

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

Wednesday, March 31, 2021
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 February 3, 2021.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Tanna Hartington
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – Mark Goeller
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Kenny Naylor
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
- F. Wildlife Services – Scott Alls
Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.
- G. Agricultural Statistics – Troy Marshall
Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.
- H. Market Development Services – Meriruth Cohenour
Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Farm to School), International Marketing, Market News and Rural Economic Development.
- I. Agricultural Environmental Management Services – Teena Gunter
Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.
- J. Office of General Counsel – Teena Gunter
Summarizes activities of the division and Commercial Pet Breeders, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.
- K. Food Safety Services – Scott Yates
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.
- L. Ag Communications and Outreach Update – Morgan Vance
- M. Legislative Update – JanLee Rowlett

7. Consideration and Proposed Action on Purchases/Contracts
 - \$75,574 – Purchase two Chevrolet Silverado SSV Crew Cab Pickup Trucks
 - \$12,000 – Purchase of Geosafe subscription for Investigative Services
 - \$250,000 – Purchase of ten new agency vehicles
 - \$45,000 – Professional Services for Nutrient Management Specialist, an Independent Contractor
 - \$170,000 – Professional Services to fund MOA with OWRB to sample LMFO groundwater
 - \$48,276 – Professional Services for OSU Poultry Education Program
 - DATAMARS \$20,000 – Stick Readers
 - \$64,120 – CPS/AEMS Inspection Program and Hemp Licensing Program
 - \$50,000 – computers to replace existing computers
 - \$30,000 – Contract employee for Dairy Services
 - \$20,000 – USDA/Food Safety & Inspection Services
 - FY22 - \$55,000 – Purchase ESRI ArcGIS Online Licenses
 - FY22 - \$610,000 – Contract with Oklahoma Assn of Regional Council for Rural Fire Coordinators
 - Community Fire Protections, Stevens Grant – Handheld radios - \$115,000
 - Class 8 Tractor -- \$150,000
 - Two Type 6 Engines - \$177,000
 - Purchase FlaskScrubber Glassware Washer - \$9,224.92
 - FY21 – Made in Oklahoma Program Discover Oklahoma Spring commercial advertising - \$10,400
 - FY22 – AgHERculture Summit facility rental and food - \$10,000
 - FY21 – Made in Oklahoma Program conference – facility rental and food - \$10,000
 - FY21 – Healthy Food Finance Grant – Yarrowhead Farms - \$10,000
 - FY21 – Healthy Food Finance Grant – ResstoreOKC, Inc. - \$10,000
 - FY21 – Tulsa County Public Facilities Authority – 2021 Tulsa State Fair - \$25,924
 - FY21 – TasteAdversor Explorer – Agritourism wine app - \$60,000
 - FY21 – 32 hotel rooms x 2 days – AITC Teacher Road Trip - \$6,144
 - FY21 – Agritourism printing – Hunting, Western Experience, Land bounty brochures - \$18,500
 - \$8,000 – Purchase four helmets for aerial feral swine work.
 - \$36,250 – Purchase one Chevrolet C3500 4x4 truck
 - \$8,000 – Purchase one flat bed to be added to the requested fuel truck

8. Consideration and Proposed Action on Cases Resolved by Stipulations
 - Consumer Protection Services**
 - C&J Lawn Patrol, 1213 E. Tuxedo Blvd. Bartlesville, Oklahoma
 - Jeffery Watkins, 34155 CS 2690, Anadarko, Oklahoma

 - **Possible Executive Session (if approved by the required number of members present):
 As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

9. Next Board meeting scheduled for **Wednesday, May 5, 2021** at Oklahoma City.

10. Old Business

11. 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.

12. Adjournment

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

Oklahoma City, Oklahoma
February 3, 2021

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., February 3, 2021, in the Agriculture Building, Oklahoma City, Oklahoma. 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: Brent Bolen
 Blayne Arthur
 Clay Burtrum
 Karen Dodson

Member Absent: Joe Farris

Others Present: Kandi Batts, Executive Secretary
 JanLee Rowlett, Deputy Commissioner
 Dan Ridings, Director, Administrative 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
 Marlie Farris, Ag Youth Council
 Emma Victory, Ag Youth Council

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. Bolen, to approve the minutes of the regular meeting of December 9, 2020, as presented.

The vote was as follows:

| | |
|---------|-----|
| Bolen | Aye |
| Arthur | Aye |
| Burtrum | Aye |
| Dodson | Aye |

The motion carried.

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

The vote was as follows:

| | |
|---------|-----|
| Bolen | Aye |
| Arthur | Aye |
| Burtrum | Aye |
| Dodson | Aye |

The motion carried.

A motion was made by Ms. Dodson, seconded by Mr. Bolen, to approve the following purchases/contracts as submitted and contained on pages 11 through 18.

The vote was as follows:

| | |
|---------|-----|
| Bolen | Aye |
| Arthur | Aye |
| Burtrum | Aye |
| Dodson | Aye |

The motion carried.

A motion was made by Ms. Dodson, seconded by Mr. Burtrum, to approve the Proposed Action on Stipulations as submitted and contained on pages 19 and 20.

Agricultural Environmental Management Services

Troy Bowden, 40219 E. County Line RD1219, Stigler, Oklahoma
Alan King, 5335 Diagonal 3771 Road, Bldg. A, Calvin, Oklahoma

Consumer Protection Services

Halls Termite and Pest Control, 19223 E. Horseshoe Bend Road, Park Hill, Oklahoma
Maggie's Farm, LTD, 1257 Bedford Ave. Kansas City, Missouri
Shawnee Milling Co., 8445 US HWY 283, Cheyenne, Oklahoma

The vote was as follows:

| | |
|---------|-----|
| Bolen | Aye |
| Arthur | Aye |
| Burtrum | Aye |
| Dodson | Aye |

The motion carried.

****Possible Executive Session (if approved by the required number of members present):** As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to adopt the following Permanent Rules as submitted and contained on pages 21 through 182.

FEES

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 2. Fees

Subchapter 3. Fee Schedules

35:2-3-3 Schedule of weights and measures fees [REVOKED]
35:2-3-4 Schedule of fees for "State Brand Book" [REVOKED]
35:2-3-5 Fees for meat inspection overtime [AMENDED]
35:2-3-12 Schedule of horticulture program fees [REVOKED]
35:2-3-13 Schedule of combined pesticide program fees [REVOKED]
35:2-3-14 Schedule of fertilizer program fees [REVOKED]
35:2-3-15 Schedule of ag-lime program fees [REVOKED]
35:2-3-16 Schedule of soil-amendment program fees [REVOKED]
35:2-3-17 Schedule of feed program fees [REVOKED]
35:2-3-18 Schedule of seed program fees [REVOKED]
35:2-3-19 Organic crop certification program fees [REVOKED]
35:2-3-20 Schedule of fees for the garbage feeding program [REVOKED]
35:2-3-21 Schedule of fees for milk and milk products [REVOKED]
35:2-3-22 Schedule of fees for the egg program [REVOKED]
35:2-3-23 Schedule of fees for the public warehouse program [REVOKED]

35:2-3-24 Livestock auction market and livestock dealer fees [REVOKED]
35:2-3-25 Brand registration fees [REVOKED]
35:2-3-26 Apiary program fees [REVOKED]
35:2-3-27 Aquaculture program fees [REVOKED]
35:2-3-28 Swine Special Sale fees [REVOKED]
35:2-3-29 General animal industry supply fees [AMENDED]

FINE MATRICES

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

Chapter 3. Fine Matrices

Subchapter 1. Fine Schedules [REVOKED]

Part 1. General [REVOKED]

35:3-1-1 General Violations [REVOKED]

Part 3. Animal Health and Disease Violations [REVOKED]

35:3-1-3 Biological products violations [REVOKED]

Part 5. Food Safety Violations [REVOKED]

35:3-1-5 Violations of certain food safety laws and rules [REVOKED]

Part 7. Forestry and Timber Violations [REVOKED]

35:3-1-7 Violations of forestry and timber law [REVOKED]

Part 9. Grain Warehouse Violations [REVOKED]

35:3-1-10 Violations of the Public Warehouse and Commodity Indemnity Act [REVOKED]

Part 11. Livestock Market Violations [REVOKED]

35:3-1-11 Livestock dealers [REVOKED]

35:3-1-12 Livestock auction markets [REVOKED]

Part 15. Consumer Protection Services Violations [REVOKED]

35:3-1-15 Violations of the Oklahoma Agricultural Liming Materials Law [REVOKED]

35:3-1-16 Violations of the Combined Pesticide Law [REVOKED]

35:3-1-17 Violations of the Oklahoma Commercial Feed Law [REVOKED]

35:3-1-18 Violations of the Oklahoma Fertilizer Law [REVOKED]

35:3-1-19 Violations of the Oklahoma Horticulture Law [REVOKED]

35:3-1-20 Violations of the Oklahoma Seed Law [REVOKED]

35:3-1-21 Violations of the Oklahoma Services Technician and Service Agency Law [REVOKED]

35:3-1-22 Violations of the Oklahoma Soil Amendment Law [REVOKED]

35:3-1-23 Violations of the Oklahoma Standard Weights and Measures Law [REVOKED]

35:3-1-24 Violations of the Boll Weevil Eradication Act [REVOKED]

Part 17. Agricultural Environmental Management Violations [REVOKED]

35:3-1-30 Violations of the Oklahoma Concentrated Animal Feeding Operations Act [REVOKED]

35:3-1-31 Violations of the Oklahoma Registered Poultry Feeding Operations Act [REVOKED]

35:3-1-32 Violations of the Oklahoma Poultry Waste Applicators Certification Act [REVOKED]

AGRICULTURAL PRODUCTS

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

Chapter 10. Agricultural Products

Subchapter 7. Public Warehouses

35:10-7-18 Responsibility of the warehouseman [NEW]

FUEL ALCOHOL

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

Chapter 13. Fuel Alcohol

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

35:13-1-2 Deleted regulations [AMENDED]

ANIMAL INDUSTRY

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

Chapter 15. Animal Industry

Subchapter 1. General Provisions

35:15-1-4 Exhibitions and shows [AMENDED]

35:15-1-7 ~~Change of ownership for cattle within Oklahoma~~ Cattle identification [AMENDED]

35:15-1-8 Record keeping [NEW]

Subchapter 5. Biological Products and Laboratories

35:15-5-1 Biological products [AMENDED]

Subchapter 11. Importation of ~~Livestock, Poultry, And Pets~~ Animals

Part 1. General

35:15-11-2 Importation of domestic companion animals [NEW]

35:15-11-3 Requirements regarding vesicular stomatitis [NEW]

Part 5. Permits

35:15-11-10 Requests for permits [AMENDED]

