

AMENDED AGENDA

STATE BOARD OF AGRICULTURE

DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

Tuesday, January 28, 2014
9:00 a.m.

Board Room
Agriculture Building
Oklahoma City, Oklahoma

**Following the conclusion of the Board meeting, we will eat lunch at Libby's Café, Goldsby, OK, and tours are scheduled for the Producers Cooperative Oil Mill, Nimmos Auto Parts & Supply, and Interstate Equine.

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of December 10, 2013
6. Consideration and Proposed Action on Division Reports
 - I. A. Administrative Services – Michael Kusik
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Paul Kerr
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – George Geissler
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Sancho Dickinson
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

E. Animal Industry Services – Rod Hall, DVM

Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.

F. Wildlife Services – Kevin Grant

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

G. Agricultural Statistics – Wilbert Hundl, Jr.

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

H. Market Development Services – Jamey Allen

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

I. Agricultural Environmental Management Services – Dan Parrish

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

J. Office of General Counsel – Teena Gunter

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

L. Food Safety Services – Stan Stromberg

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

II. Ag Communications and Outreach Update – Blayne Arthur

7. Consideration and Proposed Action on Claims

8. Consideration and Proposed Action on Purchases/Contracts

Lease agreement with Xerox – FY 14 for thirteen agency copy devices, these will be multifunctional devices with the capability to scan, copy, print and fax

Professional Services for an Independent Contractor - Part-time Professional Engineer
July 1, 2014 through June 30, 2015

Professional Services for an Independent Contractor - Part-time NMP/AWMP writer.
July 1, 2014 through June 30, 2015

Professional Services for an Independent Contractor - Part-time Professional Engineer
Effective date through June 30, 2015

Unwanted Pesticide Disposal Program contract for 5 year contract (FY15-19)

LSG Solutions for Oracle programming of license database

Farm Focus Food Safety Seminars - FDA Grant

Purchase approximately 47,000 forest tree seedlings from the Arkansas Forestry Commission.
The quantities and species requested will supplement Forestry Services seedlings ordered by the

Request approval for purchase of a Real Time PCR System with Trade-in

Graphic art work to develop a Specialty Crop magazine for school grades K-2 and a Specialty
Crop Activity Book for grades 3-5. Both will contain worksheets, activities, nutritional
information and AITC lesson connections. Funded by SCBG

Promotional items for Agritourism. Funded by SCBG

Printing of Agritourism maps - FY14

9. Consideration and Proposed Action on Agency Travel

10. Consideration and Proposed Action on Stipulations

Consumer Protection Services

Wayne Carter, P. O. Box 1674, Colbert, Oklahoma

Eco Shield Pest Control OKC, 1055 W. Queen Creek Rd. Ste.1, Chandler, AZ

Hobart Scale, 701 14th Street, Lubbock, Texas

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Legacy Lawn & Landscape, 7906 S. 86th E. Avenue, Tulsa, Oklahoma

Planters Coop., Assn., 1208 S. Eastern, Hobart, Oklahoma

11. Consideration and Proposed Action on Consent Orders

Consumer Protection Services

Ted Curry, 100134 HWY 56th, Okemah, Oklahoma

Tom Imgarten, 9850 Ute Bluff, Red Rock, Oklahoma

12. Consideration and Proposed Action on Permanent Rules

Agricultural Environmental Management Services

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

Agricultural Environmental Management Services

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 45: Water Quality Standards Implementation Plan
Subchapter 1: Water Quality Standards Implementation Plan
35:45-1-2. Pertinent definitions, abbreviations, and acronyms [AMENDED]
35:45-1-7. Animal waste programs [AMENDED]
35:45-1-8. Pesticide program [AMENDED]

Animal Industry Services

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 15. Animal Industry
Subchapter 1. General Provisions
35:15-1-2. Definitions [AMENDED]
Subchapter 5. Biological Products and Laboratories
35:15-5-2. Laboratories [AMENDED]
Subchapter 11. Importation of Livestock, Poultry, and Pets
Part 1. General
35:15-11-1. General import requirements [AMENDED]
Part 3. Official Health Certificates
35:15-11-5. Official health certificate [REVOKED]
35:15-11-6. Provisions for health certificates [REVOKED]
Part 7. Livestock
35:15-11-17. Companion animal importation [AMENDED]
Part 11. Poultry and Other Avian Species
35:15-11-41. Poultry and other avian species importation [AMENDED]
Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets
35:15-13-3. General requirements for a livestock auction market [AMENDED]
35:15-13-5. Approval and responsibilities of veterinarians in livestock auction markets [AMENDED]
35:15-13-6. Movement of livestock through livestock auction markets [AMENDED]
Subchapter 17. Bovine and Bison Brucellosis
Part 11. Entry Permit and Retest Requirements
35:15-17-73. Brucellosis requirements for entry of cattle and bison into Oklahoma [AMENDED]
Subchapter 22. Swine Pseudorabies and Brucellosis
Part 3. Requirements for Swine Entering Oklahoma
35:15-22-33. Entry requirements for transitional production swine [AMENDED]

