2021. Social distancing and travel restrictions in place for the States participating in the exercise has made it difficult to continue planning efforts.

During this timeframe, the National Assembly African Swine Fever working group has transitioned from planning for an ASF outbreak to responding to the crisis that is occurring in the swine industry due to packing plant closures from COVID-19 illness in employees. We have been participating on daily calls to determine what the need is and how we can prepare in the event a major packing plant in our state should close. The issue is the overcrowding of market ready hogs that no longer can be processed which creates animal welfare concerns. The swine industry is doing what they can to slow growth of the animals as well as increasing their stocking density but unfortunately mass depopulation and carcass disposal is occurring in the upper Midwest. We are coordinating with Oklahoma Forestry Services to manage an Incident Management Team, Oklahoma Emergency Management for resource requests, and working with Jimmy Wortham, USDA APHIS VS ESF-11 Coordinator, to submit an application for assistance to FEMA.

We are continuing to plan for the National Veterinary Stockpile Full Scale Exercise that will be held August 12-13, 2020. We will receive cooperative agreement funds to assist us with travel and lodging for the livestock inspectors that will be participating in the exercise.

With the help of the Oklahoma Animal Disease Diagnostic Laboratory and the State Public Health Veterinarian, we have developed testing protocols using guidance from CDC, USDA APHIS, and AVMA for veterinarians to submit samples for SARS-COV-2 testing in companion animals. SARS-COV-2 in animals is reportable to the World Animal Health Organization (OIE). On rare occasions, companion animals have tested positive for SARS-COV-2 when having close, continuous contact with a COVID-19 positive individual. However, there has been no evidence that humans can get COVID-19 from pets.

**Equine Programs:**

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

**Farmed Cervidae Programs:**

We have been receiving license renewals for licensed cervidae breeding facilities.

**Feral Swine:**

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

**Foreign Animal Disease:**

California believes they are very close to the end of the virulent Newcastle Disease outbreak in the northeastern suburbs of Los Angeles. They are testing

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 dealt with a Foreign Animal Disease called Vesicular Stomatitis in several states including Oklahoma last year. New Mexico began seeing cases in early April and the disease has now been found in Arizona and New Mexico. This is a disease mostly seen in horses but it can affect other livestock and the symptoms are compatible with Foot and Mouth Disease. Because of this we have to evaluate suspected cases. It is spread by small biting insects such as gnats and midges. We ask our accredited veterinarians to report unusual cases to us so we can prove that it's not FMD.

Rabbit Hemorrhagic Disease is another FAD that is affecting several states. It is very deadly to wild and domestic rabbits and does not affect humans or other animals. There are cases in Arizona, New Mexico, Texas, Colorado, and Nevada. We are advising rabbit breeders to maintain strict biosecurity to protect their rabbits and we are looking into getting a permit to import a foreign vaccine to protect expensive rabbits since there is not an approved domestic vaccine.

On April 2 we were notified by a veterinarian about a lamb with lesions around the mouth that were consistent with Foot and Mouth Disease or Vesicular Stomatitis lesions. Dr. Julie Aebi from APHIS Veterinary Services visited the premises, examined the lamb, and took samples to send to Plum Island Foreign Animal Disease Laboratory. Thankfully it was not a FAD.

On April 15 a local practitioner called Dr. Gary Stone, AIS Field Veterinarian, to report a producer experiencing approximately 15% morbidity with no recovery in a local cattle herd. This had happened over time but several animals were said to have lesions on the feet and lower legs. Dr. Stone visited the farm, examined the animals, and determined that the case did not warrant sending samples to Plum Island FADL. He spent some time educating the owner about several diseases, and referred the owner back the local veterinarian for further testing specific to endemic diseases.

On April 23 we received a report from a veterinarian that a rabbit breeder client had several rabbits dying. With a Foreign Animal Disease called Rabbit Hemorrhagic Fever spreading in Arizona, New Mexico, Texas, and Colorado we thought we should make sure these rabbits were not dying from RHD. Dr. Aebi and Dr. Beth Ruby from AIS

performed a necropsy on the most recent death and sent samples to Plum Island FADL. Thankfully it was not RHD.

**Livestock Market Audits:**

During this period, staff has been working with two individuals who have bought the former Grove Livestock facility. Nick Simmons and Curtis Larmon purchased the shuttered barn at sheriffs auction in March and have almost completed the process of becoming licensed with both the state as well as USDA to open their new venture, Delaware County Stockyards. The partners are planning to host their first sale on May 23<sup>rd</sup>.

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	3
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

**Outreach:**

On March 25 we had a virtual meeting with our ODAFF veterinarians and veterinarians from APHIS Veterinary Services, OSU Extension, OSU College of Veterinary Medicine, and others to discuss ongoing cases, new cases, emerging diseases, and just to make sure everyone knows what the others working on.

**Poultry Programs:**

We responded to 8 sick bird/dead bird cases in the time period (total of 32 cases in 2020). No reportable diseases were discovered in these cases.

**Rabies in Livestock:**

We were notified of three cases of rabies in cattle during this time period. We talk to the referring veterinarian and the herd owner to help them understand the disease and the ways it can be transmitted.

**Sheep and Goat Programs:**

USDA veterinarians, animal health technicians, ODAFF livestock inspectors, and Dr. Stone conducted sampling for Scrapie surveillance from a slaughter buyer on April 21<sup>st</sup>. This surveillance is part of the national surveillance for the national scrapie eradication program.

**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.

We have completed one of two 30' X 60' car port type buildings at the Goldsby Forestry property that will be used to park our Mobile Lab Trailer and other equipment under.

**COVID-19**

Since early March we have all been following the Coronavirus that causes a human disease called COVID-19. Animal Industry Services has responded in multiple ways to the issues caused by this disease.

As one of the top 14 swine production states we are involved in a working group to understand and respond to a backlog of swine caused by illness of employees and fear of infection in slaughter plants. This has caused a drastic reduction of production in swine plants but is also affecting poultry and beef plants. Due to the backlog in swine plants we are making plans to depopulate and dispose of hundreds of thousands of finishing swine in the four state area around the Oklahoma Panhandle.

We have worked with volunteer organizations and emergency management to distribute donated pet food to families who are struggling to feed their pets due to loss of jobs from the employers shutting down.

We have worked with Oklahoma Animal Disease Diagnostic Lab to develop protocols for testing companion animals for the disease. There is evidence that cats and dogs may become infected but it is not thought they can pass it on to other pets or people.

OADDL was the first Animal Diagnostic Lab in the United States to reach out to Public Health and offer their services to test human samples. They have been a tremendous resource in helping Oklahoma gain a better understanding of the extent of the disease.

Respectfully,



Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry  
Wildlife Services Division  
Board Report for March 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 617 properties with an estimated 1,451,629 acres of land under agreement. Additionally, WS helped 159 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 \$416,382 during this period. Beaver damages accounted for losses totaling \$222,790. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$34,146. Feral swine damages accounted for losses totaling \$153,546. River otters, woodchucks, black vultures, and Canada geese damaged agriculture resources valued at \$5,900.

**Providing Wildlife Services**

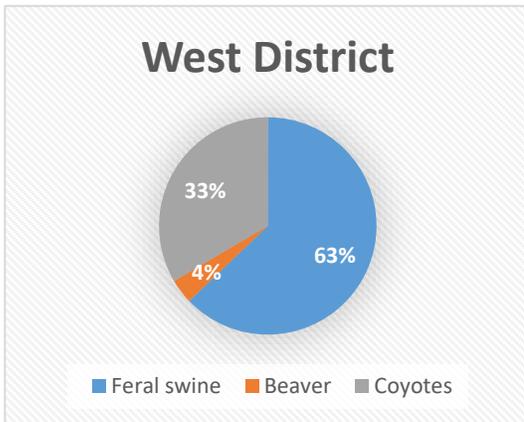


Figure 1: Percent of Species Removed In the West District, March 2020

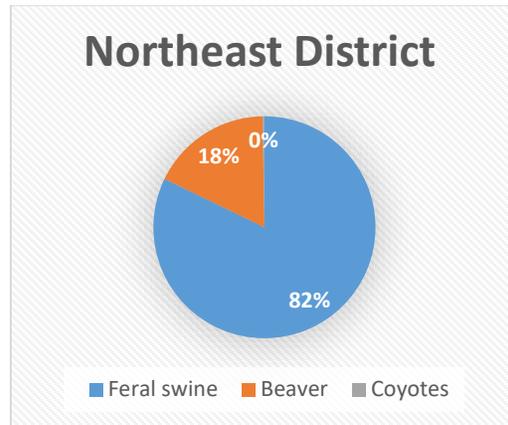


Figure 2: Percent of Species Removed in the Northeast District, March 2020

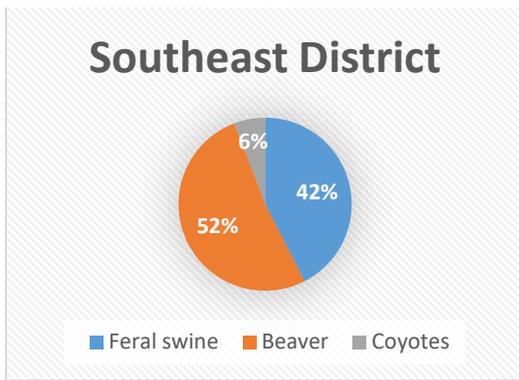


Figure 3: Percent of Species Removed in the Southeast District, March 2020

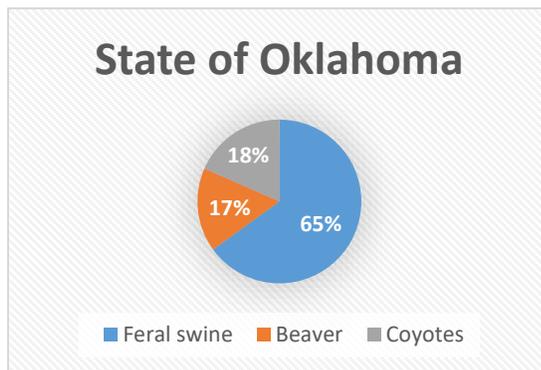


Figure 4: Percent of Species Removed in the State, March 2020

### Coyote Damage Management

On February 25<sup>th</sup>, WS was contacted by a Nowata County rancher with coyote predation concerns. The rancher reported the loss of 3 newborn calves valued at \$3,300. A WS Specialist responded to the request and verified that coyotes were responsible for the damage reported. The Specialist was able to utilize the fixed-wing program to remove a total of 22 coyotes from the calving pasture. Work is complete at this time. The rancher has been instructed on fencing and guarding methods to utilize to help prevent future problems.

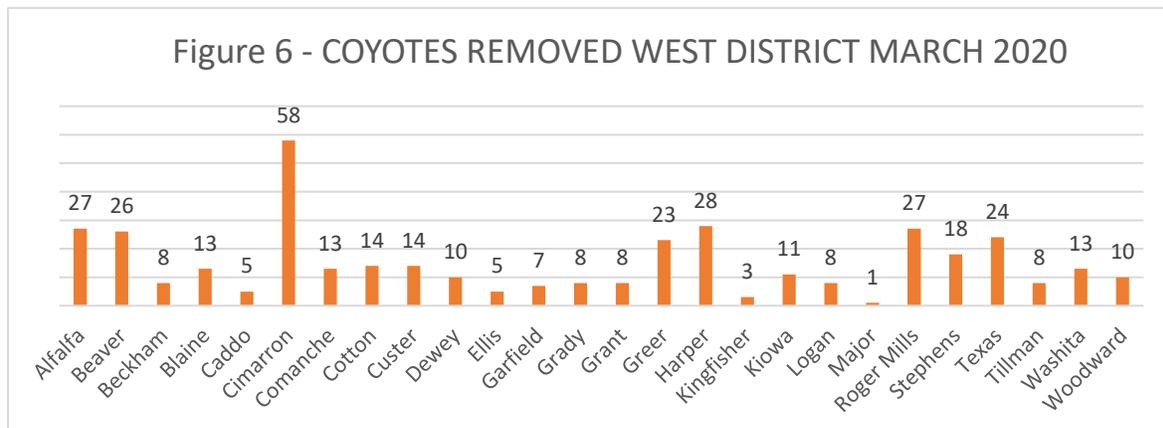
On March 5<sup>th</sup>, a Dewey County livestock producer requested assistance with coyotes depredate on calves. The producer reported that coyotes had killed 7 calves valued at \$7,700 dollars and bobbed the tails on several other calves. The Specialist assigned to Dewey County examined the carcass and verified that coyotes were responsible for the loss of 2 calves valued at \$2,200. The Specialist recommended a number of methods to prevent future damages, including carcass/carrion removal and guarding animals. The Specialist is utilizing call/shoot and snares traps reduce calf losses to coyotes. Control efforts have removed 8 coyotes and work is ongoing.



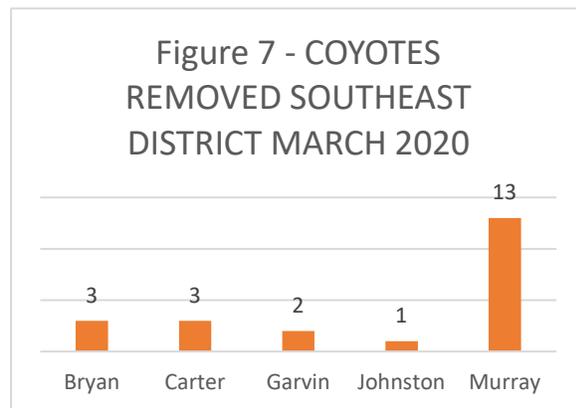
Figure 5 – Coyote predation to calves in Dewey County.

On March 9<sup>th</sup>, a Beckham County landowner requested assistance with coyotes depredate on calves. The landowner routinely has problems with coyotes depredate on calves. The landowner reported coyotes were responsible for the loss of 5 calves valued at \$5,500. The Specialist for Beckham County responded to the request and utilized M-44 Sodium Cyanide Devices and leg-hold traps to remove 7 coyotes from the area. The Specialist continues to monitor the area and work is ongoing at this time.

On March 12<sup>th</sup>, a Harper County landowner requested assistance with coyotes depredate on calves. The landowner reported coyotes were responsible for the loss of 3 calves valued at \$3,300. The Specialist for Harper County responded and verified coyotes were responsible for the loss of 1 of the calves valued at \$1,100. The Specialist utilized calling/shooting and neck snares to remove 8 coyotes. No further losses have occurred.



On March 20<sup>th</sup>, a Muskogee County farmer requested assistance from WS regarding predation of lambs. The farmer reported that something had killed 16 lambs within the last few weeks. The farmer had repaired fences and had moved the sheep multiple times, trying to stop the damage. WS Troubleshooter responded to the request, and found abundant coyote activity around the pasture where the sheep were located, as well as 2 other places where a coyote had climbed over the fence several times. Neck snares were set to remove the offending animal(s). Work is ongoing, with no further losses at this time. The estimated value of the lambs lost was \$3,200.

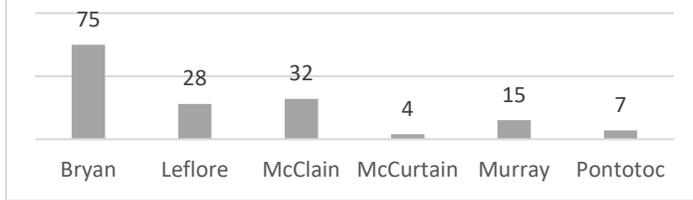


### **Feral Swine Damage Management**

On March 3<sup>rd</sup>, a Bryan County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Specialist for Bryan County responded to the request and confirmed feral swine were responsible for an estimated \$6,950 in damages to the property. Remote camera traps and were utilized to remove 16 from the immediate area. No further losses have been reported to date.