Part 7. Livestock [REVOKED]

35:15-11-17 Companion animal importation [REVOKED]

35:15-11-20 Requirements regarding vesicular stomatitis [REVOKED]

Part 9. Foreign ~~Livestock~~ Animals

35:15-11-31 Importation of foreign ~~livestock~~ animals [AMENDED]

Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets

35:15-13-1 Definitions [AMENDED]

35:15-13-3 General requirements for a livestock auction market [AMENDED]

35:15-13-4 Approval of livestock auction market laboratory to conduct diagnostic tests [AMENDED]

Subchapter 15. Equine Infectious Anemia (EIA)

Part 3. Procedures

35:15-15-34 Requirements for approved EIA testing laboratories [AMENDED]

Part 9. Equine Exhibitions

35:15-15-91 Requirements of Equidae entering equine exhibitions [AMENDED]

Subchapter 16. Contagious Equine Metritis

35:15-16-1 Incorporation by reference [AMENDED]

Subchapter 17. Bovine and Bison Brucellosis

Part 1. Definitions and General Provisions

35:15-17-4 Traceback of reactors [REVOKED]

35:15-17-6 Incorporation by reference [NEW]

Part 3. Rules Adopted from USDA Uniform Methods and Rules (UM&R) for Brucellosis Eradication [REVOKED]

35:15-17-32 Laboratories [REVOKED]

35:15-17-33 Reporting [REVOKED]

35:15-17-34 Supervision [REVOKED]

35:15-17-35 Quarantine [REVOKED]

35:15-17-36 Disposition of affected herds [REVOKED]
 35:15-17-37 Community notification of brucellosis affected herds [REVOKED]
 35:15-17-38 Contact herds and adjacent herds [REVOKED]
 35:15-17-39 Cleaning and disinfection [REVOKED]
 35:15-17-40 Classification of cattle and bison [REVOKED]
 35:15-17-41 Identification of reactors [REVOKED]
 35:15-17-42 Identification of exposed animals [REVOKED]
 35:15-17-43 Slaughter requirements [REVOKED]
 35:15-17-44 Movement of reactors, exposed animals and suspects [REVOKED]
 35:15-17-45 Entering premises [REVOKED]
 35:15-17-47 Herd depopulation [REVOKED]
 35:15-17-48 Diagnostic agents for brucellosis [REVOKED]
 35:15-17-49 Adult vaccination [REVOKED]
 35:15-17-50 Epidemiologic services [REVOKED]
 35:15-17-51 Individual herd plan [REVOKED]
 35:15-17-52 Heifers to be spayed [REVOKED]
 35:15-17-53 Assurance test [REVOKED]
 35:15-17-54 Fictitious names and erroneous information [REVOKED]
 35:15-17-56 Commuter herds [REVOKED]
 Part 5. Brucella Vaccine [REVOKED]
 35:15-17-59 Brucella vaccine [REVOKED]
 35:15-17-60 Official calfhood vaccination shield [REVOKED]
 Part 7. Certified Brucellosis-Free Herds of Cattle or Bison [REVOKED]
 35:15-17-64 Qualifying methods [REVOKED]
 35:15-17-65 Qualifying standards [REVOKED]
 35:15-17-66 Certified Brucellosis-Free Herd [REVOKED]
 Part 13. Community Pastures [REVOKED]
 35:15-17-83 Community pastures [REVOKED]
 Part 15. Depopulation Payment [REVOKED]
 35:15-17-87 Conditions and animal qualifications for depopulation payment [REVOKED]
 Part 17. Blood Typing [REVOKED]
 35:15-17-91 Misrepresentation of blood samples or animals [REVOKED]
 Subchapter 36. Scrapie
 35:15-36-1 Incorporation by reference of federal regulations [AMENDED]
 35:15-36-2 Deleted regulations [AMENDED]
 Subchapter 37. Minimum Standards for Certified Brucellosis-Free Goat Herds
 35:15-37-1 Minimum standards for certification and recertification of Certified Brucellosis-Free Goat Herds [AMENDED]
 Subchapter 38. Bovine Trichomoniasis
 35:15-38-1 Definitions [AMENDED]
 35:15-38-2.1 Intrastate change of ownership requirements for bulls
 Subchapter 40. Bovine Tuberculosis
 Part 3. General Tuberculosis Rules
 35:15-40-49.4 Rodeo bulls [AMENDED]
 Part 7. Import Requirements
 35:15-40-93 Rodeo bulls [AMENDED]
 Subchapter 44. Farmed Cervidae
 35:15-44-19 Entry and export requirements [AMENDED]
 Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
 Part 1. General

35:15-47-2 Entry and export requirements [AMENDED]
Part 5. Disposition of Positive and Trace Herds
35:15-47-11 Entry and export requirements [AMENDED]
Part 7. Interstate Movement Requirements
35:15-47-18 Entry and export requirements [AMENDED]

WATER QUALITY

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 17. Water Quality
Subchapter 3. Swine Feeding Operations
35:17-3-5 License required [REVOKED]
35:17-3-12 Documentation of no hydrologic connection [REVOKED]
Subchapter 4. Concentrated Animal Feeding Operations
35:17-4-3 License required [REVOKED]
35:17-4-10 Documentation of no hydrologic connection [REVOKED]

CARCASS DISPOSAL

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 18. Carcass Disposal
35:18-1-4 Methods of Disposal [AMENDED]

FORESTRY

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 20. Forestry
Subchapter 3. Rural Fire Protection Program Fund Act
Part 3. Financial Assistance Program
35:20-3-12 Financial assistance program grant administration [AMENDED]

LABORATORIES

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 25. Laboratories
Subchapter 1. General Provisions
35:25-1-1 Purpose [AMENDED]
Subchapter 5. Chemistry
35:25-5-1 Definitions [AMENDED]
35:25-5-2 Administrative organization [AMENDED]
35:25-5-4 Methods of analysis; tolerances [AMENDED]
35:25-5-5 Analytical Fees [AMENDED]
35:25-5-7 Recordkeeping [AMENDED]

CONSUMER PROTECTION

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

Chapter 30. Consumer Protection

Subchapter 17. Combined Pesticide

Part 5. Prerequisites for Licensing

35:30-17-11 Application for license required [AMENDED]

Part 6. Pesticidal Product Producing Establishments

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

Part 8. Pesticide Registrations and Permits

35:30-17-17 Pesticide registrations [AMENDED]

Part 11. Standards for Application of Pesticide

35:30-17-25 Pesticide application by certified applicators, service technicians, and private applicators [AMENDED]

Part 17. ~~Minimum Standard~~ Standards for Termite Work for Preconstruction (Pretreats) and New Construction

35:30-17-73 Concrete Slabs [AMENDED]

Part 18. Minimum Standards for the Use of Termite Baits and Baiting Systems for New Construction and Existing Structures

35:30-17-75 Definitions [AMENDED]

35:30-17-75.1 General requirements for application [AMENDED]

35:30-17-75.2 Recordkeeping [AMENDED]

35:30-17-75.5 Requirements for Combination Liquid Spot and Baits and Baiting Systems Treatments [NEW]

Part 20. Minimum Standards for Bed Bug Treatments

35:30-17-87 General Requirements [NEW]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-89.1 Incorporation by reference of federal pesticide management and disposal regulations [AMENDED]

Subchapter 24. Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program

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]

35:30-24-15 Unlicensed growers [NEW]
Subchapter 29. Fertilizer
Part 3. Liquid, Dry, and Anhydrous Ammonia
35:30-29-38 Anhydrous ammonia requirements [AMENDED]
Part 5. Licenses and Complaints
35:30-29-51 Fertilizer license and schedule of fertilizer fees [AMENDED]
Subchapter 36. Weed Free Hay Certification
35:30-36-2 Definitions [AMENDED]
35:30-36-3 Voluntary weed free hay certification [AMENDED]
35:30-36-5 Field certification inspection [AMENDED]
35:30-36-6 Baled hay certification inspection [REVOKED]
35:30-36-10 Voluntary posting [AMENDED]
35:30-36-11 Qualified inspector qualifications [AMENDED]
35:30-36-14 Regional noxious weed free certification [AMENDED]
Subchapter 37. Nursery Stock Sales
35:30-37-12 Schedule of horticulture program fees [AMENDED]

FOOD SAFETY

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 37. Food Safety
Subchapter 1. Eggs
35:37-1-2 Methods of grading [AMENDED]
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]
Subchapter 13. Milk and Milk Products
35:37-13-2 Incorporations by reference [AMENDED]
Subchapter 15. Organic Products
35:37-15-2 The Adoption of NOP Standards [AMENDED]

MARKET DEVELOPMENT

Title 35. Oklahoma Department of Agriculture, Food, and Forestry
Chapter 40. Market Development
Subchapter 5. Agriculture Enhancement and Diversification Program
Part 11. Terms of Loans or Grants
35:40-5-111 Terms of loans or grants [AMENDED]
Subchapter 17. Agritourism
35:40-17-1 Purpose [AMENDED]
35:40-17-6 Additional requirements for winery and brewery facilities [AMENDED]

AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

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]

COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

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

Chapter 55. Commercial Pet Breeders and Animal Shelters

Subchapter 3. Standards of Care

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

The vote was as follows:

| | |
|---------|-----|
| Bolen | Aye |
| Arthur | Aye |
| Burtrum | Aye |
| Dodson | Aye |

The motion carried.

Agenda Item Number 10, Administrative Law Judge, the Office of General Counsel withdrew at this time.

There is no Old business presented for the Board to take action upon. Ms. Dodson moved, Mr. Bolen seconded, that the meeting be adjourned at 11:10 a.m.

By _____
President

ATTEST: _____
Executive Secretary

FEBRUARY 3, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

Koch Communications - \$7,700

Website redesign – This project was previously approved at the May 2020 Board meeting. We are requesting additional funding approval due to the expansion of the Forestry E-Commerce platform. This expansion will allow for staff to add new products, create new categories, make pricing adjustments and edit descriptions to our on-line content.

Oklahoma State Auditor & Inspector - \$30,000

The Oklahoma State Auditor and Inspector will conduct an audit of agency activities. This audit will include the reviewing of agency policies, procedures and financial records. This is a statutory required obligation for the agency to participate.

Food Safety Services

2021 Ford F150 for Food Safety - \$86,000

Food Safety is requesting Board Approval for the purchase of three (3) 2021 Ford F150 Extra/Cab 4WD. These trucks are needed for new employees and to replace aging fleet trucks. These trucks are critical to the agency mission and if not replaced or purchased may put the employee and public at greater risk.

Total of 9 Computers for Food Safety - \$13,000.00

Request to purchase 2 Federal Computers. Meat Inspection Services

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.

Request to purchase 2 computers for Produce Safety

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.