35:15-22-34. Entry requirements for livestock auction market and slaughter swine [AMENDED]
35:15-22-35. Commuter herd agreement requirements [AMENDED]
Part 5. Requirements for a Validated/Qualified Herd
35:15-22-51. Validated/qualified herd establishment [AMENDED]
Part 7. Requirements for Swine Exhibitions
35:15-22-71. Exhibition requirements [AMENDED]
Subchapter 34. Feral Swine
35:15-34-7. Handling facilities [AMENDED]
35:15-34-13. License fees [AMENDED]
Subchapter 36. Scrapie
35:15-36-1. Incorporation by reference of federal regulations [AMENDED]
35:15-36-2. Deleted regulations [AMENDED]
Subchapter 38. Bovine Trichomoniasis
35:15-38-2.1. Intrastate change of ownership requirements for bulls [AMENDED]
Subchapter 40. Bovine Tuberculosis
Part 1. Definitions
35:15-40-1. Definitions [AMENDED]
Part 7. Import Requirements
35:15-40-90. Requirements for cattle entering Oklahoma from a tuberculosis free state or zone [AMENDED]
35:15-40-92. Importation of Mexican origin steers and spayed heifers [AMENDED]
Subchapter 42. Tuberculosis Eradication in Cervidae
Part 7. Incorporations by Reference [AMENDED]
35:15-42-54. Incorporation by reference of federal regulations [AMENDED]
Subchapter 44. Farmed Cervidae
35:15-44-8. Fencing and facility requirements [AMENDED]
35:15-44-10. Slaughter requirements [AMENDED]
35:15-44-20. Animal identification requirements [AMENDED]
35:15-44-21. Registration of Exotic Cervidae Species [NEW]
Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 3. Herd Certification Standards
35:15-47-6. Minimum requirements for herd certification [AMENDED]
Part 7. Interstate Movement Requirements
35:15-47-18. Minimum CWD requirements for interstate movement of cervids [AMENDED]

Consumer Protection Services

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

Consumer Protection Services

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 13: Fuel Alcohol

- 35:13-1-1. Incorporation by reference of federal distilled spirits for fuel use regulations [AMENDED]
- 35:13-1-2. Deleted regulations [AMENDED]

Consumer Protection Services

- Title 35. Oklahoma Department of Agriculture, Food, and Forestry
- Chapter 30. Consumer Protection [AMENDED]
- Subchapter 17. Combined Pesticide
- Part 1. Commercial and Non-Commercial Categories of Pesticide Application
- 35:30-17-1. License Categories [AMENDED]
- Part 3. Certification, Conduct of Examinations, and Recertification
- 35:30-17-5. Conduct of examinations [AMENDED]
- 35:30-17-6. Recertification [AMENDED]
- Part 8. Pesticide Registrations and Permits
- 35:30-17-17. Pesticide registrations [AMENDED]
- Subchapter 29. Fertilizer
- Part 5. Licenses and Complaints
- 35:30-29-51. Fertilizer license and schedule of fertilizer fees [AMENDED]
- Subchapter 37. Nursery Stock Sales
- 35:30-37-8. Expiration dates and late fees [AMENDED]
- Subchapter 45. Scrap Metal Dealers [NEW]
- 35:30-45-1. Purpose [NEW]
- 35:30-45-2. Definitions [NEW]
- 35:30-45-3. License required [NEW]
- 35:30-45-4. Initial license application [NEW]
- 35:30-45-5. License renewal application [NEW]
- 35:30-45-6. Fees and charges [NEW]
- 35:30-45-7. Display of license [NEW]
- 35:30-45-8. Changes of information [NEW]
- 35:30-45-9. Purchases, sales and records [NEW]
- 35:30-45-10. Complaints [NEW]
- 35:30-45-11. Inspections [NEW]
- 35:30-45-12. Grounds for denial, suspension, or revocation of a license [NEW]
- 35:30-45-13. Sanctions for misconduct [NEW]
- 35:30-45-14. Other requirements or acts prohibited [NEW]

Food Safety

- Title 35. Oklahoma Department of Agriculture, Food, and Forestry
- Chapter 37. Food Safety
- Subchapter 3. Meat Inspection
- Part 1. General Provisions
- 35:37-3-1. Incorporation by reference of federal meat inspection regulations [AMENDED]
- 35:37-3-3. Deleted regulations [AMENDED]
- Subchapter 5. Poultry Products Inspection
- Part 1. General Provisions

- 35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations [AMENDED]
- 35:37-5-2. Deleted regulations and exemptions [AMENDED]