On March 4<sup>th</sup>, the Wildlife Specialist for Greer County received a request for assistance with feral swine. The rancher reported feral swine were responsible for damage to 5 acres of pasture valued at \$5,000 dollars. The Specialist responded to the request and verified feral swine were responsible. The Specialist utilized a live feral swine trap to remove 23 feral swine from the area. The Specialist continues to monitor the area and work is ongoing at this time.

Figure 8 - FERAL SWINE REMOVED  
SOUTHEAST DISTRICT MARCH 2020

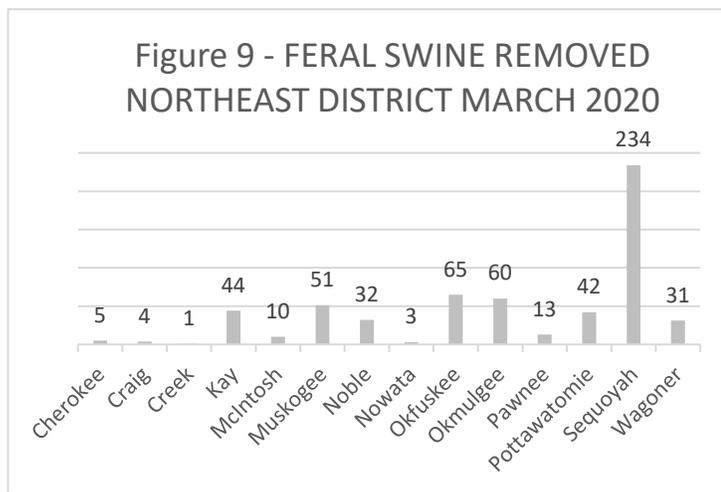


On March 5<sup>th</sup>, a Greer County landowner requested assistance with feral swine damaging his pasture and wheat field. The Wildlife Specialist for Greer County responded to the request and verified feral swine were responsible for damages on 5 acres of pasture valued at \$1,000 and 2 acres of wheat valued at \$750. The Wildlife Specialist utilized a feral swine live trap

to remove 35 feral swine from the property. Feral swine activity in this area is closely being monitored to determine if further management is needed.

On March 10<sup>th</sup>, WS was contacted by Nowata County farmer with feral swine damage concerns. The farmer reported that feral swine were responsible for rooting approximately 4 acres worth of wheat. A WS 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 1 feral swine has been removed to date and work is continuing at this time. The farmer has been instructed on fencing methods and environmental changes that can be utilized to help prevent future problems.

Figure 9 - FERAL SWINE REMOVED  
NORTHEAST DISTRICT MARCH 2020



On March 11<sup>th</sup>, a Bryan County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Wildlife Specialist for Bryan County responded to the request and confirmed feral swine were responsible for an estimated \$5,000 in damages to the property. Remote camera traps were utilized and 28 feral swine were removed from the immediate area. No further losses have been reported to date.

On March 12<sup>th</sup>, WS was contacted by a McIntosh County farmer with a request for feral swine damage control. The farmer reported the feral swine damage to his wheat was valued at \$1,500. The Specialist responded to the request and verified the damage reported. The Specialist utilized trapping to remove 3 swine from the area. Work is ongoing at this time.

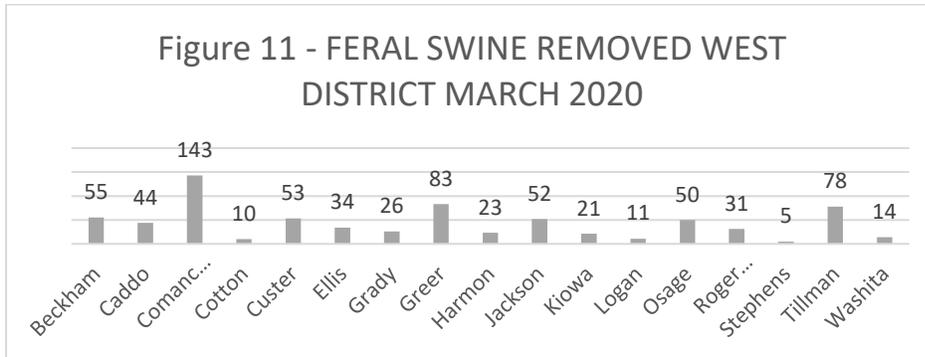
On March 13<sup>th</sup>, a Harmon County landowner requested assistance with feral swine damaging hay bales. The Wildlife Specialist for Blaine County



Figure 10 – Damage to hay bales from feral swine in Harmon County.

responded to the request and verified feral swine were responsible \$1,200 in damage to the landowner’s hay bales. The Wildlife Specialist utilized a feral swine live trap to remove 19 from the property. Activity in this area is closely being monitored to determine if further management is needed.

On March 17<sup>th</sup>, a Pittsburg County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Wildlife Specialist for Pittsburg County responded to the request and confirmed feral swine were responsible for an estimated \$1,500 in damages to the property. Camera traps were utilized to verify the damages were from feral swine and 16 were removed from the immediate area. No further losses have been reported to date.



### **Aerial Hunting Operations**

On March 21<sup>st</sup> and 22<sup>nd</sup>, aerial hunting operations were conducted on Fort Sill Army Installation. The helicopter was used to reduce feral swine populations on the installation to reduce damage to property and designated wildlife areas. One hundred and forty three feral swine were removed in 9.7 hours of flight time.

### **Beaver Damage Management**

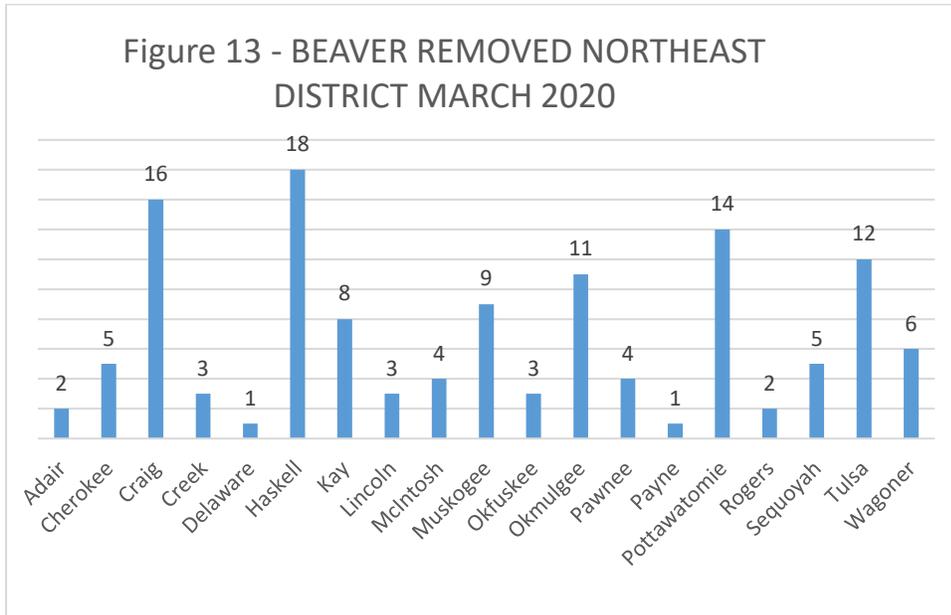
On March 2<sup>nd</sup>, a Pontotoc County landowner contacted WS for assistance with beaver damage management. The landowner reported beaver were burrowing into a pond dam located on his property. The Specialist for Pontotoc County responded to the request and confirmed beaver were responsible for an estimated \$1,000 in damages to the area. Conibear traps were successful in removing the beaver from the immediate area. Control efforts are complete at this time.



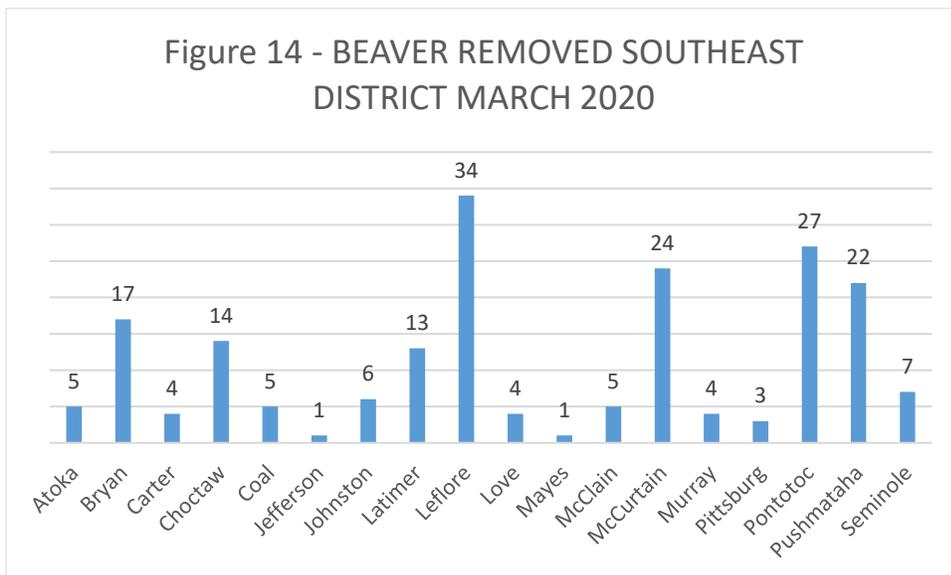
Figure 12 – Damage to culvert by beavers in Custer County.

On March 3<sup>rd</sup> a Custer County landowner requested assistance with beaver that had blocked up the culverts on his main pasture road resulting in the road washing out. The Specialist for Custer County responded to the request and verified beaver were responsible for the damage which resulted in \$2,000 in damage to the landowner’s road.

Conibear traps were utilized to remove 5 beaver. No further damage has occurred and work is concluded.



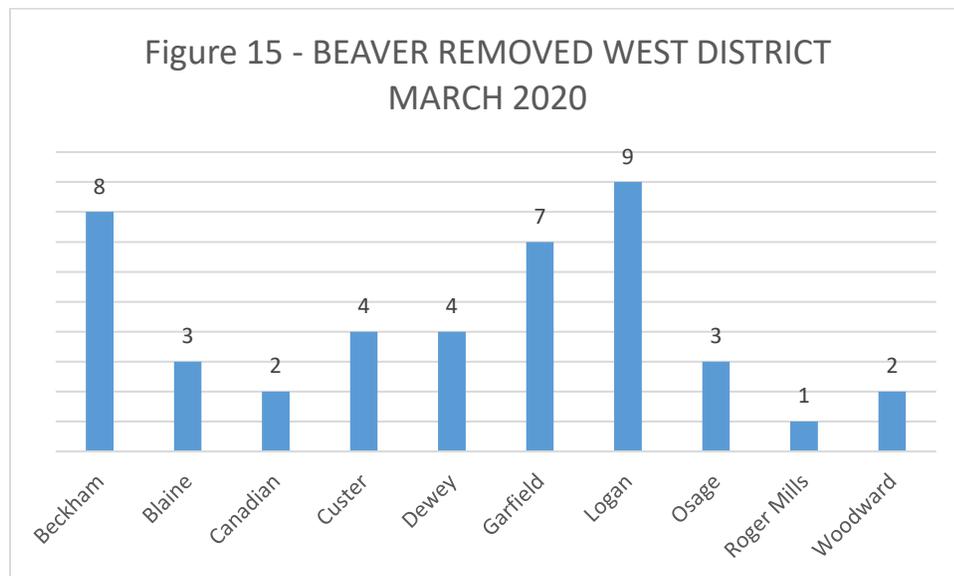
On March 9<sup>th</sup>, WS was contacted by a Sequoyah County farmer concerning a beaver problem. The farmer reported that beavers were blocking up a drainage ditch on his property, making it difficult to prepare several fields for planting. WS Troubleshooter visited the location and verified that beavers were responsible for the damage. Conibear traps were used to quickly remove a pair of beavers from the ditch, and work is ongoing to ensure that no more beavers are present. Cost to remove the dams was estimated at \$600.



On March 10<sup>th</sup>, a LeFlore County landowner contacted WS for assistance with beaver control. The landowner reported beavers were responsible for damming up a creek and flooding approximately 1 acre of land on his property. The Wildlife Specialist for LeFlore County responded to the request and verified approximately \$1,500 in flood damages to the area. Conibear traps were successful in removing 8 beaver from the area with control efforts completed at this time.

On March 12<sup>th</sup>, a Murray County landowner contacted WS for assistance with beaver damage management. The landowner reported beavers were burrowing into a pond dam and flooding property around a pond located on his property. The Wildlife Specialist responded to the request and confirmed beavers were responsible for an estimated \$2,000 in damages to the area. Conibear traps were successful in removing the beavers from the immediate area.

On March 17<sup>th</sup>, WS answered a request from an Okfuskee County farmer with a beaver problem in a pond and a threat to a County road. WS verified beavers responsible for burrowing damages to the pond dam estimated at \$2,000 and a flooding threat to the County road. WS utilized trapping methods to remove 3 beavers from the pond. Work complete at this time



### **Beaver Damage County Roadways**

On March 5<sup>th</sup>, WS was contacted by a Craig County Commissioner with beaver damage concerns. The Commissioner reported that beaver were responsible for flooding a County roadway valued at approximately \$3,500. A WS Specialist responded to the request and verified that beaver were responsible for the damage reported. The Specialist is currently utilizing conibear traps to remove the beaver. A total of 2 beavers have been removed to date and work is continuing at this time. The Commissioner was instructed on beaver dam removal methods that can be utilized to help prevent future problems.

On March 12<sup>th</sup>, a Woodward County Road Commissioner requested assistance with beavers responsible for damage to a County road in his district. Damage to the road bed and drainage structure was valued at \$5,000. The Specialist assigned to Woodward County responded and utilized conibear traps to remove 5 beavers from the adjacent creek. Work is concluded.

A Choctaw County Commissioner contacted WS for assistance with beaver damage management on March 17<sup>th</sup>. The Commissioner reported beavers were responsible for plugging up a drainage culvert along a County roadway and causing major flood damage to the surrounding area. The Wildlife Specialist for Choctaw County responded to the complaint and confirmed beavers were responsible for an estimated \$5,000 in damages to the area. Conibear traps were successful in quickly removing the beavers from the area.

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

County	Beaver	Coyote	Feral swine	*District
Adair	2	1		NE
Alfalfa		27		W
Atoka	5			SE
Beaver		26		W
Beckham	8	8	55	W
Blaine	3	13		W
Bryan	17	3	75	SE
Caddo		5	44	W
Canadian	2			W
Carter	4	3		SE
Cherokee	5	1	5	NE
Choctaw	14			SE
Cimarron		58		W
Cleveland	3	2		C
Coal	5			SE
Comanche		13	143	W
Cotton		14	10	W
Craig	16		4	NE
Creek	3		1	NE
Custer	4	14	53	W
Delaware	1			NE
Dewey	4	10		W
Ellis		5	34	W
Garfield	7	7		W
Garvin		2		SE
Grady		8	26	W
Grant		8		W
Greer		23	83	W
Harmon			23	W
Harper		28		W
Haskell	18			NE
Hughes				SE

Jackson			52	W
Jefferson	1			SE
Johnston	6	1		SE
Kay	8		44	NE
Kingfisher		3		W
Kiowa		11	21	W
Latimer	13			SE
Leflore	34		28	SE
Lincoln	3			NE
Logan	9	8	11	W
Love	4			SE
Major		1		W
Mayes	1			SE
McClain	5		32	SE
McCurtain	24		4	SE
McIntosh	4		10	NE
Murray	4	13	15	SE
Muskogee	9		51	NE
Noble			32	NE
Nowata			3	NE
Okfuskee	3		65	NE
Oklahoma	12	7	6	C
Okmulgee	11		60	NE
Osage	3		50	W
Pawnee	4		13	NE
Payne	1			NE
Pittsburg	3			SE
Pontotoc	27		7	SE
Pottawatomie	14		42	NE
Pushmataha	22			SE
Roger Mills	1	27	31	W
Rogers	2			NE
Seminole	7			SE
Sequoyah	5		234	NE
Stephens		18	5	W
Texas		24		W
Tillman		8	78	W
Tulsa	12			NE
Wagoner	6		31	NE
Washita		13	14	W
Woodward	2	10		W
<b>TOTAL</b>	<b>381</b>	<b>423</b>	<b>1495</b>	

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

During the month of March, the Wildlife Services Disease Biologist was able to collect samples from 50 feral swine in 6 Counties; Bryan County, Cotton County, Okfuskee County, Okmulgee County, Osage County, and Sequoyah County. These samples will be tested for classical swine fever, pseudorabies, swine brucellosis, and for genetics.