Request to purchase 2 computer for Organic Services

The Oklahoma Department of Agriculture, Food & Forestry, Organic Section is an accredited certifying agency through the United States Department of Agriculture, National Organic Program. The Organic Section provides organic certification to industry for crops, livestock and processing facilities if their application form, on-site inspection, exit interview, and sample results indicate the operation is in compliance with the National Organic Program and Oklahoma Organic Products Act. The industry requesting this service must pay a fee for this service; the Oklahoma Department of Agriculture, Food & Forestry has brought in revenue from fees collected from years past and continues to bring in this revenue from this program. Organic inspectors also perform retail, wholesale and farmers market surveillance inspections and sampling is conducted to ensure USDA National Organic Program standards are met. The United States Department of Agriculture, National Organic Program is going digital and the inspectors providing this service need up to date equipment including computers and scanners to perform their duties. With the amount of 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.

Request to Purchase 3 Computers for Dairy Services

The Oklahoma Department of Agriculture, Food & Food plays a significant role in the regulation of the Dairy Industry. The State of Oklahoma has adopted the Pasteurized Milk Ordinance as a major component of our regulations and is national standard for milk safety. Our program works closely with The Food and Drug Administration (FDA) and complies with The National Conference for Interstate Milk Shipments (NCIMS). This allows Grade A milk and milk products to participate in interstate commerce. Many of our dairy farms and processing plants depend on this certification for the success of their businesses; which provides thousands of jobs for Oklahomans. Our dairy producers pay a fee with respect to the amount of milk products produced and processed. The new computers will allow us maintain essential records to keep facilities in compliance with the Interstate Milk Shippers List, provide reliable support from our home offices and enable virtual training required by the FDA and NCIMS. Long term rental fees would tie up funds designated for other dairy expenses in the coming years and would be more expensive. Dairy Services will be required to replace aging equipment in the future and long term rental fees may complicate future program needs

Forestry Services

FY22 - \$24,000

Local & Long Distance Telephone service for FRC, FTIC, and Community Fire Offices necessary for communication to the public and governmental agencies. **Justification:** required for continuity in communication of operations at these office complexes.

FY22 - \$7,000

Postage for meter at FRC and Community Fire Headquarters. **Justification:** required to send information via USPS to customers.

FY22 - \$42,000

Electrical Service for Community Fire, FRC and FTIC offices located in Goldsby and Idabel. **Justification:** Necessary for continuity of operations at these office complexes.

FY22 - \$12,000

Propane for FRC and Community Fire Headquarters office & FTIC in Idabel. **Justification:** Necessary for continuity of operations at office complexes.

FY22- \$10,000

Oklahoma Tax Commission for Titles and Tire Fee associated with the Firefighter Property Program. **Justification:** OFS cannot transfer ownership of these vehicles to fire departments without a title. These vehicles are converted to firefighting equipment by the receiving fire department and then used to protect the lives and property of the citizens of Oklahoma.

FY22 - \$200,000

Purchase firefighting equipment and clothing for resale to Rural Fire Departments through the Revolving Equipment Fund. This program allows firefighters to buy equipment and personal protective equipment at a reduced cost. **Justification:** without this approval and this program, rural fire department costs to purchase necessary equipment and supplies would increase.

FY22 - \$50,000

Purchase firefighting personal protective equipment for OFS employees from the Department of Defense E-Mall. **Justification:** required to supply OFS firefighters with mandatory personal protective equipment (PPE) and other equipment through.

FY22 - \$200,000

Rural Fire 80/20 Reimbursement Pass-through Grants awarded to certified rural fire departments serving communities under 10,000 in population. Funding limits per application are \$30,000 of state appropriated funds for construction and \$20,000 for fire equipment. **Justification:** Fire departments awarded these grants are able to fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations.

FY22 - \$4,826.00

State Operational Assistance Grants, divided equally among the certified fire departments (Rural Fire Defense). Fire Departments receiving the Operational Grant can only use the funds for items authorized in Oklahoma State Statutes, Title 19, Chapter 21, and Section 901.56. **Justification:** Fire departments awarded these grants are able to fulfill a critical public safety function by purchasing firefighting equipment, purchasing Worker Compensation Insurance, Vehicle Insurance, etc. as outlined in the above mentioned statute.

FY 21- \$5,200

Purchase of phone service through existing provider, Windstream using a new, lower priced plan at Goldsby, FRC and Rural Fire office. The current plan is \$623/month or \$7,476/year and the new plan is \$429/month or \$5,148.00 per year. This would save the state of Oklahoma approximately \$2,328/year. **Justification:** Without phone service, FRC and Rural Fire would not be able to communicate with landowners and fire coordinators, which would significantly decrease customer service and service to the public.

FY 22- \$9,500

Purchase of shipping bags used to distribute seedlings to landowners in Oklahoma and surrounding states. Bags are specifically designed with paraffin lining to retain moisture during the shipping process thereby maintaining seedling quality. **Justification:** without bags, there is no way to deliver seedlings to customers.

FY22 - \$21,200

Renewal of agreement/membership with Western Gulf Forest Tree Improvement Cooperative (WGTIP). **Justification:** The agreement with Western Gulf Forest Tree Improvement is essential in helping FTIC receive new information for improving genetic research for Oklahoma and also to get tree breeding information from other WGTIP partners.

FY22 - \$12,800

Renewal of agreement/membership with Auburn Nursery Cooperative (contingent upon Federal Forest Stewardship grant allocation). It is essential that FRC have the agreement with Auburn Nursery Cooperative to be able to use certain chemicals under their license when fumigating fields. **Justification:** without this membership, the cost to fumigate, which is needed to produce tree and shrub seedlings, would increase to more than \$100,000.

FY22 - \$50,000

Fumigation to control insects, disease pathogens and weed seed, like nutgrass, in production fields at Forest Regeneration Center in Goldsby. **Justification:** without fumigation control, insects, weeds and disease issues would result in poor quality seedlings and increased cost.

FY22 – \$15,000

Pesticides for seedling production at the Forest Regeneration Center and Forest Tree Improvement Center (FTIC). **Justification:** without pesticides seed, seedlings quality and production would decrease because of problems with insects, fungus and weeds.

FY22 – \$15,000

Tree and shrub seed for use at the Forest Regeneration Center and Forest Tree Improvement Center. OFS personnel collect most seed used, but some varieties are more economically feasible to purchase seed than to send crews out to collect it. **Justification:** without this purchase, we would be more restricted on what we could grow and either seedling production would be reduced, costs would be increased, or both.

FY22- \$15,000

Pinecone collection at FTIC seed orchard in Idabel is vital to enhanced genetics and vital to our conservation seedling program. They provide the best genetically suited pine trees for Oklahoma landowners. Contracting experienced labor to collect seeds is required due to lack of personnel. **Justification:** without this purchase, pinecone seed would not be collected and the seedling program would be severely limited.

FY22- \$30,000

Contract harvesting services is needed by qualified, trained workers in order to lift 3 million seedlings. Each year, the Forest Regeneration Center (FRC) delivers up to 7 million seedlings to Oklahomans for conservation planting. To meet the planting demands of landowners throughout the state, a steady supply of seedlings is required. In order to make sure our customers have quality, healthy seedlings, delivered on schedule, a trained harvesting crew is required to lift these seedlings. Some of the harvesting will be completed by FRC staff. However, we no longer have the inmate crews that we used in the past. **Justification:** without this purchase, we will not be able to lift the seedlings in a timely manner and we will fail to meet the delivery requirements for Oklahoma customers.

FY22 - \$9,300

Renew lease with the Commissioners of the Land Office for the land occupied by Oklahoma Forestry Services' Southeast Area Headquarters Complex. From this office complex, OFS coordinates all forest management and fire protection programs in southeast Oklahoma.

Justification: without this lease, OFS would not have an office in the SE region on Oklahoma.

FY22 – \$2,000

Renew land lease with the Commissioners of the Land Office for land occupied by Oklahoma Forestry Services' Southeast Area Headquarters Shop Building. **Justification:** without this shop, building OFS SE Area vehicles and heavy equipment would not have a point for all maintenance and repair activities.

FY22 - \$12,000

Electricity for the SE Area Headquarters complex; Antlers Office complex; Carter Tower complex; Sobol Tower radio repeater; Tom Tower radio repeater; Jadie Tower radio repeater.

Justification: Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites. Each office complex and radio repeater site performs critical public safety functions related to wildland fire and forest management activities.

FY22 - \$12,500

Telecommunications-phone and internet service for the SE Area Headquarters and Antlers District Office. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites. Each office complex and radio repeater site performs critical public safety functions related to wildland fire and forest management activities.

FY22 - \$6,000

Water, sewer, propane, natural gas for SE Area Headquarters complex; Antlers District Office complex; and Carter Mountain Tower complex. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services Southeast Area.

FY22 - \$22,275

Maintenance and repair on all SE Area equipment. This includes mowers, dozers, trailers and tractors. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services Southeast Area.

FY22 - \$27,000

Award Federal Urban and Community Forestry Grant – \$27,000.00 for tree planting program on schools located in communities designated a Tree City USA or on a Tree Campus USA in partnership with a statewide non-profit Tree Bank Foundation. **Justification:** Without this program outreach, tree planting and education related to trees on school grounds would be limited. (This is funded through Federal pass-through money from FY-17 dollars)

FY22- \$11,500

National Association of State Foresters is organization composed of the directors of forestry agencies in the states, territories and the District of Columbia. Oklahoma has been a member of this organization for decades. This grant provides Oklahoma Forestry Services with the current policies and procedures regarding fire protection and forest management. (Federal Funds) **Justification:** Without this purchase we would lose our connections to other States and plans that emphasize forestry needs.

FY22 - \$25,000

Uniforms for OFS employees. OFS employees are required for recognition by the public. Full allotments are purchased for new employees. **Justification:** Existing employees are provided an annual allotment of uniforms to replace worn and old uniforms. OFS employees provide a vital public safety function, requiring public recognition of our personnel. (Federal & State Funds)

FY22 - \$30,000

Federal Grant for the Southern Pine Beetle prevention program. **Justification:** This is a very invasive insect and without this prevention program, there is an increased risk of loss of timber value.

FY22 - \$50,000

Community Wildfire Protection Plan (CWPP) development. **Justification:** This is funded by a federal grant that allows communities to develop and implement strategic plans to ensure that their communities are prepared for a wildland fire event thereby reducing their overall wildfire risk.

FY22 - \$150,000

Firewise Community Hazard Mitigation grants are provided using Federal grant funds. **Justifications:** These grants allow communities to build a hazard mitigation trailer and fully equip it. This trailer allows the community to reduce existing fuels, build firebreaks and increase the community's defensible space. Without this grant, many communities could not afford the tools to accomplish hazardous fuels mitigation work.