Market Development

- Title 35. Oklahoma Department of Agriculture, Food, and Forestry
- Chapter 40. Market Development
- Subchapter 17. Agritourism [NEW]
- 35:40-17-1. Purpose [NEW]
- 35:40-17-2. Definitions [Reserved]
- 35:40-17-3. Eligibility and Registration [NEW]
- 35:40-17-4. Additional requirements for hunting facilities [NEW]
- 35:40-17-5. Additional requirements for country stay facilities [NEW]
- 35:40-17-6. Additional requirements for winery facilities [NEW]

Office of General Counsel

- Title 35. Oklahoma Department of Agriculture, Food, and Forestry
- Chapter 55. Commercial Pet Breeders and Animal Shelters
- Subchapter 1. Licensing
- 35:55-1-1. Purpose [AMENDED]
- 35:55-1-2. Definitions [AMENDED]
- 35:55-1-3. License required [AMENDED]
- 35:55-1-4. License application [AMENDED]
- 35:55-1-5. Grounds for denial, suspension, or revocation of a license [AMENDED]
- 35:55-1-6. Inspections [AMENDED]
- 35:55-1-7. Changes of information [AMENDED]
- 35:55-1-8. Fees [AMENDED]
- 35:55-1-10. Renewals [AMENDED]
- 35:55-1-11. Complaints [AMENDED]
- 35:55-1-12. Display of license [AMENDED]
- 35:55-1-13. Exemption for training animals [AMENDED]
- Subchapter 3. Standards of Care
- 35:55-3-1. Incorporation by reference [AMENDED]
- 35:55-3-3. Compatibility [AMENDED]
- 35:55-3-4. Primary enclosures [AMENDED]
- 35:55-3-5. Waste management [AMENDED]
- 35:55-3-6. Veterinary care [AMENDED]
- 35:55-3-7. Grooming [AMENDED]
- 35:55-3-8. Quarantine [AMENDED]
- 35:55-3-9. Animal identification [AMENDED]
- 35:55-3-10. Euthanasia procedures [AMENDED]
- 35:55-3-11. Breeding [NEW]
- Subchapter 5. Transportation [REVOKED]
- 35:55-5-1. General transportation requirements [REVOKED]
- 35:55-5-2. General travel requirements [REVOKED]
- 35:55-5-3. Consignments to carriers [REVOKED]

- 35:55-5-4. Primary enclosures used to transport live pets [REVOKED]
- 35:55-5-5. Food and water during transportation [REVOKED]
- Subchapter 7. Recordkeeping and Sales
- 35:55-7-1. Records [AMENDED]
- 35:55-7-2. Pet health history provided to recipient; sale of unhealthy pets [AMENDED]
- 35:55-7-3. Sales invoice or statement [AMENDED]
- 35:55-7-4. Location of sales [AMENDED]
- 35:55-7-5. Prohibition on the purchase, sale, or transportation of stolen pets [AMENDED]
- 35:55-7-6. Other requirements or acts prohibited [AMENDED]

Wildlife Services

- Title 35. Oklahoma Department of Agriculture, Food, and Forestry
- Chapter 48. Wildlife Services
- Subchapter 1. General Provisions
- 35:48-1-1. Purpose [NEW]
- Subchapter 3. Aerial Management Of Depredating Animals [Amended]
- 35:48-3-1. Definitions [REVOKED]
- 35:48-3-2. Permit required [REVOKED]
- 35:48-3-3. Application requirements [REVOKED]
- 35:48-3-4. Reporting requirements [REVOKED]
- 35:48-3-5. Indigenous species [REVOKED]
- 35:48-3-6. Purpose [NEW]
- 35:48-3-7. Definitions [NEW]
- 35:48-3-8. Permit required [NEW]
- 35:48-3-9. Application requirements [NEW]
- 35:48-3-10. Permit issuance [NEW]
- 35:48-3-11. Fees and charges [NEW]
- 35:48-3-12. Twenty-four hour notice [NEW]
- 35:48-3-13. Quarterly reports [NEW]
- 35:48-3-14. Prohibited activities [NEW]
- 35:48-3-15. Complaints [NEW]
- 35:48-3-16. Inspections [NEW]
- 35:48-3-17. Grounds for denial, suspension, or revocation of a license [NEW]
- 35:48-3-18. Sanctions for misconduct [NEW]
- 35:48-3-19. Pilot and aircraft requirements [NEW]

13. New Business – Next Board meeting is scheduled for Tuesday, March 4, 2014

14. Old Business

15. Adjournment

**Some members of the Board and staff from ODAFF will have lunch at Libby's Café, Goldsby, OK, tour the Producers Cooperative Oil Mill, Nimmos Auto Parts & Supply, and Interstate Equine, on Tuesday, January 28, 2014. Board members, staff, tour guides and the public may discuss program issues during the tour; however, no votes or action will be taken during the tour.