Table 2: Species/Disease sampling, March 2020

Species/Disease	Sample Type	Samples
classical swine fever	blood/serum	50
genetics	tissue	50
pseudorabies	blood/serum	50
swine brucellosis	blood/serum	50
<b>Total Samples</b>		<b>200</b>

### Activities

#### Altus Air Force Base (AFB)

March saw the beginning of migratory bird season and the associated work around Altus AFB. Work on the winter goose harassment at the city reservoir was completed for the year. Pigeon trapping throughout the city continued, with the birds beginning to shift their habits due to the change in season. Surveys for the hazard assessment on base continued as usual. Dispersal of blackbirds increased as they began to move into the area and temporary standing water brought in breeding waterfowl as well.

#### Will Rogers World Airport (WRWA)

At WRWA in March there was an influx of migratory birds such as mourning dove, brown-headed cowbirds, and red-winged black birds. To help minimize the hazards caused by these birds, WS started to utilize funnel/drop traps along with shooting methods. WS started trapping beavers at the landfill (within 5 miles of the airfield) to prevent the creation of a larger wetland habitat in close proximity of the airport. Five beavers have been removed. WS is utilizing pigeon trapping at AAR (on WRWA airfield) with good success. WS has also been continually shooting and trapping for coyotes with good success.

#### Vance Air Force Base (AFB)

All of the regularly scheduled 1<sup>st</sup> quarter meetings that WS would have had a briefing assignment have been canceled due to Covid-19. Coyote work this month has be good; Five coyotes have been removed from Vance and Kegelman airfields, which is more than usual for these two small airfields.

Respectfully submitted,

Scott Alls  
 Division Director  
 Wildlife Services Division

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

**General:** The **first weekend April** in brought cooler temperatures across most of Oklahoma with 6 of the climate districts reporting temperatures below freezing. Rainfall totals averaged 0.87 of an inch across the state last week, with the Southeast district recording the highest totals at 2.35 inches. According to the March 31, US Drought Monitor Report, drought conditions were rated 4 percent abnormally dry to severe drought, down 2 points from the previous week. Additionally, 3 percent of the state was in the moderate drought to severe drought category, unchanged from the previous week. Statewide, temperatures averaged in the low 50's. Topsoil and subsoil moisture conditions were rated mostly surplus to adequate.

The **second weekend of April** a cold front dropped temperatures across parts of Oklahoma with 4 of the districts reporting low temperatures at or below freezing on Sunday April 12th. Rainfall totals averaged 0.72 of an inch across the state last week, with the Southeast district recording the highest totals at 1.85 inches. According to the April 7, US Drought Monitor Report, drought conditions were rated 5 percent abnormally dry to severe drought, up 1 point from the previous week. Additionally, 3 percent of the state was in the moderate drought to severe drought category, unchanged from the previous week. Statewide, temperatures averaged in the low 60's. Topsoil and subsoil moisture conditions were rated mostly adequate to surplus

Temperatures remained on the cool side the **third week of April** with 8 of the climate districts reporting lows below 30 degrees on April 15th. Rainfall totals averaged 0.11 of an inch across the state last week, with the Southeast district recording the highest totals at 0.24 of an inch. According to the April 14th, US Drought Monitor Report, drought conditions were rated 5 percent abnormally dry to severe drought, unchanged from the previous week. Additionally, 3 percent of the state was in the moderate drought to severe drought category, also unchanged from the previous week. Statewide, temperatures averaged in the high 40's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Per NOAA, as many as 10 tornadoes may have touched down across southern Oklahoma on Wednesday April 22nd. Rainfall totals averaged 1.26 inches across the state the **fourth week of April**, with the Northeast district recording the highest totals at 2.12 inches. According to the April 21st, US Drought Monitor Report, drought conditions were rated 11 percent abnormally dry to severe drought, up 6 points from the previous week. Additionally, 4 percent of the state was in the moderate drought to severe drought category, up 1 point from the previous week. Statewide, temperatures averaged in the low 60's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

The last week of April, Winter wheat jointing reached 96 percent, up 8 points from the previous year and up 4 points from normal. Winter wheat headed reached 50 percent, up 20 points from the previous year but down 3 points from normal. Canola blooming reached 80 percent, down 8 points from the previous year and down 6 points from normal. Canola coloring reached 6

percent, down 3 points from the previous year and down 3 points from normal. Rye jointing reached 90 percent, up 2 points from the previous year but down 1 point from normal. Rye headed reached 30 percent, up 1 point from the previous year and up 3 points from normal. Oats jointing reached 50 percent, up 2 points from the previous year but down 1 point from normal.

Corn planted reached 18 percent, down 15 points from the previous year and down 22 points from normal. Corn emerged reached 2 percent. Soybeans planted reached 4 percent, down 1 point from the previous year but unchanged from normal.

Pasture and range condition was rated at 87 percent good to fair. Livestock condition was rated at 90 percent good to fair.

**Surveys:** Surveys conducted between April and May administered by the Oklahoma call center are listed in the table below:

Survey	Enumerated by:	Survey Dates
Calling Suspended on 3/18/2020 due to COVID-19		
Calling has rolled over to field enumerators from home. IPADs have been issued to call center enumerators and are currently training and should start calling soon.		

**Statistics:** On May 5<sup>th</sup>, the Annual Noncitrus Fruit and Nut Summary Report for 2019. Oklahoma pecan estimates included 90,000 bearing acres, a yield of 235 pounds per acre of nuts, a total utilized production of 21.2 million pounds, a 12.2 million pound increase from 2018.

On April 30<sup>th</sup>, the Annual Meat Animal PDI Report was released for 2019. Cattle cash receipts for 2019 was \$3.274 billion, down 1% from 2018. Hogs and Pigs cash receipts for 2019 was \$975.7 million, up 4% from the previous year.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 29. In addition, our internet home page was hit 2,997 times in April 2020, for a total of 13,202 for the 2020 year.

**Releases for April:**

Crop Production  
 Cattle on Feed  
 Agricultural Prices  
 Meat Animal PDI  
 Milk PDI  
 Poultry Production and Value

**Relating Dates:**

April 1, 2020  
 April 1, 2020  
 April 15, 2020  
 2018 & 2019  
 2018 & 2019  
 2018 & 2019

**Release Dates:**

April 9, 2020  
 April 24, 2020  
 April 30, 2020  
 April 30, 2020  
 April 30, 2020  
 April 30, 2020

**Releases for May:**

Noncitrus Fruit and Nut  
Crop Production  
Cotton County Estimate  
Cattle on Feed  
Agricultural Prices

**Relating Dates:**

2019  
May 1, 2020  
2018 & 2019  
May 1, 2020  
May 15, 2020

**Release Dates:**

May 5, 2020  
May 12, 2020  
May 12, 2020  
May 22, 2020  
May 29, 2020

**Meetings and Events:**

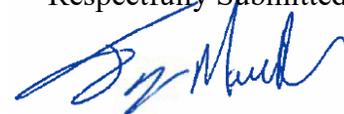
Objective Yield Enumerator Training April 16<sup>th</sup>, 2020

**Date:**

**Location:**

Virtual

Respectfully Submitted,



Troy Marshall

# MARKET DEVELOPMENT SERVICES

*May 20, 2020*

**Report to the State Board of Agriculture**

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Resources Delivered to Schools: 12,497
- Total Number of Resources/Books Mailed to Students for Social Media Participation: 12

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

- The AITC website had 8,603 visits and 7,010 unique pageview visits.
- AITC lessons were downloaded 1,239 times.
- The AITC monthly email is delivered to 13,046 accounts.
- The AITC Facebook page now has 5,522 followers. (up from 5,195 before COVID)
- The AITC YouTube channel now has 6,536 views. (up from 6,103 before COVID)
- Kahoot: 96 games, of which 21 are Challenge games with 171 plays by students at home.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
50+ all grades	Zoom Call	Cotton Classroom with Shelley Heinrich of Cotton Board	Information about Cotton and ability to sign their class up for Cotton Zoom Classroom

### Ag in the Classroom- Resources Mailed or Delivered

Number of Resources	Location Resources were Mailed or Delivered	Resources
15	3J Farms - Blanchard	Specialty Crops Lower Level Activity Books
15	3J Farms - Blanchard	Specialty Crops Upper Level Magazines
15	3J Farms - Blanchard	ABC's of Oklahoma Coloring Book
15	3J Farms - Blanchard	Ag on Rt 66 Activity Books
448	Purcell Public Schools	ABC's of Oklahoma Coloring Book
1100	Purcell Public Schools	Specialty Crops Upper Level Magazines
1100	Purcell Public Schools	Ag on Rt 66 Activity Books

90	Stanley Hupfeld Academy	ABC's of Oklahoma Coloring Book
250	Stanley Hupfeld Academy	Ag on Rt 66 Activity Books
190	Stanley Hupfeld Academy	Specialty Crops Upper Level Magazines
200	Maysville Elementary	ABC's of Oklahoma Coloring Book
150	Maysville Elementary	Ag on Rt 66 Activity Books
100	Maysville Elementary	Specialty Crops Upper Level Magazines
550	Seminole Public Schools	ABC's of Oklahoma Coloring Book
760	Seminole Public Schools	Ag on Rt 66 Activity Books
550	Seminole Public Schools	Specialty Crops Upper Level Magazines
170	Chandler Public Schools	ABC's of Oklahoma Coloring Book
175	Chandler Public Schools	Ag on Rt 66 Activity Books
59	Stuart Public Schools	ABC's of Oklahoma Coloring Book
91	Stuart Public Schools	Ag on Rt 66 Activity Books
189	Stuart Public Schools	Specialty Crops Upper Level Magazines
240	Agape Berry Farm - Mustang, OK	ABC's of Oklahoma Coloring Book
250	Agape Berry Farm - Mustang, OK	Specialty Crops Lower Level Activity Books
250	Agape Berry Farm - Mustang, OK	Specialty Crops Upper Level Magazines
35	Balko	ABC's of Oklahoma Coloring Book
30	Balko	Ag on Rt 66 Activity Books
50	Balko	AITC Commodity Bookmarks
21	Mooreland Elementary	ABCs of Oklahoma Coloring Book
20	Mooreland Elementary	Specialty Crops Upper Level Magazines
25	Mooreland Elementary	AITC Commodity Bookmarks
152	Laverne	ABC's of Oklahoma Coloring Book
149	Laverne	Ag on Rt 66 Activity Books
178	Laverne	Specialty Crops Upper Level Magazines
175	Laverne	AITC Commodity Bookmarks
43	Deer Creek Lamont	ABC's of Oklahoma Coloring Book
77	Deer Creek Lamont	Ag on Rt 66 Activity Books
90	Deer Creek Lamont	Specialty Crops Upper Level Magazines
100	Deer Creek Lamont	AITC Commodity Bookmarks
98	MCCord Elementary	ABCs of Oklahoma Coloring Book
280	MCCord Elementary	Ag on Rt 66 Activity Books
180	MCCord Elementary	Specialty Crops Upper Level Magazines
250	MCCord Elementary	AITC Commodity Bookmarks
120	Jennings	ABC's of Oklahoma Coloring Book
75	Jennings	Ag on Rt 66 Activity Books
75	Jennings	Specialty Crops Upper Level Magazines
125	Jennings	AITC Commodity Bookmarks
100	Canadian	ABC's of Oklahoma Coloring Book

200	Canadian	Ag on Rt 66 Activity Books
125	Canadian	Specialty Crops Upper Level Magazines
200	Canadian	AITC Commodity Bookmarks
170	Briggs	ABC's of Oklahoma Coloring Book
300	Briggs	Ag on Rt 66 Activity Books
400	Briggs	Specialty Crops Upper Level Magazines
300	Briggs	AITC Commodity Bookmarks
50	Cleora	ABC's of Oklahoma Coloring Book
65	Cleora	Ag on Rt 66 Activity Books
75	Cleora	Specialty Crops Upper Level Magazines
75	Cleora	AITC Commodity Bookmarks
150	Oklahoma Union	ABC's of Oklahoma Coloring Book
250	Oklahoma Union	Ag on Rt 66 Activity Books
250	Oklahoma Union	Specialty Crops Upper Level Magazines
250	Oklahoma Union	AITC Commodity Bookmarks
70	Gans	Ag on Rt 66 Activity Books
70	Gans	Specialty Crops Upper Level Magazines
75	Gans	AITC Commodity Bookmarks
160	Frederick	ABC's of Oklahoma Coloring Book
240	Frederick	Ag on Rt 66 Activity Books
150	Frederick	Specialty Crops Upper Level Magazines
20	Ripley	ABC's of Oklahoma Coloring Book
20	Ripley	Ag on Rt 66 Activity Books

### Ag in the Classroom- Other Events

Date	Event	Highlights
3/23/2020	mAGnificent Monday	Post reached 1.3K- Ag on Rt 66 Activity Book
3/24/2020	Ag Technology Tuesday	Post reached 4.9K- AITC Ag Games on website
3/24/2020	okAGo Bingo	Post reached 3.7K- New Resource created for COVID by AITC
3/25/2020	Ag Around the World Wednesday	Post reached 1.9K- Cherry Street Farmers Market and Loklahoma
3/26/2020	Think About Ag Thursday	Post reached 3.3K- Emily Ague Rescue Grady the Cow Challenge- Created by AITC
3/27/2020	Farm Fun Friday	Post reached 1.7K- Melody Aufill Beef Cattle video- Created by AITC
3/29/2020	mAGnificent Monday	Post reached 1.3K- Specialty Crops Upper Level Magazines
3/30/2020	Ag Technology Tuesday	Post reached 3.3K- New Kahoot Challenge games New Resource created for COVID by AITC

3/31/2020	Ag Around the World Wednesday	Post reached 707- Native Acres Virtual Farm Tour- created for AITC
4/1/2020	Think About Ag Thursday	Post reached 1.1K- Bailey Kliewer Sheep video- created for AITC
4/2/2020	Farm Fun Friday	Post reached 703- Peterson Brothers farm video
4/6/2020	mAGnificent Monday	Post reached 923- Fruits, Nuts, and Veggies, Oh My
4/7/2020	Ag Technology Tuesday	Post reached 534- Farmers 2050 App
4/8/2020	Ag Around the World Wednesday	Post reached 1.6K- Kelton and Kennedy Arthur Farm Video- created for AITC
4/9/2020	Think About Ag Thursday	Post reached 361- 3J Farms Plant Sale and Loklahoma
4/10/2020	Farm Fun Friday	Post reached 256- Easter Eggheads Planting
4/13/2020	mAGnificent Monday	Post reached 1.7K- Specialty Crops Lower Level Activity Books
4/14/2020	Ag Technology Tuesday	Post reached 7.3K- Virtual Ag Day AITC Award winner video and sharing all posts made by ODAFF
4/15/2020	Ag Around the World Wednesday	Post reached 1.8K- Amber Bales Herb Planting video- created for AITC
4/16/2020	Think About Ag Thursday	Post reached 551- Anna Wofford Hair Sheep video- created for AITC
4/17/2020	Farm Fun Friday	Post reached 1.1K- All Subject Ag Challenge- New Resource created for COVID by AITC
4/20/2020	mAGnificent Monday	Post reached 1.8K- Oklahoma Ag mAGazine
4/21/2020	Ag Technology Tuesday	Post reached 1.7K- Mesonet Challenge New Resource created for COVID by AITC
4/22/2020	Ag Around the World Wednesday	Post reached 403- Candling Eggs video
4/23/2020	Think About Ag Thursday	Post reached 1.8K- Sherree Orrell Beef video- created for AITC
4/24/2020	Farm Fun Friday	Post reached 975- My American Farm app
4/27/2020	mAGnificent Monday	Post reached 1.3K- Roll a Farm Dice Game New Resource created for COVID by AITC
4/28/2020	Ag Technology Tuesday	Post reached 292- Virtual Bee AITC lesson created by Oklahoma 4-H
4/29/2020	Ag Around the World Wednesday	Post reached 459- Anna Wofford Bee video- created for AITC
4/30/2020	Think About Ag Thursday	Post reached 177- Pork Council Family Sandwich Challenge
5/1/2020	Farm Fun Friday	Post reached 88+ - Watercolor Strawberry art lesson by Lisa Storm- created for AITC
	Grant	Wrote and Received \$10,000 grant from CHS to create Oklahoma Career-opoly Board Game
	Grant	Wrote and submitted specialty crop block grant application
	National AITC Leadership Summit Conference zoom call	Audrey Harmon re-elected to serve as Southern Region representative on National Executive Committee; Audrey, Melody, and Emily all attended 4 hours professional development