FY22 - \$7,700

Telephone and Internet service for EC Area offices. This maintains phones/internet to keep in contact with landowners, take burn notifications, receive calls for fires where assistance is needed, etc. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites.

FY22 - \$7,600

Utilities (Propane, Water, Trash) for EC Area offices in Wilburton and Talihina. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services Southeast Area.

FY22 - \$7,000

Electrical service for EC Area offices, like other utilities, is a necessity in order to operate. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services Southeast Area.

FY22 - \$14,000

Equipment repair and supplies for EC Area offices this includes repairs by outside vendors and by area personnel. **Justification:** This is vital to maintaining our wildland firefighting equipment at a high-level of operational readiness for protecting public safety.

FY22 - \$25,000

Equipment repair and supplies for NE Area offices this includes repairs by outside vendors and by area personnel. **Justification:** This is vital to maintaining our wildland firefighting equipment at a high-level of operational readiness for protecting public safety.

FY21 - \$7,500

Telephone service for NE Area office. Local and long distance telephone service and internet service is essential in the operation of the NE Area, which includes area offices located in Tahlequah, Jay and Sallisaw. This maintains phones/internet to keep in contact with landowners, take burn notifications, receive calls for fires where assistance is needed, etc. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites.

FY22 - \$25,000

Utilities (Propane, Natural Gas, Water, Trash) for NE Area offices. Utility service for the operation of the NE Area which includes area offices located in Tahlequah, Jay and Sallisaw. **Justification:** Necessary purchase/expenditure for continuity of operations at OFS' Northeast Area office complexes and radio repeater sites. Each office complex and radio repeater site performs critical public safety functions related to wildland fire and forest management activities.

Market Development**Cattlemen's Congress - \$50,000.00 – Ag Enhancement and Diversification Ag Event Grant**

This amount of \$50,000.00 will directly support the 2021 Cattlemen's Congress in Oklahoma City and present an opportunity for cattlemen and women across North America to exhibit their cattle and showcase the highest quality genetics the cattle industry can offer. This is the first year Oklahoma has hosted the show. If this purchase is not approved, there is a negative impact on the economic impact to the OKC economy as well as a reduction of show ring achievement and academic scholarships available to youth nationwide.

FY 2021 – Farmers Market Conference – audio/visual equipment – Funded entirely by Specialty Crop Block Grant - \$12,000

FY 2021 – Fox 25 – advertising for 15 Made in Oklahoma companies - \$5,000.00

FY 2021 – Ag Enhancement and Diversification Ag Event Grant – Oklahoma Youth Expo - \$10,000.00

FY 2021 – Ag Enhancement and Diversification Ag Event Grant – Lazy E Arena – Bob Feist Invitational Team Roping - \$10,000.00

FY 2021 – Agritourism graphic design - Oklahoma Craft Beer Trail logo - \$5,000.00

FY 2021 – Agritourism map and Country Stays Brochure - printing - \$15,000.00

Statistics

1 Canon EOS R Mirrorless Camera - \$2,998.00

1 Canon EOS R 28-70mm, F 2.0 Lens -\$2,999.00

Wildlife Services

\$ 7,500 - ODAFF Wildlife Services is requesting approval for the OG&E River Valley Cooperative Agreement regarding the removal of feral swine. Not approving this purchase would result in a human health and safety hazard for the public.


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

APPROVAL OF CASES

ON THIS 3rd day of February 2021 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 3rd day of February 2021.



Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
February 3, 2021

Cases Resolved by Stipulation

Agricultural Environmental Management Services

| <u>Name</u> | <u>File No.</u> | <u>Division</u> | <u>Amount</u> |
|-------------|-----------------|-----------------|---------------|
| Troy Bowden | OGC-19-311 | AEMS | \$500.00 |
| Alan King | OGC-17-479 | AEMS | \$2,500.00 |

Consumer Protection Services

| <u>Name</u> | <u>File No.</u> | <u>Division</u> | <u>Amount</u> |
|--------------------------------|-----------------|-----------------|---------------|
| Halls Termite and Pest Control | OGC-20-120 | CPS | \$200.00 |
| Maggie's Farm LTD | OGC-20-122 | CPS | \$1,000.00 |
| Shawnee Milling Co. | OGC-20-046 | CPS | \$500.00 |

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 2. FEES

SUBCHAPTER 3. FEE SCHEDULES

35:2-3-3. Schedule of weights and measures fees [REVOKED]

~~(a) Owners or users requesting tests of weighing and measuring devices shall pay the following fees:~~

- ~~(1) VEHICLE SCALES (per indicator): \$200.00~~
- ~~(2) RANCH AND ANIMAL SCALES (per indicator): \$200.00~~
- ~~(3) PORTABLE PLATFORM SCALES (up to 1,000 lbs.): \$50.00~~
- ~~(4) PLATFORM SCALES (more than 1,000 lbs.): \$150.00~~
- ~~(5) COUNTER AND COMPUTING:~~
 - ~~(A) Up to 40 lbs.: \$30.00~~
 - ~~(B) More than 40 lbs.: \$50.00~~
- ~~(6) GRAIN HOPPER SCALES: \$400.00~~
- ~~(7) HANGING SCALES: \$50.00~~
- ~~(8) OVERHEAD TRACK: \$150.00~~
- ~~(9) PACKING SCALES:~~
 - ~~(A) Up to 30 lbs.: \$30.00~~
 - ~~(B) Over 30 lbs.: \$50.00~~
- ~~(10) OVER AND UNDER SCALES: \$30.00~~

~~(b) The following license fees shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry:~~

- ~~(1) A fee of One Hundred Dollars (\$100.00) for issuance or renewal of a service agency license.~~
- ~~(2) A fee of Twenty five Dollars (\$25.00) for issuance or renewal of a service technician license for each category of weights and measures serviced.~~
- ~~(3) A fee of Ten Dollars (\$10.00) for the issuance of an apprentice service technician license.~~
- ~~(4) A fee of Ten Dollars (\$10.00) for the issuance of a duplicate license.~~
- ~~(5) Any license renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal to and in addition to the cost of the license.~~

35:2-3-4. Schedule of fees for "State Brand Book" [REVOKED]

~~Prices for the State Brand Book are hereby established as follows:~~

- ~~(1) State Brand Book issued at five year intervals \$5.50~~
- ~~(2) Supplements issued for the State Brand Book \$2.00.~~

35:2-3-5. Fees for meat inspection overtime

The fee for meat inspection overtime work in an official establishment under the Oklahoma Meat Inspection Act (2 O.S. § 6-181) is ~~\$29.00~~ \$30.00 per hour.

35:2-3-12. Schedule of horticulture program fees [REVOKED]

- (a) ~~The fee for each Federal Phytosanitary Certificate issued or renewed shall be as follows:~~
- (1) ~~Federal Phytosanitary Certificate PPQ Form 577:~~
 - (A) ~~If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more: One Hundred and Six Dollars (\$106.00).~~
 - (B) ~~If the aggregate commercial value of the product inspected for certification is less than \$1,250.00: Sixty One Dollars (\$61.00).~~
 - (2) ~~Federal Phytosanitary Certificate, Processed Plant Products PPQ Form 578:~~
 - (A) ~~If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more: One Hundred and Six Dollars (\$106.00).~~
 - (B) ~~If the aggregate commercial value of the product inspected for certification is less than \$1,250.00: Sixty One Dollars (\$61.00).~~
 - (3) ~~Federal Phytosanitary Certificate for Re-export PPQ Form 579:~~
 - (A) ~~If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more: One Hundred and Six Dollars (\$106.00).~~
 - (B) ~~If the aggregate commercial value of the product inspected for certification is less than \$1,250.00: Sixty One Dollars (\$61.00).~~
 - (C) ~~Ten Dollars (\$10.00) for the re-issuance of a Federal Phytosanitary Certificate.~~
 - (4) ~~All Federal Phytosanitary Certificates shall require an administrative fee paid by the Department to USDA in the following amounts:~~
 - (A) ~~Six Dollars (\$6.00) if the certificate is issued in PCIT.~~
 - (B) ~~Twelve Dollars (\$12.00) if the certificate is issued outside of PCIT.~~
- (b) ~~The fee for each State Phytosanitary Certificate issued or renewed shall be as follows:~~
- (1) ~~If the aggregate commercial value of the product inspected for certification is \$250.00 or more: Twenty Dollars (\$20.00).~~
 - (2) ~~If the aggregate commercial value of the product inspected for certification is \$249.00 or less: Five dollars (\$5.00).~~
 - (3) ~~The Phytosanitary Certificate fee if you do not have an Oklahoma nursery license shall be \$20.00 regardless of aggregate commercial value.~~
 - (4) ~~There shall be no charge for the issuance of a Phytosanitary Certificate if it is required by the Japanese Beetle Harmonization Plan unless a treatment is monitored by an authorized agent of the Board.~~
- (c) ~~The fee for each grower, dealer, and landscaper license issued or renewed and inspection conducted shall be as follows:~~
- (1) ~~Growers license Twenty-five Dollars (\$25.00) for each business location.~~
 - (2) ~~Growers inspection fee One Dollar (\$1.00) per acre and per 1,000 square feet of greenhouse area inspected.~~
 - (3) ~~Dealers license fee Thirty-eight Dollars (\$38.00) for each business location.~~
 - (4) ~~Landscaper or Personal Use Only license fee One Hundred Dollars (\$100.00) for each business location.~~
 - (5) ~~No fee shall be charged for a license issued to any scientific, agricultural, or horticultural club, educational or eleemosynary institution, or any department or branch of the state or federal government.~~
 - (6) ~~Failure to remit the license fee by the 15th day of the month following the expiration month shall result in a penalty fee equal to the cost of the license.~~

- (d) A fee of Twenty Five Dollars (\$25.00) shall be charged for any requested inspection or certification and shall be payable at the time of inspection and includes inspections and certificates issued for transporting plants.
- (e) All fees and monies collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.

35:2-3-13. Schedule of combined pesticide program fees [REVOKED]

- (a) The fees for issuance or renewal of pesticide applicators licenses shall be as follows:
- (1) Commercial applicator One Hundred Dollars (\$100.00) per category, Five Hundred Dollars (\$500.00) maximum for each location.
 - (2) Non commercial applicator Fifty Dollars (\$50.00) per category, Two Hundred Fifty Dollars (\$250.00) maximum for each location.
 - (3) Government agencies or their employees No charge for commercial or non commercial applicator.
 - (4) Duplicate issue Ten Dollars (\$10.00) each.
 - (5) Private applicator Twenty Dollars (\$20.00) each.
 - (6) Failure to remit a commercial or non commercial applicator license renewal fee by the 1st day of January shall result in a penalty of twice the amount of the license renewal fee, and after the 1st day of February shall also result in a new examination being required.
- (b) The issuance and annual registration fees for each pesticide and device label shall be as follows:
- (1) Pesticide One Hundred Sixty Dollars (\$160.00) each.
 - (2) Device One Hundred Sixty Dollars (\$160.00) each.
 - (3) Failure to remit the registration fees for pesticides and devices by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.
- (c) The annual permit fee for a restricted use pesticide dealer shall be Fifty Dollars (\$50.00) for each location. Failure to remit the permit fee by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.
- (d) The fee for each written examination or practical conducted for the combined pesticide program shall be as follows:
- (1) Written examination - Fifty Dollars (\$50.00).
 - (2) Practical conducted Fifty Dollars (\$50.00).
 - (3) Government agencies or their employees No charge.
- (e) Applicator certification fees shall be as follows:
- (1) Re certification procedure Fifty Dollars (\$50.00) for each.
 - (2) Reciprocal certification procedure One Hundred Dollars (\$100.00) for each.
 - (3) Government agencies or their employees No charge.
- (f) Identification card fees shall be as follows:
- (1) Service technician Forty Dollars (\$40.00) each.
 - (2) Certified applicator No charge.
 - (3) Duplicate issue or transfers Ten Dollars (\$10.00) each.
- (g) The annual permit fee for pesticide producing facilities, including facilities that produce pesticidal devices, shall be One Hundred Dollars (\$100.00) for each location.

- (1) ~~All permits for pesticide producer establishments shall be issued for a period of one (1) year and shall be renewed annually.~~
- (2) ~~All permits shall expire on June 30 each year and may be renewed without penalty upon filing of a properly completed application not later than the fifteenth day of the month first following the date of expiration.~~
- (3) ~~If the application is not received by that date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the permit.~~
- (h) ~~All fees and monies collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.~~

35:2-3-14. Schedule of fertilizer program fees [REVOKED]

- (a) ~~The annual fee for persons operating a business engaged in the distribution or sale of a commercial fertilizer shall be Fifty Dollars (\$50.00) and expire on December 31 of each year.~~
- (b) ~~An inspection fee of sixty-five (\$0.65) cents per ton of which thirty cents (\$0.30) per ton shall be forwarded directly to a special Soil Fertility Research Account in the Plant and Soil Sciences Department of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University for the sole purpose of conducting soil fertility research involving groundwater protection from plant food nutrients, Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account Fund.~~
- (c) ~~Each registrant distributing commercial fertilizer in this state shall file with the Board not later than the last day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of commercial fertilizer distributed during the preceding three (3) calendar months. The inspection fee and tonnage report shall be due within thirty (30) days following the close of the filing period and upon return of the statement the licensee shall pay the inspection fee. If no fertilizer was sold or distributed in this state for the quarter, the registrant shall submit a statement reflecting that information and shall remit a minimum fee of Ten Dollars (\$10.00). If the inspection fee and tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee due or a minimum Ten Dollars (\$10.00); shall be assessed and added to the amount due.~~
- (d) ~~If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of the Oklahoma Fertilizer Act, the Board shall assess a penalty fee of ten percent (10%) of the amount due, with a maximum not to exceed Two Thousand Dollars (\$2,000.00) or a minimum of One Hundred Dollars (\$100.00) whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of the deficiency.~~
- (e) ~~Annual registrations for specialty fertilizer products sold in packages of less than thirty (30) pounds shall pay a One hundred Dollar (\$100.00) registration fee for each product. Specialty fertilizer product registrations shall expire on June 30 of each year. The penalty for failure to register any specialty fertilizer product shall be One hundred Dollars (\$100.00) per product and shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.~~

35:2-3-15. Schedule of ag-lime program fees [REVOKED]

- (a) ~~The annual vendor's license fee shall be Twenty Five Dollars (\$25.00). Each license shall expire December 31 of each year.~~
- (b) ~~An inspection fee of ten cents (\$0.10) per ton shall be paid to the Board on all agricultural liming material sold or distributed for use within this state. If no lime was sold or distributed in this state for the semiannual period, manufacturers shall submit a statement reflecting that information and shall remit a minimum fee of Five Dollars (\$5.00).~~
- (c) ~~If the Board finds any deficient inspection fees due, as a result of an audit of the records of any person subject to the provisions of the Oklahoma Agricultural Liming Materials Act, the Board shall assess a penalty fee of ten percent (10%) maximum not to exceed Two Thousand Dollars (\$2,000.00) of amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment made within thirty (30) days.~~

35:2-3-16. Schedule of soil amendment program fees [REVOKED]

- (a) ~~The registration fee shall be One Hundred Dollars (\$100.00) for each product. All registrations shall expire on December 31, of the year the soil amendment product is registered.~~
- (b) ~~If the Board finds any soil amendment products that have not been registered, a penalty of One Hundred Dollars (\$100.00) per product shall be assessed. The penalty shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.~~

35:2-3-17. Schedule of feed program fees [REVOKED]

- (a) ~~The annual license fee shall be Ten Dollars (\$10.00) and shall expire on June 30 of each year. License renewal applications received thirty (30) days after the due date shall be subject to a late filing fee of Fifty Dollars (\$50.00).~~
- (b) ~~An inspection fee of fifteen cents (\$0.15) per ton shall be paid on commercial feeds and/or feed ingredients. The minimum semi-annual inspection fee shall be Ten Dollars (\$10.00). Inspection fees which are due and have not been remitted to the Board within fifteen (15) days following the date due shall have a penalty fee of ten percent (10%) or Fifty Dollars (\$50.00) minimum added to the amount due when payment is finally made.~~
- (c) ~~If the Board finds any deficient inspection fees due, as a result of an audit of the records of any person subject to the provisions of the Oklahoma Commercial Feed Law, the Board shall assess a penalty fee of ten percent (10%) maximum not to exceed Two Thousand Dollars (\$2,000.00) of amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment made within thirty (30) days.~~

35:2-3-18. Schedule of seed program fees [REVOKED]

- (a) ~~The annual license fee shall be Twenty Five Dollars (\$25.00) for each retail seed dealer and One Hundred Dollars (\$100.00) for each retail-wholesale seed dealer. Each license shall expire on June 30 of each year.~~
- (b) ~~An inspection fee of eight cents (\$0.08) per hundred pounds shall be paid by every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid.~~

- (1) ~~A semi-annual affidavit, stating the number of pounds of seed sold for the preceding six (6) months, shall be filed no later than the last day of January and July and the inspection fee shall be paid upon filing of the affidavit.~~
- (2) ~~Failure to submit the semi-annual statement on time shall result in an inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater.~~
- (c) ~~If the State Board of Agriculture finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of Title 2 of the Oklahoma Statutes, the Board shall assess a penalty fee of ten percent (10%), not to exceed Two Thousand Dollars (\$2,000.00) of the amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment of the entire amount shall be made within thirty (30) calendar days of notice of the deficiency.~~

35:2-3-19. Organic crop certification program fees [REVOKED]

~~The annual license fee for organic crop certification shall be One Hundred Dollars (\$100.00). A properly completed license application shall be submitted with the annual fee by March 31 of each year.~~

35:2-3-20. Schedule of fees for the garbage feeding program {RESERVED} [REVOKED]

35:2-3-21. Schedule of fees for milk and milk products [REVOKED]

~~The fee schedule for milk and milk products is as follows:~~

- (1) ~~The fee on each one hundred (100) pounds of raw milk produced in Oklahoma shall be one cent (\$0.01).~~
- (2) ~~The fee on each one hundred (100) pounds of Grade A milk or milk products processed or offered for retail sale in Oklahoma shall be one cent (\$0.01).~~
- (3) ~~The fee on each one hundred (100) pounds of milk or milk products produced or processed in another state and imported into Oklahoma shall be the same amount assessed on milk or milk products shipped to that state from Oklahoma. As an example, if State "X" charges Oklahoma producers or processors four cents (\$0.04) for each one hundred (100) pounds of milk or milk products; then, Oklahoma shall charge the same fee on milk or milk products from State "X".~~
- (4) ~~All fees collected under this program shall be deposited in the Milk and Milk Products Inspection Revolving Fund.~~

35:2-3-22. Schedule of fees for the egg program [REVOKED]

~~(a) No person shall be issued a license to handle eggs commercially unless an application has been properly filed on a form provided by the Board and the annual license fee has been paid. The license shall not be transferable.~~

- (1) ~~A state egg dealer's license shall be Thirty five Dollars (\$35.00).~~
- (2) ~~An egg packer or processor license shall be annually Thirty five Dollars (\$35.00).~~
- (3) ~~Each license shall expire annually on the last day of the anniversary month in which the license was issued. The Board may adjust the anniversary date to provide for efficient administration.~~
- (4) ~~Each location shall require a separate license.~~

(5) — Packers residing within the state who package eggs intended solely for distribution sale or resale outside the state shall obtain a license except the packer shall be exempt from all fee and reporting requirements. A packer shall be subject to all inspections, ~~record keeping, and audits.~~

(6) — If a license expires and is not renewed within thirty (30) days of its expiration, the applicant for renewal shall pay a penalty. The penalty shall be an amount equal and in addition to the license fee.

(b) — Each packer or processor shall pay an inspection fee of three mills (\$0.003) per dozen on all eggs that are processed, graded, packed, or repacked which are intended for sale to consumers in this state.

(1) — There shall be a nine cent (\$0.09) per case inspection fee on all egg products sold or shipped into the State.

(2) — All egg product processors shall pay the inspection fees on all processed eggs sold or used for human consumption in the State based on the following formula:

(A) — Thirty six (36) pounds of frozen or liquid eggs equals a thirty (30) dozen ~~ease of shell eggs.~~

(B) — Nine (9) pounds of dried eggs equals a thirty dozen ease of shell eggs.

(C) — Two (2) containers of boiled eggs weighing twenty (20) to twenty-five (25) pounds each equals a thirty dozen ease of shell eggs.

(D) — Fifty (50) pounds of cooked or dried eggs equals a dozen thirty dozen ease of shell eggs.

(c) — Packers, processors, and dealers shall keep records of eggs graded, packed, distributed, or sold. Records shall be maintained for three (3) years. The Board shall have access to all required records of any applicant for a license.

(d) — The Board shall audit the records of packers at least once every three (3) years. The packer shall reimburse the Board for all expenses incurred in conducting the required audit. The costs of audits other than the required audit shall be paid by the Board.