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

Type	Website URL
21 Kahoot Challenge games added	<a href="https://agclassroom.org/ok/resources_classroom/kahoot.php">https://agclassroom.org/ok/resources_classroom/kahoot.php</a>
AITC Contest Winners added	<a href="https://agclassroom.org/ok/contest/index.php">https://agclassroom.org/ok/contest/index.php</a>

**AGRITOURISM**

**Agritourism - Site Visits**

Producer	Location	Category	Highlights
3J Farms	Blanchard	Farm-to-Table, Loklahoma	Creating Loklahoma commercial, needed photos to be used for commercial
Norman Farmers Market	Norman	Farmers Market	Took photos of the drive thru market vendors
OKC Public Market	OKC	Farmers Market	Took photos of all of the vendors and products to be used in social media campaign

**Agritourism – Web and Social Traffic**

Facebook: 11,528 page likes

Instagram: 1,283 followers

**Loklahoma**

Facebook: 1,786 page likes (originated on March 18)

**Agritourism - Other Activities**

- Coordinating Loklahoma program
  - Creating farmers market graphics once a week about which markets are open
  - Facebooks scans multiple times a week to share producer updates on our Facebook
  - Updating producer profiles and adding new ones as they come in
  - Created videos for Loklahoma Facebook page about why consumers should buy local
  - Meetings with Staplegun to create Loklahoma/social media commercial
- Launched u-pick strawberry video on social media
  - 26,000 views
  - 124 shares
  - 371 likes
- Wine trail and jelly making trail brochures final updates
- Created an Instagram story and blog post about a strawberry bread recipe

- Helping the Tourism Department – Film Industry division seek out fruit farms for a movie location (introduced the movie producers to several agritourism producers)
- Email consults with multiple potential agritourism producers
- Ag Day Away from the Capitol – created graphics, scheduled all Facebook posts (graphics/videos) on event page, created “ag day trivia”, monitored Facebook page throughout the event

**ECONOMIC DEVELOPMENT**

Activity	Action	Location
2020 Specialty Crop Block Grant	Received 14 eligible applications from outside ODAFF and 3 internal proposals. Review committee was chosen from industry leaders, applications were ranked and final selections were discussed via zoom.	
Viticulture & Enology Grant program	Contractual agreements were written and approved by the selection committee - Oklahoma Grape Management Class and Research Vineyard Support & Monitoring The Vectors Of Grapevine Red Blotch Virus Using Minion Sequencing In Oklahoma. The contracts have been emailed to Oklahoma State University for signing.	
Agriculture Enhancement & Diversification Program	3 Farm Diversification Grant applications were submitted for consideration in advance of the April 1 <sup>st</sup> deadline. Two of the applications were incomplete and were not eligible for review. The meeting was scheduled for May 1 <sup>st</sup> but has been postponed due to COVID-19 and will be rescheduled for a later date.	

**FARM TO SCHOOL**

ACTIVITY	ACTION	LOCATION
<b>SCBG Grant Modification</b>	Due to a variety of situations, expenditures not used and then the timing of COVID-19 we are modifying a current grant and working on Tasteful Harvest Resources. These resources will be a 12 poster set including 3 Information/Connection Sheets for Cafeteria, Classroom & Families. Another resource will be a Tasteful Harvest Cookbook that will include recipes to be used in the cafeteria, recipes for children and recipes for families using the specialty crops like, tomatoes, watermelon, zucchini, etc.	

<b>2020 School Garden Grant</b>	Wrote Let's Get Growing with a School Garden Grant. Will fund several gardens at schools and early childhood education centers.	
<b>Dairy Max Request for Curriculum Review</b>	Dairy Max asked Farm to School to review some curriculum they are calling farm to school. It consists of 4 lessons and 8-10 activity sheets. They have asked to also include the Oklahoma Academic Standards for each lesson.	
<b>OSU Partnership</b>	Agreed to merge F2S conference with Cooking For Kids. We will partner together along with Shelley Mitchell and Josh Campbell on a conference pertaining to school gardens and farm to school. The tour day will be the day before. The dates are Sept. 10 Tour and Sept. 11 <sup>th</sup> conference.	

## **FARMERS MARKETS**

<b>Event/Meeting</b>	<b>Location</b>	<b>Details</b>
Updated Farmers Markets	OKC	Updated farmers market database and website for new 2020 information
Weekly open markets	Oklahoma	Created social media content to post weekly and help advertise markets that are still open

### **New Farmers Markets**

<b>Market Name</b>	<b>Location</b>	<b>Website</b>
Hillside Farmers Market	Skiatook	<a href="https://www.facebook.com/HillsideSkiatook/">https://www.facebook.com/HillsideSkiatook/</a>

## **INTERNATIONAL**

<b>Activity</b>	<b>Action</b>	<b>Location</b>
Food Export Spring Meeting	<p>First ever virtual Food Export meeting. This was a condensed version of our bi-annual meeting to discuss 2019 activities and go over all plans submitted for the 2021 UES that will be submitted to FAS.</p> <ul style="list-style-type: none"> <li>• We met our new FAS marketing specialist after Don Washington's retirement, Marketing Specialist: Teresina Chin</li> <li>• Submission of claims for activities canceled due to the Coronavirus</li> </ul>	Zoom

	<ul style="list-style-type: none"> <li>• China NGO Requirements-Food Export and the IMR will have to make sure to follow guidelines</li> <li>• •The removal of Branded Program graduation requirements for domestic trade shows(this was in the new farm bill), and the need to monitor companies who only seek reimbursement for domestic shows year after year (since that’s not the intent of the program).</li> <li>• Introduced to new Food Export staff members</li> <li>• New programs to highlight with the lack of travel</li> <li>• Discussed what we are seeing across states-pick up in retail some companies looking to refocus on the opportunity in the US. Food Service looking for any opportunity, Dairy looking for ways to get rid of some product. Shelf stable items have seen some pick up in some countries.</li> </ul>	
Calls to all companies	<ul style="list-style-type: none"> <li>• Calls to the companies already approved for STEP at cancelled shows to confirm STEP requirements for next year</li> <li>• Calls to companies that were impacted by cancelled shows approved with Food Export Brand program- FAS ruled to reimburse cancelled shows.</li> </ul>	
Certificate of Free Sale	Lopez Quality Supplements	Email request
Food Export NRA project	The companies that are already signed up for the NRA buyers mission in May, we are looking to do a virtual buyers mission as a look at how that might work and to actively recruit for others if this goes well.	Call
Trade Ecosystem & Referral Document	<ul style="list-style-type: none"> <li>• Continued calls on how this document would look and the info that needs to be included</li> </ul>	Zoom Call
Food Export New Liaison for Oklahoma	Discussed all of the OK companies and who might be candidates for virtual options right now.	Call
Beef to China Discussion	A GIT board member reached out with a client that has a need to find a source to export Beef, Pork, and Poultry to China & Hong Kong. We have a few more meetings set up this week with OCA and with a Blue Sky, an Oklahoma trading company to continue discussions.	Zoom call

Brand Program Call- Molly Quirk	Gather plans for all OK cost share companies effected by the Covid 19 cancellations. Gina's Gourmet, Kize Concepts, Clements Foods, Griffin Foods	Call
Webinars	Participated in several webinars hosted by the Specialty Food Association, USDA, Euro monitor, and Food Export Midwest	
Commerce Calls for Agriculture	Joined the weekly calls hosted by Commerce to address the ongoing state efforts to Agriculture sector	Zoom
Diane Signature Products	Visited with Diane and Brooke about applying for the cost share program to attend the PLMA show in November	Zoom

## **MADE IN OKLAHOMA PROGRAM**

<b>Activity</b>	<b>Location</b>	<b>Details</b>
Liquidfish meeting	OKC	Finalized the new Made in Oklahoma logo and begin website
COVID-19 Survey for MIO Companies	Oklahoma	Sent out surveys to each companies to help determine where they need the most assistance.
Highlight MIO companies on Facebook	Oklahoma	Highlighted Made in Oklahoma companies what they have to offer on the Facebook page.
Freshpoint Market	OKC	Freshpoint hosted the first weekly market highlighting Made in Oklahoma companies.
Publically revealed the new Made in Oklahoma Program logos	Oklahoma	Staff revealed the new Made in Oklahoma logos with a big Facebook campaign. The winner will receive a Made in Oklahoma gift basket

### **New Made in Oklahoma Companies**

<b>Company Name</b>	<b>Location</b>	<b>Details</b>	<b>Website</b>
Milo's Tea	Owasso	Sweet Tea, Unsweet Tea, Decaf Sweet Tea, Sweet Tea and Lemonade, and Lemonade	<a href="https://drinkmilos.com/">https://drinkmilos.com/</a>
Stockyard Sarasapilla	Oklahoma City	Homemade Fudge	<a href="https://stockyards-sarsaparilla.com/">https://stockyards-sarsaparilla.com/</a>
T3 Cattle Co	Blanchard	Custom processed beef and pork raised ranch	<a href="https://www.t3cattleco.com">https://www.t3cattleco.com</a>
American Inheritance Confectionery	Broken Arrow	Oatmeal Cream Pie style cookies, Belgian Street Waffles, and Chocolate	<a href="https://americaninheritanceconfectionery.com/">https://americaninheritanceconfectionery.com/</a>

Webb Gardens	Catoosa	Cut flowers, Herbs, Vegetables, and plants	<a href="https://www.facebook.com/Webb-Gardens-105512654336294/">https://www.facebook.com/Webb-Gardens-105512654336294/</a>
Grassroots Ranch	Porter	Grassfed, Forested Pork, Pastured Chicken, and Pastured Eggs	<a href="https://grassrootsranch.com/">https://grassrootsranch.com/</a>
AliMade	Tulsa	Bone Broth and Vegetable Broth	<a href="https://www.alimadefood.com/">https://www.alimadefood.com/</a>
7J Cattle Company	Bixby	Various Beef	<a href="https://www.7jcattlecompany.com/">https://www.7jcattlecompany.com/</a>

**Other Activities:**

The new black/white and color version of the Made in Oklahoma Program logo.



**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 (ads)	April: \$1,800 YouTube \$2,000 Facebook \$255 Google Display	Meet MIO video and MIO 20 <sup>th</sup> 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
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 Channel 6 in Tulsa	\$350	Natalie Mikels, MIO TV Personality in Tulsa filmed one remote cooking segment that was featured on Channel 6 in Tulsa for the month of March.
Developed MIO Restaurant List for Curbside, Takeout & Delivery	Staff developed a statewide listing of MIO restaurants open for curbside, takeout and delivery during the Covid-19 crisis	This listing was promoted on MIO social media platforms and the MIO website
Developed MIO Coalition Covid-19 Response Commercial for Month of April	\$54,000 media buy on channels 4 and 9 in OKC and channel 6 in Tulsa. Commercial ran statewide for 3 weeks	Staff worked with Boiling Point Media to develop a response commercial to the Covid-19 crisis highlighting MIO members efforts to keep food on the shelves
MIO Member Online Purchasing Bingo – 2 boards	Member Bingo Post: Instagram: 26 likes/engagement, 507 impressions, Facebook: 11 likes, 76 engagements, 1749 Reach Twitter: 2 likes, 6 engagements, 323 impressions	Participating Members: <ul style="list-style-type: none"> <li>• Ralphps Packing Company</li> <li>• Gina’s Gourmet Pantry</li> <li>• Compadres Coffee Co.</li> <li>• Della Terra Pasta</li> <li>• Leap Coffee Roasters</li> <li>• Anthem Brewing</li> <li>• Healthy Cravings</li> <li>• Miller Pecan Co.</li> <li>• Shawnee Mills</li> <li>• Stryve Biltong</li> <li>• Ace in the Bowl Salsa</li> <li>• Neighbors Coffee Co.</li> </ul>
MIO Restaurant Gift Card Giveaways on Social Media	Braums Giveaway: Instagram: 26 likes/engagement, 584 impressions Facebook: 277 likes, 1898 engagement, 21,250 impressions Twitter: 6 likes, 12 engagements, 402 impressions  Boomerang Giveaway: Instagram: 9 likes/engagement, 261 impressions, Facebook: 56 likes, 242 engagements, 3192 Reach Twitter: 5 likes, 6 engagements, 327 impressions  Western Concepts: Instagram: 18 likes/engagement, 452 impressions, Facebook: 20 likes, 162 engagements, 1967 Reach	Purpose: Support MIO restaurants during time of need and encourage interaction on social media pages

	<p>Twitter: 4 likes, 14 engagements, 1094 impressions</p> <p>Good Egg Dining Group: Instagram: 18 likes, 19 engagements, 261 impressions, Facebook: 41 likes, 233 engagements, 3264 Reach Twitter: 1 like, 2 engagements, 786</p>	
Discover Oklahoma Spring Special Commercials	\$5,200	13 statewide :30 second commercial spots for the months of April, May and June
Social Media Stats	BPM retainer	Twitter: 5,598 Instagram: 2,335 Facebook: 14,631

**Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
<p>MIO Membership Meeting</p> <ul style="list-style-type: none"> <li>• April 10<sup>th</sup></li> </ul>	<p>General check in with membership to see how they are holding up during the Covid-19 Crisis. Secretary Arthur and Lt. Governor Pinnell also joined the meeting and updated the members on support efforts.</p>
<p>MIO Board Meeting and Membership Interviews via Zoom</p> <ul style="list-style-type: none"> <li>• April 30<sup>th</sup></li> </ul>	<p>New MIO Members:</p> <ul style="list-style-type: none"> <li>• OKC Soda Company</li> <li>• Sweet Spirit Foods</li> <li>• Roark Acres Honey</li> </ul> <p>Associate Members:</p> <ul style="list-style-type: none"> <li>• Log10 – food safety company</li> <li>• The Oil Tree</li> <li>• Tulsa Hills Wine Cellar</li> </ul>

## MARKET NEWS SERVICES

**March 23, 2020**

**April 29, 2020** DIFFERENCE

<b>WHEAT: (bu)</b>	\$4.45-4.79	\$4.27-4.57	\$0.18 to \$0.22 lower
<b>MILO: (cwt)</b>	\$5.16-5.52	\$4.54-5.91	\$0.62 lower to \$0.39 higher
<b>SOYBEANS: (bu)</b>	\$7.59-8.19	\$7.06-7.72	\$0.47 to \$0.53 lower
<b>CORN: (bu)</b>	\$3.35-3.59	\$2.75-3.30	\$0.29 to \$0.60 lower
<b>COTTON: (lb)</b>	47.15 cents	51.62 cents	4.47 cents higher

**OKC WEST (EL RENO) STEER CALVES AND YEARLINGS:**

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

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

(4-21-20) \$145.00-\$155.00 Wtd. Avg. \$ 151.50

Yearlings 600-700 lbs.