(e) — Packers paying inspection fees on a monthly basis shall prepare a report of all fees due as of the last day of each month. The report and fee payment shall be due no later than the fifteenth day of the following month. Reports shall contain the quantity of eggs packed and intended for sale or resale in the state, the names of the dealers for whom the eggs were packed or to whom the eggs were sold or delivered, and all other information required by the Board. Reports provided to the Board pursuant to this section shall not be public information and may be used only for administration of this program. Reports may be used for statistical information if specific packers are not identified by name or implication. If a report is not filed and the fees are not paid within thirty (30) days of the due date, the packer shall pay a penalty of two percent (2%) of the fees due for each additional day the fees are late. If the report is not filed and the fees are not paid within sixty (60) days of the due date, the amount of the penalty shall be an amount equal and in addition to the amount of the fees due.

(f) — All fees collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.

35:2-3-23. Schedule of fees for the public warehouse program [REVOKED]

(a) — All state commodity warehouses shall be chartered. A one-time charge of one hundred dollars (\$100.00) for each charter will be due with the application for all new public warehouse charters.

(b) ~~If an applicant for a public warehouse charter or a chartered warehouseman desires to purchase surety through the Department, the Board shall charge and collect a fee of Twenty Dollars (\$20.00) per One Thousand Dollars (\$1,000.00) of surety. The fee shall be deposited in the Commodity Storage Indemnity Fund and be specifically designated and accounted for as a reinsurance fee. The Board shall use the reinsurance fee to provide protection to the Indemnity. The additional assessment shall only be collected from persons securing surety through this subsection.~~

(c) ~~The fee for each warehouse examination shall be figured progressively for each 10,000 bushels or portion of 10,000 bushels of chartered storage capacity with a minimum examination fee of \$100.00. The fee shall be:~~

- ~~(1) Minimum base or 1st 200,000 bu.: \$100.00~~
- ~~(2) From 200,001 bu. 250,000 bu.: \$5.00 per 10,000 bu.~~
- ~~(3) From 250,001 bu. 500,000 bu.: \$4.75 per 10,000 bu.~~
- ~~(4) From 500,001 bu. 750,000 bu.: \$4.50 per 10,000 bu.~~
- ~~(5) From 750,001 bu. 1,000,000 bu.: \$4.00 per 10,000 bu.~~
- ~~(6) From 1,000,001 bu. 2,000,000 bu.: \$3.50 per 10,000 bu.~~
- ~~(7) From 2,000,001 bu. 10,000,000 bu.: \$3.00 per 10,000 bu.~~
- ~~(8) From 10,000,001 bu. : \$1.00 per 10,000 bu.~~

(d) ~~The audit or examination fee shall be due and payable at the completion of each warehouse audit. If a statement covering the cost of the audit is mailed to the warehouseman, they shall remit payment within thirty (30) calendar days in the form of a check, money order, or cashier's check made payable to the Oklahoma Department of Agriculture.~~

(e) ~~When requesting approval of temporary space, an examination shall be conducted of the temporary space and the cost of the examination charged to the warehouseman at the following rates: Ten Dollars (\$10.00) for each 10,000 bushels of the temporary storage capacity, with a minimum charge of One Hundred Dollars (\$100.00) and a maximum charge of One Thousand Dollars (\$1,000.00)~~

(f) ~~The fee for conducting a specialty audit for the a commission, agency, or board shall be \$55.00. Terms and conditions of the specialty audits shall be specified in the contract with each commission, agency, or board.~~

(g) ~~The fee for measuring grain for independent auditors shall be \$35.00 per hour in addition to mileage charged at the current State Motor Pool rate.~~

35:2-3-24. Livestock auction market and livestock dealer fees [REVOKED]

(a) ~~Every application for a livestock auction market license shall be on a form prescribed by the Board. A fee of Twenty Five Dollars (\$25.00) shall be charged and collected for the issuance or renewal of each livestock auction market license. All livestock auction market licenses expire on December 31 of each year.~~

(b) ~~Every application for a livestock dealer license shall be on a form prescribed by the Board. A fee of Twenty Five Dollars (\$25.00) shall be charged and collected for the issuance or renewal of each livestock dealer license. All livestock dealer licenses expire on December 31 of each year.~~

35:2-3-25. Brand registration fees [REVOKED]

~~An application for registration of a brand shall be on a form prescribed by the Board and accompanied by a fee of Twenty Dollars (\$20.00) for each brand. Brand registrations are valid~~

~~for a period of five (5) years. The fee to renew the registration of each brand shall be Twenty Dollars (\$20.00). The fee for obtaining a certified copy of the record of any registered brand shall be One Dollar (\$1.00). The fee for transferring ownership of a registered brand shall be Five Dollars (\$5.00).~~

35:2-3-26. Apiary program fees [REVOKED]

~~(a) The fee for any person registering pursuant to the Oklahoma Apiary Act shall be Ten Dollars (\$10.00).~~

~~(b) An entry permit fee of One Hundred Dollars (\$100.00) shall be charged for migratory beekeepers moving colonies of bees into this state.~~

~~(c) Any person requesting inspection of an apiary shall pay a fee based on the total number of hives listed on the certificate of inspection. The following inspection fees shall be charged at the time of inspection:~~

~~(1) One to 25 hives: \$10.00.~~

~~(2) 26 to 50 hives: \$25.00.~~

~~(3) 51 to 100 hives: \$50.00.~~

~~(4) 101 to 250 hives: \$75.00.~~

~~(5) 251 to 500 hives: \$100.00.~~

~~(6) 501 to 1,000 hives: \$200.00.~~

~~(7) More than 1,000 hives: \$250.00.~~

~~(d) Any person requesting the Department to take samples for laboratory diagnosis shall be charged Twenty-five Dollars (\$25.00) for each sample. This charge shall not include the actual cost of diagnosis charged by the laboratory.~~

~~(e) All fees are due within thirty (30) days after samples are processed or the inspection is completed. Late payment of fees are subject to a penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater.~~

35:2-3-27. Aquaculture program fees [REVOKED]

~~(a) Every aquaculture operation shall obtain a license and aquaculture hauling unit decals from the Department.~~

~~(1) A duplicate license may be issued at the cost of five dollars (\$5.00) each.~~

~~(2) Licenses are non-transferable.~~

~~(3) A license may be revoked pursuant to Title 2, Section 6-316 F1-4.~~

~~(4) No license shall be issued prior to an initial inspection by the Department.~~

~~(5) Each hauling unit used for the transportation of live aquatic species shall be affixed with each of the following:~~

~~(A) No less than two (2) hauler decals.~~

~~(i) Each decal shall be replaced every eight (8) years and shall be available from the Department.~~

~~(ii) Each decal shall cost One Dollar and Seventy-Five Cents (\$1.75).~~

~~(B) No less than two (2) date decals indicating the appropriate year.~~

~~(i) The date decals shall each be applied to a separate hauler decal.~~

~~(ii) Each date decal shall cost One Dollar and Twenty-Five Cents (\$1.25) and shall be available from the Department.~~

~~(6) Prior to issuance of a license, an applicant shall provide the following to the Department:~~

- (A) ~~A license fee of ten dollars (\$10.00).~~
- (B) ~~Proof of identification including the applicant's age or date of birth and current residency information.~~
- (C) ~~A list of all persons with control or decision-making authority at the aquaculture operation, including but not limited to owners, operators, and managers.~~
- (D) ~~If applicable, copies of any permits directly related to the aquaculture operation issued by the Oklahoma Department of Environmental Quality (including a copy of any BMP submitted to the Oklahoma Department of Environmental Quality), the Oklahoma Water Resources Board, and the Army Corps of Engineers.~~
- (E) ~~A map or aerial photograph showing the aquaculture operation including the facilities and property lines, and specifies the legal description of the property or Global Positioning System (GPS) coordinates.~~
- (F) ~~A catastrophic aquatic species die-off disposal plan that requires immediate notification to the Department and is approved by the Department for emergency purposes.~~

~~(b) Each aquaculture operation shall renew the license and aquaculture vehicle decals by January 15th of each year.~~

~~(1) The renewal application shall include the following:~~

- (A) ~~A renewal fee of ten dollars (\$10.00). Any renewal fee received after the annual renewal deadline of January 15th shall be assessed a late fee of ten dollars (\$10.00).~~
- (B) ~~A copy of any modifications, changes, updates, or renewals to the items listed in (6)(B) through (F) of Rule 35:504-30.~~
- (C) ~~An annual report.~~

~~(2) Each hauling unit used for the transportation of live aquatic species shall be affixed with each of the following:~~

- (A) ~~No less than two (2) hauler decals:~~
 - (i) ~~Each decal shall be replaced every eight (8) years and shall be available from the Department.~~
 - (ii) ~~Each decal shall cost One Dollar and Seventy-Five Cents (\$1.75).~~
- (B) ~~No less than two (2) date decals indicating the appropriate year:~~
 - (i) ~~The date decals shall each be applied to a separate hauler decal.~~
 - (ii) ~~Each date decal shall cost One Dollar and Twenty-Five Cents (\$1.25) and shall be available from the Department.~~

~~(c) At the owner's request the Department may provide technical assistance recommendations to owners of licensed aquaculture operations at the rate of thirty dollars (\$30.00) per hour. In addition, any costs for supplies, mileage, or other expenses shall be paid by the owner.~~

35:2-3-28. Swine Special Sale fees [REVOKED]

~~(a) If swine from Class I, Class II, or Class III states will be allowed to attend a sale, the fee for the Swine Special Sale Permit shall be Three Hundred Dollars (\$300.00).~~

~~(b) If only swine from Class IV or Class V states will be allowed to attend a sale, no fee shall be required for the Swine Special Sale Permit.~~

35:2-3-29. General animal industry supply fees

(a) Certificates of Veterinary Inspection (Health Certificates) \$35.00 per pad of 25 with \$6 shipping for up to first 10 pads and an additional \$6 shipping for each additional 10 pads.

(b) Poultry tester supplies:

(1) Large or small wing bands - \$12.00 per 100.

(2) Small wing band plier - \$11.00 each.

(3) Leg bands - \$8.50 per 100.

(4) Leg band pliers - \$25.00 each.

(5) Pullorum Test Plate - \$8.00 each.

(6) 1,000 tests Pullorum Typhoid Antigen - \$150.00 per 1,000 doses or \$35.00 per 200 doses.

(7) Shipping fee per order - \$6.00.

(8) Cash On Delivery (C.O.D.) shipping fee per order - actual cost.

(9) Large wing band plier - \$25.00 each.

(10) Bleeder loop - \$12.00 each.

(c) Contagious Equine Metritis Quarantine Monitoring:

(1) Stallions - \$500 each.

(2) Mares - \$500 first mare, \$200 for each additional mare in the same quarantine.

(d) Shipping fee for Radio Frequency Identification Device (RFID) tags - \$10.00 per 1,000 tags.