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

(4-21-20) \$135.50-\$145.50 Wtd. Avg. \$ 142.78

Six weekly Oklahoma Market Reports were sent to 5,049 subscribers in March and April (up from 4,284 subscribers).

The voice messaging system was accessed 10,956 times Mar. 24<sup>th</sup>-April 29<sup>th</sup> 2020, accessed 8,261 April 1<sup>st</sup>-29<sup>th</sup> compared to 2,911 in April 2019.

**Hay Report:** Alfalfa and hay trade movement was at a standstill yet again this week, trade remains steady, several growers are thinking of reducing prices on last year's crop to get ready for new crop. Most of the Alfalfa quoted at the top of the price ranges, had to be flawless. Most of the trade area received around 2 inches of rain in the middle of the week.



**Oklahoma Department of Agriculture,  
Food, and Forestry  
May 20, 2020 Board Report for the  
Agricultural Environmental Management Services  
Division - Activities from  
Mar. 16 through Apr 26, 2020**

## AEMS Division Monthly Activities

- April 10, 2020 & April 24, 2020 – A representative from the AEMS division participated in conference calls with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- March 20, April 10 & April 17, 2020 – A representative from the AEMS division participated in conference calls with OSU, USDA APHIS, University of Maine, and ODAFF to discuss carcass management training in Oklahoma.
- Representatives from the AEMS division participated in weekly Illinois River Watershed conference calls.

### AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 1
- Number of AgPDES CGP Authorizations this reporting period: 4

### 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:

7	Complaints received and investigated this reporting period.
1	Complaints closed this reporting period
Complaints Received - Breakdown	
	Cattle - 1 Swine - 1 Poultry- 2 Other - 3
57	Year to date complaints received in FY 20
65	Year to date complaints closed in FY 20
86	LMFO/CAFO inspections, plus technical assistance
246	Poultry inspections and technical assistance

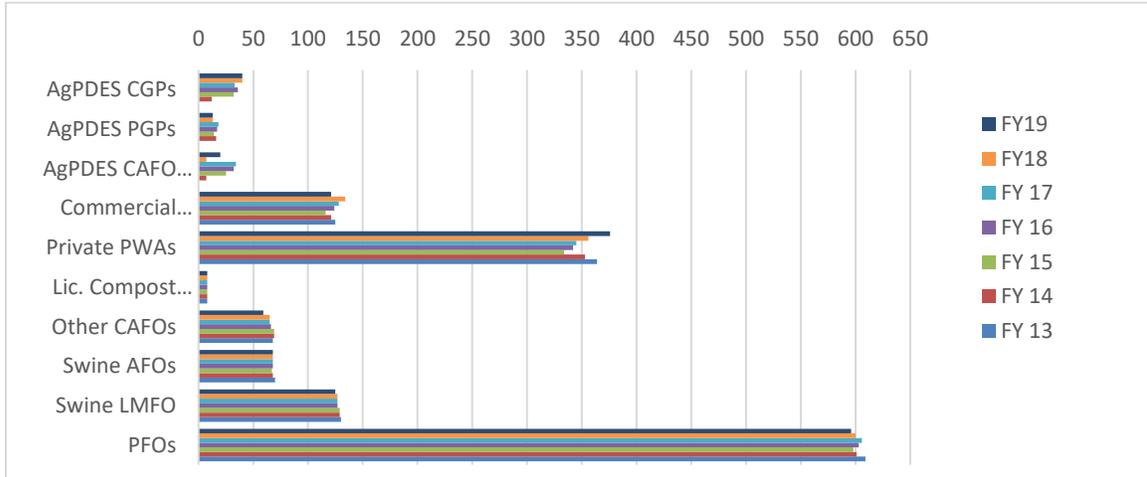
### CAFO and LMFO Activities - Month and Fiscal Year 2020

	Mar. 16 – Apr. 26, 2020	FY 20 Total
Complaint or Compliance Follow-ups	13	103
Annual Inspections	44	452
Carcass Disposal Inspections	10	179
Technical Assistance with Contacts	42	153
Site Visit/Review – No contact made	7	51

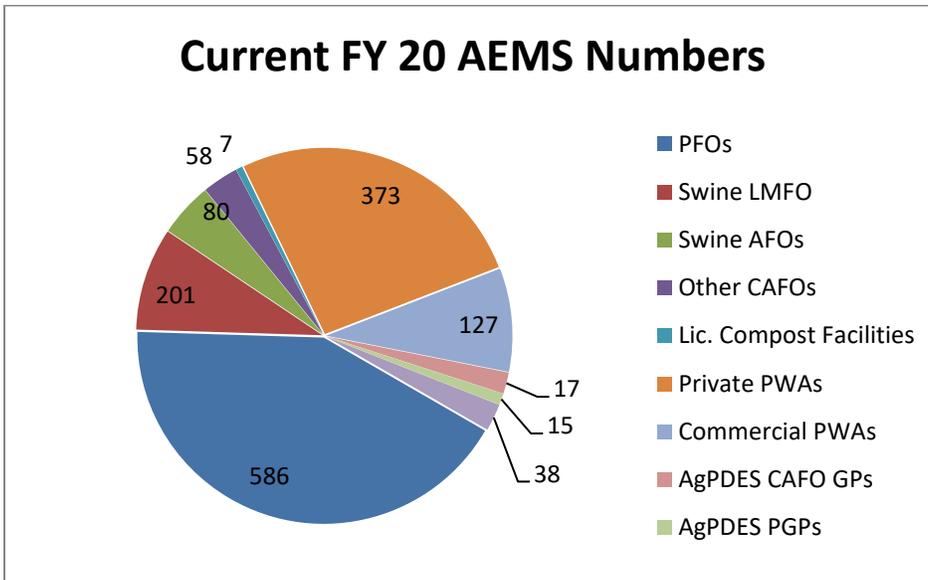
**Poultry Activities – Month and Fiscal Year 2020**

	Mar. 16 –Apr. 26, 2020	FY 20 Total
Complaint or Compliance Follow-ups	7	55
Annual Poultry Inspections	123	580
Poultry Technical Assistance	123	1252
Soil Samples Collected	100	376
Site Visit/Review – No contact made	72	637
Construction Stormwater Inspection	0	1
Eucha-Spavinaw CNMP Written	33	70
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**

**MAY 2020 BOARD REPORT  
REGARDING MARCH 21, 2020 THROUGH MAY 1, 2020 ACTIVITIES OF THE  
OFFICE OF GENERAL COUNSEL**

**ACTIONS FOR BOARD CONSIDERATION:**

<b>Matter</b>	<b>Type of Resolution</b>	<b>Amount</b>
Harvey Farms LIC #164	Stipulation	\$350.00
Agwerx Aviation	Stipulation	\$1,000.00
Marty Clinton	Stipulation	\$250.00
Jeff Goode	Stipulation	\$750.00
Raab Aviation	Stipulation	\$250.00
Fred Schmedt	Stipulation	\$250.00
Hempyre Genetics, LLC	Consent Order	\$250.00

**CONTRACTS REVIEWED OR DRAFTED (30):**

Forestry - 4
Market Development - 8
Wildlife - 5
Admin - 3
CPS - 7
Animal Industry - 3

**ADMINISTRATIVE HEARING PROCEEDINGS:**

<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-434: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-435: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-436: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-438: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-528: Briefed and awaiting ALJ decision.
<b>ODAFF v. King, Alan</b> , OGC-17-479: Initiated individual proceedings. Scheduling Order issued. Set for hearing June 4, 2020.

<b>ODAFF v. Mansion Farms, OGC-19-319:</b> Initiated individual proceedings. Scheduling Order issued. Set for hearing June 4, 2020.
<b>ODAFF v. Terry Vigil, OGC-19-606:</b> Pending new Scheduling Order.
<b>ODAFF v. Hitch Enterprises, OGC-19-882.</b> Initiated individual proceedings. Negotiations ongoing.
<b>ODAFF v. Gerald Wilson, OGC-19-212.</b> Initiated individual proceedings. Negotiations ongoing.
<b>ODAFF v. Robinson Brothers, OGC-19-823.</b> Scheduling Order issued. Set for hearing July 2, 2020.
<b>ODAFF v. Seaboard, OGC-19-388.</b> Initiated individual proceedings. Negotiations ongoing.
<b>W.L. Hardesty, et al v. ODAFF, OGC-19-__.</b> Petition for Declaratory Ruling. Order issued. Initial appearance before ALJ set for May 7, 2020.
<b>ODAFF v. Enterprise Grain Co. LLC, OGC-19-567:</b> Initiated individual proceedings. Negotiations ongoing.
<b>ODAFF v. Fairbanks Scale, OGC-19-609:</b> Initiated individual proceedings. Negotiations ongoing.
<b>ODAFF v. Lawn Guy, OGC-19-549:</b> Negotiations ongoing. Scheduling Order issued.
<b>ODAFF v. Stet. Corp., OGC-19-886:</b> Negotiations ongoing. Prehearing conference set for May 7, 2020.
<b>ODAFF v. Raab Aviation, OGC-19-821:</b> Negotiations ongoing. Prehearing conference set for June 4, 2020.
<b>ODAFF v. Flea Stoppers, OGC-19-982:</b> Negotiations ongoing. Prehearing conference set for May 7, 2020.
<b>ODAFF v. Mosquitno, LLC, OGC-19-979:</b> Service attempts ongoing. Prehearing conference set for September 3, 2020.
<b>ODAFF v. Mary Jo Collum, OGC-19-961:</b> Negotiations ongoing. Prehearing conference set for May 7, 2020.
<b>ODAFF v. Troy Bowden, OGC-19-311:</b> Negotiations ongoing. Prehearing conference set for May 7, 2020.
<b>ODAFF v. Larry Stacy, OGC-19-604:</b> Negotiations ongoing. Prehearing conference set for June 4, 2020.
<b>ODAFF v. Delashaw Farm, OGC-19-824:</b> Negotiations ongoing. Prehearing conference set for June 4, 2020.
<b>ODAFF v. Jeff Vinson, OGC-19-834:</b> Negotiations ongoing. Prehearing conference set for June 4, 2020.
<b>ODAFF v. Ron Stock, OGC-19-936:</b> Negotiations ongoing. Prehearing conference set for June 4, 2020.

**OTHER ACTIONS AND PROCEEDINGS:**

<b><i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i></b> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 3/25/19).
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<i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i> , 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.
<i>Aaron Grey v. ODAFF</i> , Oklahoma Merit Protection Commission Case No. MPC-20-002: Discovery requests and depositions pending. Hearing date set.
<i>Kirk Marshall v. ODAFF</i> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer drafted and prepared for filing. Pending preparation of Motion to Dismiss.

**MEETINGS:**

Date	Activity
March 24, 2020	Director's Meeting
March 26, 2020	OGC Staff Meeting
March 26, 2020	The Farm Economy and Estate Planning Webinar
March 26, 2020	OGC Laserfiche Process Walk Through
March 26, 2020	Illinois River Working Group
March 31, 2020	Director's Meeting
April 2, 2020	ODAFF Town Hall Meetings
April 2, 2020	ODAFF Employee Town Hall Meeting
April 7, 2020	Director's Meeting
April 8, 2020	State Board of Agriculture
April 9, 2020	Illinois River Working Group
April 14, 2020	Director's Meeting
April 14, 2020	Lunch and Learn
April 15, 2020	Illinois River Water Quality Standards Monitoring
April 16, 2020	Illinois River Working Group
April 17, 2020	Lunch and Learn
April 17, 2020	NTT Workstation Support Roundtable
April 20, 2020	Enviro-Ag Engineering
April 20, 2020	LOK Issues Forum
April 21, 2020	Director's Meeting
April 21, 2020	Collections Meeting
April 22, 2020	COVID-19: Regulatory Change Impacting Food Production and Distribution Webinar
April 23, 2020	Illinois River Working Group
April 24, 2020	Office of Emergency Management re: carcass disposal
April 28, 2020	Director's Meeting
April 29, 2020	OBA Legislative Monitoring Committee
April 29, 2020	OGC Staff Meeting

**RULE ACTIVITIES:**

<p><b>Chapter 30. Consumer Protection (Emergency FY2020):</b> Emergency rules adopted by Board April 8, 2020. Emergency Rule Document submitted to the Office of the Governor on April 8, 2020.</p>
<p><b>Chapter 2. Fees (Permanent FY 2020):</b> 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><b>Chapter 10. Agricultural Products (Permanent FY 2020):</b> 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><b>Chapter 13. Fuel Alcohol (Permanent FY 2020):</b> 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><b>Chapter 15. Animal Industry (Permanent FY 2020):</b> 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><b>Chapter 17. Water Quality (Permanent FY 2020):</b> 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><b>Chapter 18. Carcass Disposal (Permanent FY 2020):</b> 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><b>Chapter 30. Consumer Protection (Permanent FY 2020):</b> 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><b>Chapter 37. Food Safety (Permanent FY 2020):</b> 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><b>Chapter 40. Market Development (Permanent FY 2020):</b> 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><b>Chapter 44. AgPDES (Permanent FY 2020):</b> 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><b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2020):</b> 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><b>OHRC</b></p>
<p><b>Chapter 15. Licensing (Permanent FY 2020):</b> 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><b>Chapter 25. Entries and Declarations (Permanent FY 2020):</b> 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><b>Chapter 35. General Conduct (Permanent FY 2020):</b> 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><b>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2020):</b> 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><b>Chapter 50. Human Substance Abuse Testing (Permanent FY 2020):</b> 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><b>Chapter 60. Running the Race (Permanent FY 2020):</b> 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><b>Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2020):</b> 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><b>Chapter 75. Oklahoma-Bred Program (Permanent FY 2020):</b> 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><b>Chapter 80. Gaming Licensing Requirements (Permanent FY 2020):</b> Permanent rules adopted by Oklahoma Horse Racing Commission on April 1, 2020. Agency Rule Report submitted to the Governor and Legislature April 1, 2020. Statement of Submission filed with Office of Administrative Rules April 1, 2020.</p>
<p><b>Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2020):</b> Permanent rules adopted by Oklahoma Horse</p>

Racing Commission on April 1, 2020. Agency Rule Report submitted to the Governor and Legislature April 1, 2020. Statement of Submission filed with Office of Administrative Rules April 1, 2020.
<b>Chapter 90. Gaming Operations (Permanent FY 2020):</b> Permanent rules adopted by Oklahoma Horse Racing Commission on April 1, 2020. Agency Rule Report submitted to the Governor and Legislature April 1, 2020. Statement of Submission filed with Office of Administrative Rules April 1, 2020.

**OPEN RECORDS REQUESTS (11):**

Admin (2)
AEMS (1)
Animal Industries (1)
CPS (7)

**OKLAHOMA HORSE RACING COMMISSION**

<b>Litigation: OQHRA v. OHRC</b> , 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. Reversed and remanded by Court of Civil Appeals. Pending further action.
<b>Litigation: Rick Robinson v. OHRC</b> , 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.
<b>Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC</b> , Oklahoma County District Court Case No. CV-2020-430: Petition served. Motion to Dismiss filed and set for hearing June 25, 2020.
<b>Litigation: Cruz Villafranco v. OHRC</b> , Oklahoma County District Court Case No. CV-2020-430: Petition for Temporary Restraining Order. Served. Emergency heard and denied. Response filed. Set for hearing June 25, 2020.
<b>Litigation: Mary Meza v. OHRC</b> , Oklahoma County Case No. CV-2019-2781: Petition filed. Motion to Dismiss filed and set for hearing June 25, 2020.
<b>Litigation: Samuel Valdivia v. OHRC</b> , 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.
<b>Litigation: Oscar Nunez v. OHRC</b> , Oklahoma County Case No. CV-2020-449: Petition filed and served. Pending Answer.
<b>Litigation: Marcos Carrizales v. OHRC</b> , Oklahoma County case No. CJ-2020-1908: Petition for Temporary Restraining Order and Petition for Injunction served and emergency hearing held. Temporary Restraining Order entered. Hearing set for May 19, 2020.

Prepare cases for presentation
Provide discovery to opposing counsel
Hearings at Will Rogers Downs
Hearings at Remington Park
Research as requested for OHRC Executive Director
OHRC regular meeting
Discuss OHRC meeting agenda items
Research and give opinion on delegation of authority to Executive Director
Conference with opposing counsel
Appear in District Courts
Prepare responsive pleadings for cases in District Courts
Discuss various open records issues
Discuss pending litigation with Secretary of Agriculture and OHRC Executive Director

**OTHER ACTIVITIES:**

Preparation for online State Board of Agriculture meeting
Discuss various pesticide cases with CPS
Discuss multiple issues related to carcass disposal due to no ability to process meat
Discuss and develop potential waste by pollution legislation
Review Hemp plan and send to Governor and Attorney General
Discuss laboratory closure issues
Discuss out of state contracts
Review EPA COVID-19 enforcement guide
Discuss Forestry issues with GRDA
Discuss pesticide testing with CPS
Review Governor's Executive Order regarding overweight limits
Discuss pesticide service tech issues with CPS
Discuss Commissioners of Land Office issues
Assemble AgPDES personnel for discussion
Attend AALA webinars
Communicate with CPS regarding enforcement case
Conference with Division regarding contract
Discuss MPC case with opposing counsels
Phone call with MPC director
Research contract issue and emails with outside counsel
Attend Zoom training
Phone call with U.S. Trademark office
Prepare and submit trademark documents
Review documents for HR issue
Request policy information from state agency
Phone call with enforcement case respondent
Attend TEAMS training
Discuss issues and cases with co-workers

Attend SLS weekly seminars
Collections
Discuss various human resources issues
OBA Indian Law Section webcast
Various COVID-19 related activities
Approval of AgPDES documents
Phone calls with outside attorney regarding issued stop sale
Discuss pesticide labeling and registration with CPS
Discuss stop sales with CPS
Follow-up with citizen regarding complaint
Communicate with outside attorney regarding open records request
Discus federal sick leave issues
Discuss various personnel matters
Discuss food safety inspections
Review feral swine hunting SAICS code
Discuss Spartan Mosquito Eradicator issues
Discuss grain warehouse issues
Review Facebook information regarding comments
Review and discuss AEDB legislation
Review and sign EPA QAPP for 106 funds
Review legislation priorities
<b><i>Close with no action taken</i></b> OGC-20-078 Seaboard Slater unauthorized discharge
<b><i>Close with no action taken</i></b> OGC-20-067 Brandon Erwin no certified applicator
<b><i>Close with no action taken</i></b> OGC-20-066 Waterbury Co. Inc. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-065 Senoret Chemical Co. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-064 Mouse-Mix LLC unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-063 P.F. Harris Mfg. Co. Inc. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-062 American Air Filter Co. Inc. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-060 Spectrum Group div. of United Industries Corp. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-058 Sergeant's Pet Product unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-057 Telebrands Corp. dba Bulbhead unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-056 Hacco, Inc. A Neogen Co. unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-055 Greenscapes Home & Garden unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-054 Kaz USA Inc. A Helen of Troy Company unregistered pesticide
<b><i>Close with no action taken</i></b> OGC-20-049 Tyson-Dustin Farm unauthorized discharge
<b><i>Close with no action taken</i></b> OGC-20-175 Chris Cabrera no commercial applicators license
Judge OU Moot Court for first year law students

Discuss potential compost facility with engineering firm
Discuss breastfeeding policy
Review fraud statutes for AIS
Review 2019's SB583 regarding contractor desktop support
Review and discuss brief in support of Legislative lawsuit against State Board of Equalization
Discus Open Meetings Act issues with ODOT
Review FLAG's COVID guide for farmers
Review new WOTUS rule
Review OBA online bar journal
Draft case approval for AgPDES enforcement
Review COVID-19 reopening schedule
Review Maui Supreme Court Clean Water Act decision regarding discharges to groundwater
Discuss apiary complaint with CPS
Discuss default order regarding Investigative Services open records case
Discuss aerial applicators and licensed locations with CPS
Discuss farmers hub legislation and rules with Market Development
Discuss and review false unemployment claims
Review and discuss cattle and bison processing bill
Review and discuss alpaca issues with AIS

**COMMERCIAL PET BREEDER AND ANIMAL SHELTER ACTIVITIES:**

Review and discuss pet breeder complaints
Prepare and discuss updates of rules
Prepare pet breeder renewals and payments

<b>Complaints</b>		
	Current	Fiscal Year
Received	3	27
Closed	0	29
Investigations	1	31
Follow-up	0	38
Open Complaints	29	

<b>Current Active Licenses</b>	
Breeders	165
Shelters	62

<b>Shelter Inspection</b>		
	Current	Fiscal Year
Pre-Inspection	1	3
Annual Inspection	0	7
Follow-up	0	4
Technical Assistance	12	74
Close-out	0	0

<b>Breeder Inspection</b>		
	Current	Fiscal Year
Pre-Inspection	0	5
Annual Inspection	0	6
Follow-up	0	1
Technical Assistance	5	66
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 5,493,550 pounds of poultry – whole legs, drumsticks and split breast meat. ODAFF inspectors provided USDA Shell Egg grading on 93,733 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. Bryan Buchwald attended the National Egg Regulatory Officials Annual Conference & Training Seminar in San Diego, CA.

#### **Organic Foods Section**

Organic inspectors completed compliance and certification inspections at:

- Eight organic crop producers
- Two organic processors
- Two organic livestock producers
- The organic section had requests for 3,000 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 4 requests for organic crop applications, 4 requests for organic processing applications and 2 requests for organic livestock applications.

#### **Produce Safety Section**

- FDA monthly webinars
- Assisted with NASDA workgroup for job position descriptions
- Conference call with South Central States Produce Safety Programs
- Submitted FDA produce grant performance report and budget for next fiscal year
- Outreach on social media with COVID-19 information for Produce Farms

## Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	03
Random Compliance Reviews	06
Person-to-Person Contacts	45
Special Investigations and/or Projects	0
Reports of Apparent Violations	0
Detentions	0
Consumer Complaints	02
Verbal Warnings Issued	01
Letters of Warning Issued	0
Samples Submitted to Lab for Analysis	0
Accident Investigations	01
Administrative Procedures Act	0

### 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
INDIAN NATION TURNPIKE  DAISY, OK	40,000 POUNDS OF FRESH BONELESS CHICKEN	ALL PRODUCT WAS TAKEN TO LOCAL LANDFILL

### Highlighted Activities

Our Compliance Officer was contacted by the Oklahoma Highway Patrol regarding a semi tractor-trailer transporting Fresh Boneless Chicken on Indian Turnpike near Daisy, Oklahoma. The Truck and trailer caught on fire and completely destroyed all content. The Compliance Officer made contact with company officials who opted to properly dispose of product in an approved landfill. The Compliance Officer received confirmation from the recovery company that the entire load of Fresh Boneless Chicken involved in the accident was destroyed.

## Meat Inspection

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

May 5 - Dr. Hardage, Craig Young and Tommy Stephens met with William Scott in El Reno to discuss building a new inspected facility.

May 6 - Dr. Hardage, Roger Moore, Cole Cabaniss and Tommy Stephens met at the Rib Crib headquarter in Tulsa to discuss an inspected facility, that will produce cooked product for grocery store.

## MEAT INSPECTION

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

## PROCESSED MEAT INSPECTED

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

## DAIRY SECTION

Dairy Services staff continues to sample ice cream products at Blue Bell in Broken Arrow related to the *Listeria monocytogenes* product contamination and outbreak in 2015. Since starting back in September in 2015, all samples collected and analyzed by ODAFF have been negative for *Listeria monocytogenes*.

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 product samples and container samples for laboratory analysis.

Dairy Services applied for a grant with FDA and AFDO Milk and Shellfish Grant Program for new dairy equipment for inspectors valued at \$9,465.00.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a long horizontal line extending from the end of the word "Yates".

Scott Yates  
Director of Food Safety

## **Board Report**

### *Communications*

**COVID-19 Response** | Between daily updates, virtual town hall meetings, creating guidance documents and answering hundreds of questions that no one truly had the answer for, the majority of the communication's team's time has been spent on COVID-19 response for the last two months.

Here are some support efforts communications has offered to ODAFF and to the public during this unprecedented time:

- Daily email updates for staff
- Virtual town hall for all staff to participate
- Promotion of the Early Launch of "Loklahoma", a tool for consumers to connect with producers in local areas

**Resources for Producers and Ag Business** | these documents can be found on the main page of the ODAFF website

- Guidance for Cattle Industry (Production Sales)
- Guidance for Livestock Auction Markets
- Guidance for Agribusinesses to provide employees and post at businesses
- Guidance for Farmers Markets for increased precautions
- Guidance for testing of Companion Animals and FAQ for public
- Guidance documents translated to Spanish
- Gathered mental health resources available to Oklahoma producers
- Pushed out free pet food availability information to affected families

### **Ag Day Away From the Capitol**

Even though normal day-to-day activities and events were put on pause, we wanted to still show Oklahoma how the work for our farmers and ranchers does not stop—even in the middle of a pandemic. The communications team (with the help of a few market development staff members) put together a virtual event that showcased ag in our state in a fantastic way. Head over to our Facebook page and click on the "event" tab to check out some of the videos we shared.

### **OADDL Visit and Media Story | March 31**

The Oklahoma State University Animal Diagnostic Laboratory stepped up to the front line and started testing for COVID-19. By April 24, they had successfully handled over 12,000 tests, making them the largest testing capacity lab in the state.

"We can get test results in most cases back in less than 24 hours," Dr. Jerry Ritchey said to Ron Hayes in an interview on Friday.

Although the lab is best known for conducting tests in agriculture and companion animals, focusing primarily on diseases in production animals transferable to humans, they stepped up to the plate when Oklahomans needed their help.

ODAFF wanted to visit and say a great big THANK YOU to the staff of OADDL, OSU administration and dozens of volunteers from the OSU College of Agriculture and College of Engineering for your assistance in COVID-19 response!

To read and listen to Ron Hays of Radio Oklahoma Ag Network interview with Dr. Jerry Ritchey, visit this link: <http://www.oklahomafarmreport.com>

JanLee Rowlett, Legislative Liaison for the Oklahoma Department of Agriculture, Food, and Forestry to provide an update on the 2020 Legislative session, including ODAFF bill requests and other ag legislative topics.

# MAY 20, 2020 BOARD MEETING

## PURCHASES/CONTRACTS

### Agricultural Statistics

Printing of 1,500 Oklahoma Agricultural Statistics 2020 annual bulletins, and 7,000 Oklahoma Pocket Facts 2020 for FY 2020 - \$12,000 dollars.

### Administrative Services

**FY21 – OMES Central Printing - \$7,000**

**FY21- Presort Mail Services - \$6,000**

**FY21- ImageNet Consulting – \$12,000**

Annual Laserfiche software maintenance (LSAP) renewal for the agency document scanning software.

**FY21 - Compsource - Rural Firefighters Workers Compensation for FY21 - \$171,300**

Premiums for insurance to cover the claims of injured rural firefighters. ODAFF would be in violation of state law. This would increase the state's liability in the event of the injury of uninsured rural firefighter. Legislative directed spending.

**FY21 - Rural Fire Pension Fund for FY21 - \$92,000**

The Oklahoma Firefighters Pension and Retirement System shall determine the number of persons who are eligible members of the Oklahoma Firefighters Pension and Retirement System. Upon adequate documentation of membership in the Oklahoma Firefighters Pension and Retirement System pursuant to the provisions of subsection D of Section 351 of Title 19 of the Oklahoma Statutes, the State Department of Agriculture shall make a transfer payment from the Volunteer Firefighter Employer Contribution Payment Revolving Fund to the Oklahoma Firefighters Pension and Retirement System. The amount transferred shall equal the sum of Sixty Dollars (\$60.00) multiplied by the number of members as certified by the System to the Department. Legislative directed spending.

**FY 21 AT&T Wireless - \$120,000.00**

This purchase is for the agency pooled plan cellular service. This purchase allows agency employees to conduct state official abroad which increases efficiency and productivity. This allows for internet connectivity to cell phones, hotspots and iPads. If not approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to agency operations.

**FY 21 Comdata Inc. - \$1,500,000**

This purchase is for agency fuel and maintenance of the fleet. Each agency vehicle is issued a credit card for fuel and maintenance purposes which are tracked on a monthly basis. If not approved, the agency will become less efficient and greatly reduce agency response times and agency deliverables. This expense is vital to ensure agency operations

**FY 21 Agency Workers Comp Insurance premium - \$340,000**

Premiums for insurance to cover the claims of injured workers. ODAFF would be in violation of state law. If not approved, this would increase the State's liability in the event of the injury of uninsured state employees.

**FY 21 Department of Public Safety (Security Guard) - \$68,300**

The agency has an on-site security services for building and personnel safety. Without this service agency property and employee safety would be placed at a greater risk on a daily basis.

**FY 21 Bank of America – Credit Card charges - \$30,000**

The State contracts with Bank of America to process credit card payments. If not approved, ODAFF will not be able to accept credit card payments in person, mail order or for the online store operated by Forestry.

**FY 21 Federal Express - \$30,000**

This purchase is a release against the mandatory statewide contract for small package delivery. This allows for the agency to conduct daily mail services. Without this purchase the agency would be unable to send packages, thus resulting in potential work stoppage of agency activities.

**FY 21 Petroleum Traders (Bulk Fuel) - \$60,000**

Forestry Services has several remote office locations with heavy firefighting equipment. Providing bulk fuel allows for these locations to fuel it firefighting equipment and remain in a ready status when dispatched. Without this purchase this could greatly reduce agency response times, thus putting the public and property at greater risk.

**FY 21 National Association of State Departments of Agriculture (NASDA) - \$16,900**

NASDA grows and enhances agriculture by forging partnerships and creating consensus to achieve sound policy outcomes between state departments of agriculture, the federal government, and stakeholders. Without this membership the agency would no longer be allowed to vote/approve NASDA policy priorities. This would weaken agency partnerships and discontinue agency resources; such as member leadership, regulatory expertise, political connections, white papers and subject matter experts. NASDA's tactics support the strategic initiatives, which carry out the business objectives of our mission statement and strategic intent statement.

**FY 21 Oklahoma Capital Improvement Authority – Bond Payments - \$1,698,308**

Payments on the bond that financed the construction of the Agriculture Lab building. These payments are required by state law.

**FY 21 Oklahoma Employment Security Commission – Unemployment benefits - \$32,000**

This is an estimate of the claims that ODAFF would have to pay former employees who file for unemployment and are approved. These payments are required by state law.

**FY 21 Oklahoma Public Employees Retirement System – Retirees unused sick leave \$100,000**

When an employee retires, they can use the balance of their accrued sick leave to “purchase” time to count for retirement eligibility. These payments are to transfer the value of the leave to the OPERS system. These payments are required by state law.

**FY 21 Oklahoma Management Enterprise Services (OMES) – Risk Management- \$77,000**

Purchase of insurance for liability, vehicle, equipment, agency contents, tort and Directors & Officers. The agency would be uninsured and unable to fulfill its statutory mission.

**FY 21 Oklahoma Management Enterprises Services (OMES) FICA Savings \$25,000**

When an employee selects ‘Premium Conversion’ they can see a lowering of their tax base for tax purposes and for the withholding of FICA. Since the State matches FICA withholding, this results in a savings for the state as well. These payments transfer that savings to EBC to administer the program. These payments are required by state law.