(e) Ear tag applicators – standard retail price.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments increase and provide for certain fees to cover the Department's costs of labor and supply. In addition, the rules revoke fees that are duplicative or are no longer a part of the Department's programs.
- (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 rules will affect persons or entities that pay fees for goods and services from the Department.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Taxpayers will benefit from the rules as the cost of providing goods and services will be borne primarily by the person or entity receiving the goods or services rather than funds appropriated to the Department by the Legislature.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
The cost of providing goods and services will be borne primarily by the person or entity requesting the goods and services rather than funds appropriated to the Department by the Legislature.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
The cost of providing goods and services will be borne primarily by the person or entity requesting the goods and services rather than funds appropriated to the Department by the Legislature.
- (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 effect on any political subdivision is anticipated by the proposed rules.
- (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:**

The proposed rules will have no adverse effect on small business. However, fees charged by the Department for goods and services are increased in the proposed rules. Accordingly, small businesses that purchase goods and services will pay increased fees.

(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rules will not detrimentally affect the public health, safety, and environment.

(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on November 5, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 3. FINE MATRICES [REVOKED]

SUBCHAPTER 1. FINE SCHEDULES [REVOKED]

PART 1. GENERAL [REVOKED]

35:3-1-1. General Violations [REVOKED]

- ~~(a) Violation of Stop Sale or Stop Use Order pursuant to 2 O.S. §2-4(8):~~
 ~~(1) First Violation—\$100 to \$1000~~
 ~~(2) Second Violation—\$1000 to \$500~~
 ~~(3) Subsequent Violations—\$5000 to \$10,000~~
~~(b) Interfering with an authorized agent of the Board pursuant to 2 O.S. §2-29:~~
 ~~(1) First Violation—\$100 to \$1000~~
 ~~(2) Second Violation—\$1000 to \$5000~~
 ~~(3) Subsequent Violations—\$5000 to \$10,000~~

PART 3. ANIMAL HEALTH AND DISEASE VIOLATIONS [REVOKED]

35:3-1-3. Biological products violations [REVOKED]

- ~~(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, 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:~~
~~(b) Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.~~
~~(c) In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.~~
~~(d) Selling or offering for sale unregistered biological products or expired biological products in violation of OAC 35:15-5-1:~~
 ~~(1) First Violation—\$100 to \$500~~
 ~~(2) Second Violation—\$250 to \$750~~
 ~~(3) Subsequent Violations—\$500 to \$10,000~~

PART 5. FOOD SAFETY VIOLATIONS [REVOKED]

35:3-1-5. Violations of certain food safety laws and rules [REVOKED]

- ~~(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, 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. The following shall be non-exclusive rules of construction or interpretation in the determination of the amount of penalty or fine:~~

- (1) ~~Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.~~
- (2) ~~In no event shall this fine matrix limit the imposition of a different penalty when circumstances require. Accordingly, in determining a penalty or fine, such penalty or fine may be enhanced or enlarged, including above the range suggested by this penalty matrix, inter alia, based upon the affect or potential affect of the alleged violation on the food supply of this state or on the functioning of intrastate commerce in this state.~~
- (3) ~~Nothing shall be construed as requiring the Board to report for prosecution, or for the institution of legal action or injunction proceedings, minor violations of law or rules whenever it believes that the public interest will be adequately served by a suitable written notice of warning, pursuant to 2 O.S. §§ 6-207 (b), 6-208 (b), 6-263, 6-280.15(B), and 6-290.13(B).~~
- (b) ~~The penalty matrix for certain food safety laws and rules is as follows:~~
- (1) ~~Inhumane slaughtering or handling of cattle, bison, sheep, swine, goats, horses, mules and other equines pursuant to 2 O.S. § 6-183 (B) or § 6-190 (b):~~
- ~~(A) First Violation — \$100 to \$500~~
 - ~~(B) Second Violation — \$300 to \$1,500~~
 - ~~(C) Subsequent Violations — \$1,000 to \$10,000~~
- (2) ~~Sale or offer for sale in intrastate commerce of any meat or meat food products of any cattle, bison, sheep, swine, goat, horse, mule and/or other equine which is capable of use as human food prepared for intrastate commerce under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size pursuant to 2 O.S. § 6-187:~~
- ~~(A) First Violation — \$100 to \$500~~
 - ~~(B) Second Violation — \$300 to \$1,500~~
 - ~~(C) Subsequent Violations — \$1,000 to \$10,000~~
- (3) ~~Slaughtering of any cattle, bison, sheep, swine, goats, horses, mules and other equines and/or the preparation of any meat or meat food products which are capable of use as human food for use in intrastate commerce at a facility that is neither inspected under 2 O.S. § 6-185 or exempt therefrom pursuant to 2 O.S. § 6-190 (a):~~
- ~~(A) First Violation — \$100 to \$500~~
 - ~~(B) Second Violation — \$300 to \$1,500~~
 - ~~(C) Subsequent Violations — \$2,500 to \$10,000~~
- (4) ~~Sale, transportation, offer for sale or transportation, or receipt for transportation in intrastate commerce of any meat or meat food products of any cattle, bison, sheep, swine, goat, horse, mule and/or other equine which is capable of use as human food and which is (i) adulterated or misbranded pursuant to 2 O.S. § 6-190 (c); or (ii) required to be inspected and passed and is not pursuant to 2 O.S. § 6-190 (d); or (iii) prepared in a facility that fails to meet the requirements of the custom processing exemption of OAC 35:37-3-5 and such facility is not an inspected facility under 2 O.S. § 6-190 (d) or exempt:~~
- ~~(A) First Violation — \$100 to \$500~~
 - ~~(B) Second Violation — \$300 to \$1,500~~
 - ~~(C) Subsequent Violations — \$2,500 to \$10,000.~~
- (5) ~~Casting, printing, lithographing, or otherwise making any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or~~

~~any form of official certificate or simulation thereof or forging any official device, mark, or certificate except as authorized by the Board pursuant to 2 O.S. § 6-191 (a) or (b).~~

- ~~—— (A) First Violation \$100 to \$500~~
- ~~—— (B) Second Violation \$300 to \$1,500~~
- ~~—— (C) Subsequent Violations \$1,000 to \$10,000~~

~~(6) Use of any official device, mark, or certificate, or simulation thereof, or the alteration, detachment, defacement, or destruction of any official device, mark, or certificate without authorization from the Board pursuant to 2 O.S. § 6-191 (b).~~

- ~~(A) First Violation \$100 to \$500~~
- ~~(B) Second Violation \$300 to \$1,500~~
- ~~(C) Subsequent Violations \$1,000 to \$10,000~~

~~(7) Failure to use, or to detach, deface, or destroy any official device, mark, or certificate contrary to the regulations prescribed by the Board pursuant to 2 O.S. § 6-191 (b).~~

- ~~(A) First Violation \$100 to \$500~~
- ~~(B) Second Violation \$300 to \$1,500~~
- ~~(C) Subsequent Violations \$1,000 to \$10,000~~

~~(8) Knowingly possessing, without promptly notifying the Board or its representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark pursuant to 2 O.S. § 6-191 (b).~~

- ~~—— (A) First Violation \$100 to \$500~~
- ~~—— (B) Second Violation \$300 to \$1,500~~
- ~~—— (C) Subsequent Violations \$1,000 to \$10,000~~

~~(9) Knowingly making any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Board pursuant to 2 O.S. § 6-191 (b).~~

- ~~—— (A) First Violation \$100 to \$500~~
- ~~—— (B) Second Violation \$300 to \$1,500~~
- ~~—— (C) Subsequent Violations \$1,000 to \$10,000~~

~~(10) Knowingly representing that any meat or meat food products of any cattle, bison, sheep, swine, goat, horse, mule and/or other equine which is capable of use as human food has been inspected and passed, or exempted under the Oklahoma Meat Inspection Act when, in fact, it has not been so inspected and passed, or exempted pursuant to 2 O.S. § 6-191 (b).~~

- ~~—— (A) First Violation \$100 to \$500~~
- ~~—— (B) Second Violation \$300 to \$1,500~~
- ~~—— (C) Subsequent Violations \$2,500 to \$10,000~~

~~(11) Sale, transportation, offer for sale or transportation, or receipt for transportation in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Board to show the kinds of animals from which they were derived pursuant to 2 O.S. § 6-192.~~

- ~~—— (A) First Violation \$100 to \$500~~

- (B) — Second Violation — \$300 to \$1,500
- (C) — Subsequent Violations — \$1,000 to \$10,000
- (12) — With respect to facilities that are required to be inspected under 2 O.S. § 6-185, preparing any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof other than in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared pursuant to 2 O.S. § 6-192.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$300 to \$1,500
 - (C) — Subsequent Violations — \$1,000 to \$10,000

PART 7. FORESTRY AND TIMBER VIOLATIONS [REVOKED]

35:3-1-7. Violations of forestry and timber law [REVOKED]

- (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, 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.
- (b) — Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
- (c) — In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.
- (d) — Knowingly and willfully interfering with, molesting, or assaulting a forest ranger or firefighter in the performance of their duties pursuant to 2 O.S. § 16-6.
 - (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (e) — Knowingly and willfully obstructing, interfering with, or impeding the progress of forest rangers or firefighters to reach the destination of a fire pursuant to 2 O.S. § 16-6.
 - (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (f) — Knowingly and willfully damaging or destroying any vehicle or equipment used to reach or extinguish a fire pursuant to 2 O.S. § 16-6.
 - (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (g) — Carelessly or willfully burning or causing to be burned or to set fire to or cause any fire to be set to any forest, grass, crops, rangeland, or other wild lands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting the fire or burning the lands or causing fire to be burned pursuant to 2 O.S. § 16-25(A).
 - (1) — First Violation — \$100 to \$2500
 - (2) — Second Violation — \$750 to \$5000
 - (3) — Subsequent Violations — \$2500 to \$10,000.