**FY 21 Oklahoma Management Enterprises Services (OMES) - Facility Services - \$333,477**

Service Management Agreement with OMES, OMES agrees to furnish janitorial services, maintenance services, and all utilities. OMES maintains the building’s existing heating, ventilating and air-conditioning (HVAC) system, water system, electrical system, and plumbing system. If not approved, laboratory operations would cease and the agency would be unable to fulfill its statutory mission.

**FY 21 Oklahoma Management Enterprises Services (OMES) – Information Technology -\$703,000**

Pursuant to the Information Technology Consolidation and Coordination Act codified at 62 O.S.§35.1 et seq., as amended (the “Act”), OMES -ISD shall provide information technology shared services to each State Agency. The agency will have no computer operations and would be unable to fulfill its statutory mission.

**FY 21 Oklahoma Management Enterprises Services (OMES) – OPM - \$26,000**

Payment of ODAFF's portion towards mandated Merit Protection Act. These payments are required by state law

**FY 21 Pitney Bowes – Mail Machine Lease - \$20,000**

Statewide mandatory contract for leased mailroom postage equipment. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY 21 Oklahoma Turnpike Authority – Pikepasses - \$21,000**

Agency payment of toll expenses for agency vehicles which use toll roads. Without this contract, the agency would be unable to use toll roads.

**FY 21 United State Postal Services (Postage) - \$90,000**

Purchase of postage for the agency mail machine. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY 21 (Walnut Storage Building) - \$14,000**

Storage building for agency supplies. Without this contract, the agency would be required to store supplies in the headquarter building, which currently is very limited with regards to storage capacity.

**FY 21 Xerox - \$78,500**

Lease of multifunction devices for agency operations, these devices are used as printers, copiers, scanners, faxes. Also, maintenance and supply services for agency laser printers. Without this purchase the agency would be unable to fulfill its statutory mission.

**FY 21 Galt Temporary Services - \$150,000**

Purchase from the mandatory statewide contract for temporary services. These individuals provide a variety of agency mission critical functions which allow the agency to operate in an efficient as possible manner. Without this purchase the agency would be unable to fulfill its statutory mission.

**Web Design and Development by Koch Communications - \$37,425.10**

ODAFF is in need of a new website to ensure all services, ranging from food safety to maintaining Oklahoma herd health, are easily accessible and navigable for the public to utilize—especially considering the implementation of social distancing measures during the COVID-19 pandemic. Our current website is difficult to use and not desirable for implementing online services. Web design and development - \$34,725.10 and one year of hosting - \$2,700.00, beginning after design is completed.

## **Animal Industry Services**

**Oklahoma Veterinary Medical Association (OVMA) - \$20,000.00** – OVMA is the only entity in the State of Oklahoma that has the ability and contracts statewide to enhance pet sterilization effort is the OVMA. No other entity has access to veterinarians and humane organizations on a statewide basis.

**USAHerds - \$27,038.00** – USAHerds maintenance contract allows us to receive yearly enhancements that make the USAHerds program more efficient, user friendly and to offer maintenance hours that we use to correct errors and problems and to personalize the program for us.

## **Food Safety**

Contract Employee - \$30,000.00

### **Contract employee for Dairy Services**

Perform various duties at dairy plants in Oklahoma, collect milk, and milk products for sampling. Conduct Oklahoma Dairy plant and farm state surveys for sanitation compliance and enforcement. If this position is not filled, then a contractor from out-of-state would have to be brought in and paid to do this job for the facilities to remain in compliance.

### **Oklahoma State University Produce Safety Training Contract Approval --\$450,000.00** (year 3 of 5 year contract with Oklahoma State University)

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.  
Pursuant to 2 O.S. § 2-4 (A-34), the state Board of Agriculture has the power to promulgate rules to ensure state control of any federal program relating to on-farm fruit and vegetable production inspections and regulation. ODAFF received a grant from the FDA for the development of a produce safety program, identification of produce farms in the state, outreach and education to produce farmers, and in 2018 begin the enforcement of the FDA's Food Safety Modernization Act Produce Safety Rule through farm inspections. Up to 40% of the total each year's grant funds (including carry-over funds from the previous year) can be sub-awarded to the state's land grant university for the assistance in outreach and educational efforts. In order to comply with these requirements assistance was requested from Oklahoma State University (OSU) for the purpose of outreach and education activities including teaching Produce Safety Alliance classes across the state, developing educational materials and videos, assisting farms with the On-Farm Readiness Review, measuring the effectiveness of these trainings to determine what topics need further training, and assisting ODAFF in identifying and outreach to farms that may need to comply with the law.

The Produce Safety Alliance class is the only class currently recognized by the FDA to satisfy the produce farm manager training portion of the produce safety rule. To teach this class, a team of certified trainers and a certified lead trainer is required, and OSU has several personnel certified to teach this class including the only lead trainer in the state. The On-Farm Readiness Review tool is currently in development by NASDA, and should be available to the states this winter. It will provide an educational tool that can be taken to the individual farms and help them identify what areas they need to improve on to comply with the new law.

OSU as a land grant university has proven expertise in the research and education of food crop production and food safety through the Ag Research Stations, Cooperative Extension Service, educational TV programs on OETA, and the Robert M. Kerr Food and Agriculture Products Center (FAPC).

The monies being requested for approval is 100% reimbursed through the FDA Cooperative Agreement grant that has been awarded to ODAFF. The \$450,000 is the maximum estimated amount that we will be allowed to sub-award through this grant for fiscal year 2018.

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 these trainings, and does not have the networking in every county that OSU Extension has to be able to find and reach all produce farms. The outreach, education, and identification of produce farms in Oklahoma is a large requirement of the FDA grant, and OSU's assistance will greatly extend our reach way beyond ODAFF's abilities. The loss of OSU's assistance would place a great strain on ODAFF's limited resources to meet the requirements of the FDA cooperative agreement.

**Win Wam computer software for produce safety inspections \$20,000.00**

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.  
This computer program is used for completing FDA produce safety compliance inspections. Currently Kelly Registration Systems is 2 to 3 years from completing Food Safeties online programs. This would be for updates and for software update fees. This would be paid for by the FDA Produce Grant.
2. Consequence(s) and cost (if any) if the proposed expense is not approved.  
Without the computer program we will have to develop an in house program or change Kelly's schedule which will harm other programs development time.

## **Computers for Food Safety \$38,000.00**

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

We are needing to purchase 2 computers, printers, docking stations, and carrying cases from USDA-Food Safety Inspection Service (USDA-FSIS). Our Meat Inspection staff is currently working with computers that will soon not be supported by USDA-FSIS. These specialized computers are required to be purchased from USDA-FSIS so that employees can continue to utilize federal software for meat inspection purposes. The purchase is 50% reimbursable through the USDA-FSIS, failure to approve the purchase of the computers will result in an inability to complete federal requirements while at the plants and loss of tech support from USDA-FSIS.

The Oklahoma Department of Agriculture, Food & Forestry has a Federal Trust Cooperative Agreement with the United States Department of Agriculture, Agricultural Marketing Service to provide poultry and shell egg grading services to all USDA processing facilities in Oklahoma requesting USDA shell egg and poultry grading activities. Poultry and shell egg graders under the cooperative agreement with the USDA monitor USDA grading activities at Oklahoma producers of poultry and shell egg products; the industry requesting the grading service must pay a fee for this service. The Oklahoma Department of Agriculture, Food & Forestry has brought in a significant amount of revenue in the past several years and continues to bring in this revenue from this program. The United States Department of Agriculture, Agricultural Marketing Service is going digital and the graders in the plants providing the grading service must begin to electronically enter their federal work reports and expense logs. The ODAFF graders in the plants need up to date equipment including computers and scanners to perform their duties. With the significant amount revenue this program is bringing into the ODAFF; buying equipment instead of renting would allow us to utilize these funds to improve our infrastructure and not be tied into a long-term rental agreement.

The Oklahoma Department of Agriculture, Food and Forestry has a cooperative agreement with the FDA to perform outreach, education, and inspection of produce farms. Mobile computers are used to create reports, field inspections, data tracking, and educational presentations. We are asking to purchase two new laptops to replace aging equipment. Our current computers are beginning to show signs of problems. For example, one recently crashed and had to be re-imaged and has a screen flicker. The FDA has approved computer purchases and is expecting us to purchase computers as infrastructure to support our Produce Safety Program. They have awarded us a large grant to refund 100% of our costs incurred in building our infrastructure, gathering farm data, educating the farmers, and conducting inspections. The computers we purchase will need to be 2-in-1 laptops with a touch screen and pen that can be carried on farms to document inspections, capture sketches, and signatures. We will also need a docking station for the office and keyboard/mouse accessories for ease of use in the office. While we have plenty of funding for this program now, it could potentially take a cut a year from now when our grant will be renewed and re-budgeted. Buying equipment instead of renting would allow us to spend funds we have available now, and not be tied into a long-term rental agreement that may not have funding available after this current federal grant ends.

## **Forestry Services**

### **FY21 - \$10,000 Federal Funds**

Oklahoma Gardening Grant. This is a longstanding education and outreach grant sponsoring the popular Oklahoma Gardening program produced by OSU. This grant supports tree related educational programming. **Without** this purchase, we would lose an avenue of support and education. This money will be refunded to us through Federal funding.

### **FY21 - \$15,000 Federal Funds**

Renew nonbinding contract with the Oklahoma Urban and Community Forestry Council to perform services to assist in implementation of the continuing education component of Oklahoma's Urban & Community Forestry program in accordance with federal grant program intent. **Without** this program outreach and education related to urban forest management and individual tree care would be limited. This money will be refunded to us through Federal funding.

### **FY21 - \$30,000 Federal Funds**

Award Federal pass-through funding to communities for the Urban and Community Forestry Grants – Up to \$30,000. These grants support projects related to advancing local community forestry programs. **Without** these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

## **Laboratory Services**

The laboratory is seeking your pre-approval to purchase 1000 kg Mass Comparator for testing in the large mass laboratory for the Bureau of Standards. Total cost will not exceed \$60,000.00.

Purchase of a 1000 kg Mass Comparator is necessary for the calibration of Mass Echelon III customers for the Bureau of Standards. Without the purchase of this mass comparator, the Bureau of Standards risks losing the capability of calibration.

## **Market Development**

FY2021 – Renewal of contract for graphic designer to work with Ag in the Classroom creating promotional and print items to further promote the program and establish continuity with advertising and marketing pieces. - \$9,400.00

FY2021 – Contract with a graphic design firm to work with the Agritourism program in creating promotional and print items to further promote the program and help establish continuity with advertising and marketing pieces. - \$30,000.00

This is Year 1 of 4 for the graphic design firm that maintains the Agritourism brand while developing new print materials, refreshing website content, strategically updating social media channels and assisting with social and website analytics. It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize social channels for seasonal promotions within the many categories of Agritourism. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 350+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2021 – Agreement with Food Export Association of the Midwest USA (Food Export – Midwest) for membership to provide small and medium size food and agricultural companies’ access to international markets through a variety of exporter programs and to increase volume and value of agricultural exports from the region in represents. - \$7,000.00

FY2021 – Agreement with Discover Oklahoma, Oklahoma Tourism and Recreation Department, for the promotion of Agritourism venues through the development and production of an advertising campaign on *Discover Oklahoma* television shows. - \$15,000.00

FY2021 – Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$50,000.00

The Agritourism program is entering a partnership with Oklahoma Tourism and Recreation Department (OTRD) as part of our marketing plan for FY2020. As a part of this partnership, Agritourism gets to use their existing marketing channels including free ads in their guides, website presence, travel show co-ops and brochure inventory, warehousing and distribution. If this proposed expense is not approved, we will lose an opportunity to share in a campaign that gains exponentially more reach than we could obtain on our own. OTRD already has the channels set up and by not partnering we would be looking at well over \$100,000 to replace what they can give us in ad placement, website presence and Search Engine Optimization. We have evaluated the warehousing and postage costs, this alone would be over \$50,000 in hard costs and does not include the advertising and marketing part of our agreement.

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

**APPROVAL OF CASES**

ON THIS 20<sup>th</sup> day of May 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 20<sup>th</sup> day of May 2020.

\_\_\_\_\_  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**May 20, 2020**

**Cases Resolved by Stipulation**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Agwerx Aviation	OGC-19-894	CPS	\$1,000.00
Marty Clinton	OGC-19-839	CPS	\$250.00
Jeff Goode	OGC-16-279	CPS	\$750.00
Harvey Farms LIC #164	OGC-19-695	CPS	\$350.00
Raab Aviation	OGC-19-676	CPS	\$250.00
Fred Schmedt	OGC-19-833	CPS	\$250.00

**Cases Resolved by Consent Order**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Hempyre Genetic, LLC	OGC-19-879	CPS	\$250.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. AGWERX AVIATION  
Case File No: OGC-19-894**

**AGWERX AVIATION  
2000 NW WILL ROGERS RD  
BARTLESVILLE, OK 74003**

**Summary of Facts:** Respondent applied a pesticide in a negligent manner, thereby causing an off-target drift.

**Statute or Rule Violation:** 2 O.S. 3-86(A)(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**  
APR 09 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-19-894

AGWERX AVIATION )  
2000 NW WILL ROGERS RD )  
BARTLESVILLE, OK 74003 )

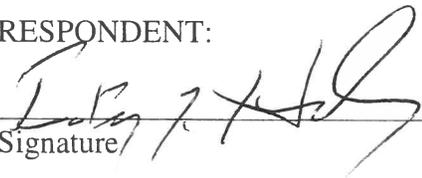
RESPONDENT. )

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

Timothy J. Hawder - Pres  
Printed Name and Title

Date: 4-25-2020

**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. )**

**AGWERX AVIATION )  
2000 NW WILL ROGERS RD )  
BARTLESVILLE, OK 74003 )**

**RESPONDENT. )**

**Case No: OGC-19-894**

**FILED  
FEB 07 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 Conference<sup>1</sup> 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.**

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<sup>1</sup> 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 as Agwerx Aviation, located at 2000 NW Will Rogers Rd in Bartlesville, OK 74003.
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)(3)**

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:

3. A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.

### **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 24, 2019, an Inspector from ODAFF conducted an inspection of property in the SW ¼ of Section 26-25N-11E, owned by Jeff and Leah Brown.
- Investigation revealed that Agwerx Aviation had recently sprayed the pasture of Summer Cattle Co., the property adjacent to the Browns'.
- ODAFF'S Inspector observed herbicide effects on the west and south sides of the Browns' property and a sample taken indicated that 2,4-d was present on the land.
- No other application was noted in the immediate area surrounding Browns' property, indicating that Agwerx Aviation either directly applied to Browns' property or left no buffer between the parcels of land.
- On or about September 18, 2019, a Letter of Warning that detailed the above violation was sent to Agwerx Aviation.

### **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)(3) by applying a pesticide in a negligent manner, thereby causing a pesticide to drift off target.

### **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



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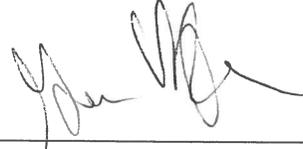
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574

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 7<sup>th</sup> day of Feb, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**AGWERX AVIATION  
2000 NW WILL ROGERS RD  
BARTLESVILLE, OK 74003**



\_\_\_\_\_  
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-19-894**

**AGWERX AVIATION )  
2000 NW WILL ROGERS RD )  
BARTLESVILLE, OK 74003 )**

**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. MARTY CLINTON  
Case File No: OGC-19-839**

**MARTY CLINTON  
15845 SCR 210  
ALTUS, OK 73521**

**Summary of Facts:** Respondent failed to report a notice of intent to apply Dicamba and subsequently failed to supply application records.

**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





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 August 26, 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 S19 3N 19W on or about July 11, 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 October 10, 2019, a Letter of Warning that detailed the above violation was sent to Marty Clinton.

### **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 16<sup>th</sup> day of November, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MARTY CLINTON  
15845 SCR 210  
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-19-839**

**MARTY CLINTON )  
15845 SCR 210 )  
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. JEFF GOODE  
Case File No: OGC-16-279**

**JEFF GOODE  
104 BRYAN RD  
DEVOL, OK 73531**

**Summary of Facts:**

Respondent made an application of pesticide while his Commercial Applicators License was expired.

**Statute or Rule Violation:** Respondent violated 2 O.S. § 3-82(A)(1) by performing pesticide applications without a Commercial Pesticide Applicators License.

**Proposed Administrative Penalty:** The proposed penalty was \$750.00. The Respondent stipulated and paid the fine.

**Deviations:** None.

**Other Actions Required:** None

**OGC Attorney:** James W. Rucker (Ruseal Brewer)

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
APR 26 2017  
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: 16-279

JEFF GOODE )  
104 BRYAN RD )  
DEVOL, OK 73531 )

RESPONDENT. )

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of <sup>Seven</sup> ~~One~~   
~~Thousand Five Hundred~~ <sup>Hundred + Sixty</sup> Dollars (\$750.00) 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

Jeffrey Allen Goode Owner  
\_\_\_\_\_  
Printed Name and Title:

Date: 4-26-17

**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. )

**JEFF GOODE  
104 BRYAN RD  
DEVOL , OK 73531** )

**RESPONDENT.** )

Case No: OGC: 16-279

**FILED**  
APR 21 2017  
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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on May 11, 2017, 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.**

<sup>1</sup> 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 Okla. Admin. Code tit. 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, § 31 and 2 O.S. § 2-4(B)(1); 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 pesticide application, and maintains a business address of 104 Bryan Road, Devol, OK 73531.

16. Pursuant to 2 O.S. § 2-4(A)(3), ODAFF has the 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(A)(1) provides:**

It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.

## 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 29, 2016, an inspector from the Department stopped Respondent while he was making a pesticide application to a lawn in a residential area on the corner of Highway 277 and C avenue.
- b) The inspector observed Respondent's equipment was not marked with a name and commercial number.

- c) The inspector then issued a stop work order to the Respondent due to his lack of licensing and expired certification.

### **ALLEGED CONCLUSIONS OF LAW**

18. In addition, Respondent also violated 2 O.S. § 3-82(A)(1) by performing pesticide applications without a Commercial Pesticide Applicators License.

### **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 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.

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 Okla. Admin. Code tit. 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.

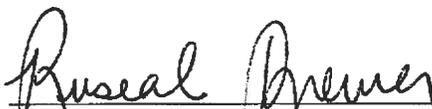
**STIPULATION**

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Seven Hundred and Fifty Dollars (\$750.00).

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.

DATED THIS 21<sup>st</sup> day of April, 2017.

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



\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767

Ruseal E. Brewer, OBA # 19760

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

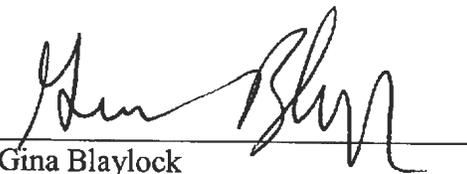
Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

This is to certify that on this 21<sup>st</sup> day of April, 2017, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

Jeff Goode  
104 Bryan Rd.  
Devol, OK 73531

  
Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. JULIE FLEGAL-SMALLWOOD, REDLANDS COMMUNITY COLLEGE  
Case File No: OGC-19-695**

**JULIE FLEGAL-SMALLWOOD  
REDLANDS COMMUNITY COLLEGE  
RE: HARVEY FARMS LIC #164  
1300 SOUTH COUNTRY CLUB ROAD  
EL RENO, OK 73036-5304**

**Summary of Facts:** Respondent serves as the intuitional licensee for Harvey Farms industrial hemp farm. The hemp field was improperly sprayed with a pesticide not labeled for use on hemp or cannabis. Respondent also failed to properly notify ODAFF of a change of the hemp field's location.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(4), OAC 35:39-24-6, OAC 35:30-24-12(E)(6)

**Proposed Administrative Penalty:** The penalty was assessed at \$350.00. Respondent stipulated and 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. )

JULIE FLEGAL-SMALLWOOD )  
REDLANDS COMMUNITY COLLEGE )  
RE: HARVEY FARMS LIC # 164 )  
1300 SOUTH COUNTRY CLUB ROAD )  
EL RENO, OK 73036-5304 )

RESPONDENT. )

**FILED**

MAY 08 2020

STATE BOARD OF AGRICULTURE

Case No: OGC-19-695

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Fifty Dollars (\$350.00)** 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: Julie Flegal Smallwood  
Signature  
DIR, INDUSTRIAL WELD PILOT  
Printed Name and Title

Date: 5/8/2020

**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. )

JULIE FLEGAL-SMALLWOOD )  
REDLANDS COMMUNITY COLLEGE )  
RE: HARVEY FARMS LIC# 164 )  
1300 SOUTH COUNTRY CLUB ROAD )  
EL RENO, OK 73036-5304 )

RESPONDENT. )

Case No: OGC-19-695

**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 Conference<sup>1</sup> 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.

---

<sup>1</sup> 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, served as the institutional licensee of 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.

**18. OAC 35:30-24-6**

- a) Every institutional license 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.

**19. OAC 35:30-24-12(E)(6)**

- a) The Department may deny, suspend, or revoke a license or fine an institutional licensee upon a finding by the Department that the institutional licensee has violated 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 Oklahoma Industrial Hemp Pilot Program and the rules of this subchapter shall not exceed Ten Thousand Dollars (\$10,000) per violation per day or occurrence.

### **ALLEGATIONS OF FACT**

20. 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 Todd Harvey 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, Harvey 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.
- In addition, ODAFF's inspector reported that Harvey's industrial hemp field was not in the permitted location.
- Respondent failed to properly notify ODAFF of the alteration to boundaries, dimension, or growing areas of the Harvey Farms cultivation site.
- On or about August 23, 2019 a Letter of Warning detailing the above violation was sent to Respondent.

### **ALLEGED CONCLUSIONS OF LAW**

21. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 OS § 3-86(A)(4), OAC 35:30-24-6, and OAC 35:30-24-12(E)(6) by using a pesticide in a manner inconsistent with its label and by failing to notify ODAFF of an alteration to the boundaries, dimensions, or growing areas of a field part of the Oklahoma Industrial Hemp Pilot Program.

### **ATTORNEY CONFERENCES**

22. 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.
23. 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.
24. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

25. 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.
26. 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.

27. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
28. 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**

29. 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**

30. 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.*

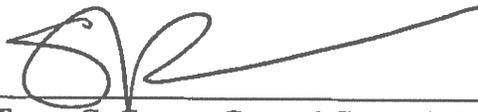
#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

31. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
32. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
33. 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**

34. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Hundred Fifty Dollars (\$350.00)**.
35. 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

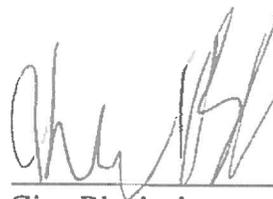
Telephone: (405) 522-5997

Facsimile: (405) 522-5789

**CERTIFICATE OF MAILING**

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

**JULIE FLEGAL-SMALLWOOD  
REDLANDS COMMUNITY COLLEGE  
RE: HARVEY FARMS LIC # 164  
1300 SOUTH COUNTRY CLUB ROAD  
EL RENO, OK 73036-5304**



\_\_\_\_\_  
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**

**JULIE FLEGAL-SMALLWOOD )  
REDLANDS COMMUNITY COLLEGE )  
RE: HARVEY FARMS LIC # 164 )  
1300 SOUTH COUNTRY CLUB ROAD )  
EL RENO, OK 73036-5304 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Fifty Dollars (\$350.00)** 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. RAAB AVIATION  
Case File No: OGC-19-676**

**RAAB AVIATION  
7605 DONKEY LN  
MARLOW, OK 73055**

**Summary of Facts:** Respondent applied pesticides in a manner inconsistent with the products' labeling.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(4)

**Proposed Administrative Penalty:** The penalty was assessed at \$250.00. Respondent stipulated and 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. )**

**RAAB AVIATION )  
7605 DONKEY LN )  
MARLOW, OK 73055 )**

**RESPONDENT. )**

**Case No: OGC-19-676**

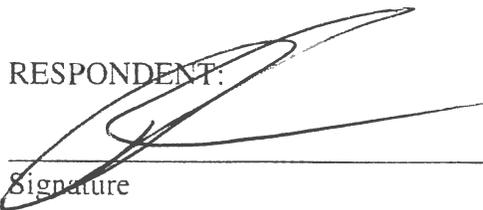
**FILED**  
MAY 06 2020  
STATE BOARD OF AGRICULTURE

**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

**Dawn Ruck**  
\_\_\_\_\_  
Printed Name and Title

Date: 5-4-20

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
FEB 07 2020  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

RAAB AVIATION )  
7605 DONKEY LN )  
MARLOW, OK 73055 )

RESPONDENT. )

Case No: OGC-19-676

**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 Conference<sup>1</sup> 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.**

---

<sup>1</sup> 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 as Raab Aviation, located at 7605 Donkey Lane in Marlow, OK 73055.
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 June 24, 2019, an Inspector from ODAFF conducted a field investigation on an alfalfa field located in/near the Northeast ¼ section 21 12N 18W in Custer County, OK.
- The operator of the alfalfa field stated that Raab Aviation had been hired to make an application of a 2-4D – B herbicide to the alfalfa field.
- As a result of this investigation, it was discovered that Raab Aviation instead made an application of Grazon P+D and Plotter herbicides to the alfalfa field.
- On or about August 12, 2019, a Letter of Warning and that detailed the above violation was sent to Raab Aviation.

### **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 using 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.*

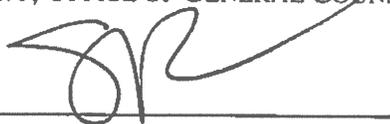
## INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

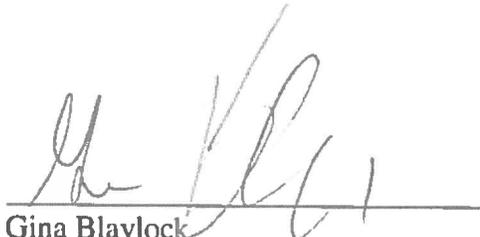
A handwritten signature in black ink, appearing to be 'OR', is written over a horizontal line.

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 7 day of 2020 (Feb), 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**RAAB AVIATION  
7605 DONKEY LN  
MARLOW, OK 73055**

  
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-19-676**

**RAAB AVIATION )  
7605 DONKEY LN )  
MARLOW, OK 73055 )**

**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. FRED SCHMEDT  
Case File No: OGC-19-833**

**FRED SCHMEDT  
1701 LEE DR.  
ALTUS, OK 73521**

**Summary of Facts:** Respondent failed to report a notice of intent to apply Dicamba and subsequently failed to supply application records.

**Statute or Rule Violation:** OAC 35:30-17-21.4(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**  
APR 09 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-19-833

FRED SCHMEDT )  
1701 LEE DR. )  
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.

*If you care to know  
the truth in this matter  
you will call me at  
580-465-0564. Since  
you have not responded  
to my call @ 405-522-5997,  
I doubt that you care.*

*Fred Schmedt*

RESPONDENT:

*Fred Schmedt*  
Signature

Fred Schmedt, owner  
Printed Name and Title

Date: 4/30/2020



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 Dicamba herbicide to S17 IN 20W on or about May 7, 2019.
- A review of ODAFF's records show that Respondent failed to report any notice of intent to apply Dicamba.
- Respondent further failed to supply the subsequent application records for this application of Dicamba.
- On or about September 25, 2019, a Letter of Warning that detailed the above violation was sent to Fred Schmedt.

### **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 Dicamba.

### **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



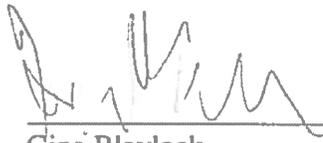
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Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kambi Maddy, OBA #13873  
✓ Shelby Rice, OBA #34010  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City,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

**CERTIFICATE OF MAILING**

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

**FRED SCHMEDT  
1701 LEE DR.  
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-19-833**

**FRED SCHMEDT )  
1701 LEE DR. )  
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. HEMPYRE GENETICS  
Case File No: OGC-19-879**

**HEMPYRE GENETICS  
8101 S INTERSTATE 35 SERVICE RD  
OKLAHOMA CITY, OK 73149**

**Summary of Facts:** Hempyre Genetics serves as the institutional licensee for River Bend Acres industrial hemp farm. A review of the farm's pre-harvest inspection report showed that River Bend Acres applied a pesticide not registered for use on hemp.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(4)

**Proposed Administrative Penalty:** The penalty was assessed at \$250.00. Hempyre Genetics entered into a settlement agreement under which Hempyre paid the fine in full, but denied responsibility for the actions that led to the violation.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Shelby Rice

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

**FILED**  
MAY 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: 19-879**

**HEMPYRE GENETICS )  
8101 S INTERSTATE 35 SERVICE RD )  
OKLAHOMA CITY, OK 73149 )**

**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 Hempyre Genetics (the “Respondent”).
2. The facility which is the subject of this Agreement is River Bend Acres industrial hemp farm and located near Ralston, OK (the “Facility”).
3. Hempyre Genetics serves as the institutional licensee for the Facility.

**AUTHORITY**

4. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7).

**DEPARTMENT’S NOTICE**

5. On or around February 21, 2020, the Department issued a Notice of Violation in Case No. 19-, (“Notice”) to Respondent. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

6. In compromise and full settlement of this matter, respondent shall pay to the Department an administrative penalty of Two Hundred Fifty Dollars (\$250). 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**

7. 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 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.
8. 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.
9. 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.**

10. 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.**

11. 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**

12. 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.

### **NOTICE**

13. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Shelby Rice, Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

For Hempyre Genetics:

Korbin Hand, Program Director  
8101 S Interstate 35 Service Rd  
Oklahoma City, OK 73149

### **MISCELLANEOUS**

14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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



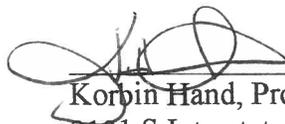
Shelby Rice, Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

COMPLAINANT

Date: 5/7/2020

- and by -

HEMPYRE GENETICS



Korbin Hand, Program Director  
8101 S Interstate 35 Service Rd  
Oklahoma City, OK 73149

Date: 5/4/2020

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
MAR 25 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-19-879

HEMPYRE GENETICS- RIVER BEND ACRES )  
GRETCHEN EVATT )  
8105 S INTERSTATE 35 SERVICE RD )  
OKLAHOMA CITY, OK 73149 )

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 Conference<sup>1</sup> 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.

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<sup>1</sup> 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 hemp field known as River Bend Acres.
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 October 9, 2019, an Inspector from ODAFF conducted an inspection regarding Respondent's pre-harvest inspection report of its hemp field.
- During this investigation, it was noted that Respondent had used Monterey BT on the hemp field.
- Monterey BT is registered for use on home gardens, but is not labeled for use on hemp.
- On or about October 9, 2019, a Letter of Warning that detailed the above violation was sent to Hempyre Genetics – River Bend Acres.

### **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 using 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



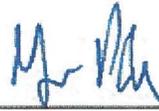
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Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Wendi Morse, OBA # 33571  
Kambi Maddy, OBA #13873  
Shelby Rice, OBA #34010  
Assistant General Counsel  
2800 N. Lincoln Blvd.  
Oklahoma City, OK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

**CERTIFICATE OF MAILING**

This is to certify that on this 25 day of March, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**HEMPYRE GENETICS – RIVER BEND ACRES  
GRETCHEN EVATT  
8105 S INTERSTATE 35 SERVICE ROAD  
OKLAHOMA CITY, OK 73149**



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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-19-879**

**HEMPYRE GENETICS-RIVER BEND ACRES )  
GRETCHEN EVATT )  
8105 S INTERSTATE 35 SERVICE RD )  
OKLAHOMA CITY, OK 73149 )**

**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: \_\_\_\_\_