(h) ~~Setting fire to any forest, grass, range, crop, or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where, because of emergency drought conditions there is a gubernatorially proclaimed extraordinary danger from fire pursuant to 2 O.S. § 16-26(A)(1).~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(i) ~~Willfully, negligently, or carelessly build a warming or camp fire and leave the fire unextinguished or allow the fire to spread pursuant to 2 O.S. § 16-27.~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(j) ~~Willfully or carelessly burning, causing to be burned, setting fire to, or causing fire to be set to any forest, grass, croplands, rangeland, or other wild lands, by an owner of the property, unless notification to burn is made by the owner to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained in a protection area pursuant to 2 O.S. § 16-28.1(A)(1).~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(k) ~~Willfully or carelessly burning, causing to be burned, setting fire to, or causing fire to be set to any forest, grass, croplands, rangeland, or other wild lands, by an owner of the property, unless the owner takes reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower, and fire fighting equipment for the control of the fire, watching over the fire until it is extinguished and not permitting fire to escape to adjoining land pursuant to 2 O.S. § 16-28.1(A)(2).~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(l) ~~Failure to confine the fire to the owner's, agent's, or tenant's land pursuant to 2 O.S. § 16-28.1(B).~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(m) ~~Failure to ensure the fire does not spread beyond the control of the person setting the fire, or failure to subdue or extinguish the fire pursuant to 2 O.S. § 16-28.1(E).~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

(n) ~~Failure to pay all costs and expenses incurred in suppressing the fire within ninety (90) days of notification by the Forestry Division for willfully or carelessly causing an unlawful forest, grass, crops, or woods fire pursuant to 2 O.S. § 16-32.~~

~~(1) First Violation \$100 to \$2500~~

~~(2) Second Violation \$750 to \$5000~~

~~(3) Subsequent Violations \$2500 to \$10,000~~

- (4) — In addition, all costs and expenses may be collected by the Department pursuant to a finding by the State Board of Agriculture.
- (o) — Intentionally breaking down, mutilating, removing, or destroying any fire control or forestry sign or poster of the Forestry Division erected in the administration of its lawful duties and authorities pursuant to 2 O.S. § 16-33.
- (1) — First Violation — \$100 to \$500
 - (2) — Second Violation — \$500 to \$1000
 - (3) — Subsequent Violations — \$1000 to \$10,000
- (p) — Possessing any incendiary device with the intent to use the device for the purpose of burning or setting fire to any forest, grass, crops, or woodlands that the person possessing the device is not the owner of nor in possession of lawfully, as under a lease pursuant to 2 O.S. § 16-34(A).
- (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (q) — Removing any timber or other timber products from any lands owned by the State of Oklahoma pursuant to 2 O.S. § 16-59.
- (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (r) — Intentionally, willfully, maliciously, or unlawfully entering upon the lands of another to cut down, injure, remove, or destroy any timber, without the permission of the owner or the owner's representative pursuant to 2 O.S. § 16-60.
- (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500
 - (3) — Subsequent Violations — \$5000 to \$10,000
- (s) — Failure of the timber owner to clearly mark any established property lines or failure to mail or publish any notice to the abutting real property owners, and as a result, timber is harvested or other damage occurs on any abutting real property without the consent of the owner pursuant to 2 O.S. § 16-61(B).
- (1) — First Violation — \$100 to \$2500
 - (2) — Second Violation — \$750 to \$5000
 - (3) — Subsequent Violations — \$2500 to \$10,000
- (t) — Negligently enters upon lands of another, or authorizes or directs a logging or timber harvesting operation upon the lands of another, and cuts down, injures, removes, or destroys any timber without the permission of the owner pursuant to 2 O.S. § 16-62(A).
- (1) — First Violation — \$100 to \$2500
 - (2) — Second Violation — \$750 to \$5000
 - (3) — Subsequent Violations — \$2500 to \$10,000
- (u) — Willfully, knowingly, or fraudulently representing, making, issuing, delivering, using or submitting, or participating in representing, making, issuing, delivering, using, or submitting any fictitious, false or fraudulent offer, agreement, contract, or other instrument concerning the sale of timber or the right to cut or harvest or remove timber not owned by that person, or from a site or from real property not owned or leased by that person pursuant to 2 O.S. § 16-63(A).
- (1) — First Violation — \$500 to \$2500
 - (2) — Second Violation — \$1000 to \$7500

- (3) ~~Subsequent Violations—\$5000 to \$10,000~~
- (v) ~~Knowingly or with intent to defraud, the timber owner fails to pay in a timely manner the applicable owner the full price of all the purchased timber pursuant to 2 O.S. § 16-63(B).~~
 - (1) ~~First Violation—\$500 to \$2500~~
 - (2) ~~Second Violation—\$1000 to \$7500~~
 - (3) ~~Subsequent Violations—\$5000 to \$10,000~~
- (w) ~~Failure to maintain at all times during a logging or timber harvesting operation for inspection purposes a written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner for the timber being harvested pursuant to 2 O.S. § 16-64(A).~~
 - (1) ~~First Violation—\$100 to \$2500~~
 - (2) ~~Second Violation—\$750 to \$5000~~
 - (3) ~~Subsequent Violations—\$2500 to \$10,000~~
- (x) ~~Failure to preserve any written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner by the owner or operator of a logging or timber harvesting operation for at least a period of three (3) years pursuant to 2 O.S. § 16-64(D).~~
 - (1) ~~First Violation—\$100 to \$2500~~
 - (2) ~~Second Violation—\$750 to \$5000~~
 - (3) ~~Subsequent Violations—\$2500 to \$10,000~~
- (y) ~~Failure of a sawmill owner or operator of other person purchasing timber for resale, from a timber owner or owner of a logging or timber harvesting operation to obtain a bill of sale for the same or other evidence of ownership and to preserve it for a period of three (3) years pursuant to 2 O.S. § 16-65.~~
 - (1) ~~First Violation—\$100 to \$2500~~
 - (2) ~~Second Violation—\$750 to \$5000~~
 - (3) ~~Subsequent Violations—\$2500 to \$10,000~~
- (z) ~~Selling timber using a false or altered identification or a false declaration of ownership pursuant to 2 O.S. § 16-66.~~
 - (1) ~~First Violation—\$500 to \$2500~~
 - (2) ~~Second Violation—\$1000 to \$7500~~
 - (3) ~~Subsequent Violations—\$5000 to \$10,000~~

PART 9. GRAIN WAREHOUSE VIOLATIONS [REVOKED]

35:3-1-10. Violations of the Public Warehouse and Commodity Indemnity Act [REVOKED]

(a) Licensing and insurance violations.

- (1) ~~Failure to obtain or operate an elevator without a charter pursuant to 2 O.S. §9-22 and OAC 35:10-7-10.~~
 - (A) ~~First Violation—\$100 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
- (2) ~~Failure to obtain surety in lieu of a bond, certificate of deposit, or irrevocable letter of credit pursuant to 2 O.S. §9-22.~~
 - (A) ~~First Violation—\$100 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$5000~~

- (C) ~~Subsequent Violations – \$5000 to \$10,000~~
- (3) ~~Failure to insure commodities for full market value pursuant to 2 O.S. §9-26.~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$500 to \$1000~~
 - (C) ~~Subsequent Violations – \$1000 to \$10,000~~
- (b) ~~Scale ticket, warehouse receipt, and record keeping violations.~~
 - (1) ~~Failure to issue a scale ticket pursuant to 2 O.S. §9-27 and OAC 35:10-7-1.~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$500 to \$750~~
 - (C) ~~Subsequent Violations – \$750 to \$2500~~
 - (2) ~~Failure to have a licensed weigher and grader at each location to supervise weighing and grading and to issue scale tickets pursuant to 2 O.S. §9-27 and OAC 35:10-7-1.~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$500 to \$750~~
 - (C) ~~Subsequent Violations – \$750 to \$2500~~
 - (3) ~~Issued or received a fraudulent warehouse receipt pursuant to 2 O.S. §9-28, 2 O.S. §9-34, 2 O.S. §9-35, and OAC 35:10-7-1.~~
 - (A) ~~First Violation – \$500 to \$2500~~
 - (B) ~~Second Violation – \$1000 to \$7500~~
 - (C) ~~Subsequent Violations – \$3000 to \$10,000~~
 - (4) ~~Delivery of commodities without cancellation of warehouse receipt pursuant to 2 O.S. §9-28, 2 O.S. §9-34, 2 O.S. §9-35, and OAC 35:10-7-1.~~
 - (A) ~~First Violation – \$500 to \$2500~~
 - (B) ~~Second Violation – \$1000 to \$7500~~
 - (C) ~~Subsequent Violations – \$3000 to \$10,000~~
 - (5) ~~Failure to maintain complete and accurate records and reports pursuant to 2 O.S. §9-25, OAC 35:10-7-1, and OAC 35:10-7-7.~~
 - (A) ~~First Violation – \$100 to \$3000~~
 - (B) ~~Second Violation – \$750 to \$7500~~
 - (C) ~~Subsequent Violations – \$3000 to \$10,000~~
- (c) ~~Warehouse exam and financial statement violations.~~
 - (1) ~~If examination determines that warehouseman is in a short position, or has operated in a short position for longer than 72 hours since their last examination, any shortage is a violation pursuant to 2 O.S. §9-27 and OAC 35:10-7-7.~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$500 to \$750~~
 - (C) ~~Subsequent Violations – \$750 to \$2500~~
 - (2) ~~Failure to submit a current financial statement within ninety (90) days following year end close of business pursuant to 2 O.S. §9-22 and OAC 35:10-7-12.~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$1000~~
 - (C) ~~Subsequent Violations – \$750 to \$5000~~
- (d) ~~Scale and equipment, approved storage space, and warehouse safety violations.~~
 - (1) ~~Failure to maintain correct and accurate scales and equipment pursuant to 2 O.S. §9-32.~~

- (A) ~~First Violation — \$100 to \$1000~~
 - (B) ~~Second Violation — \$750 to \$1500~~
 - (C) ~~Subsequent Violations — \$1500 to \$5000~~
- (2) ~~Failure to obtain Department approval of storage space as conventional, temporary, or emergency space pursuant to OAC 35:10-7-14, OAC 35:10-7-5, and OAC 35:10-7-14.~~
 - (A) ~~First Violation — \$100 to \$500~~
 - (B) ~~Second Violation — \$500 to \$1000~~
 - (C) ~~Subsequent Violations — \$1000 to \$5000~~
- (3) ~~Failure to provide safe and sanitary working conditions pursuant to OAC 35:10-7-8.~~
 - (A) ~~First Violation — \$100 to \$1000~~
 - (B) ~~Second Violation — \$1000 to \$5000~~
 - (C) ~~Subsequent Violations — \$5000 to \$10,000~~
- (e) ~~Miscellaneous violations.~~
 - (1) ~~Issue a delayed pricing contract, deferred payment contract, or any other records for sales of commodities in a fraudulent manner without the full knowledge and consent of the producer pursuant to 2 O.S. §9-34.~~
 - (A) ~~First Violation — \$100 to \$1000~~
 - (B) ~~Second Violation — \$750 to \$5000~~
 - (C) ~~Subsequent Violations — \$3000 to \$10,000~~
 - (2) ~~Failure to notify the management of the public warehouse that a lien or mortgage exists on any commodities that any person deposits or attempts to deposit in a public warehouse pursuant to 2 O.S. §9-37.~~
 - (A) ~~First Violation — \$100 to \$500~~
 - (B) ~~Second Violation — \$500 to \$1000~~
 - (C) ~~Subsequent Violations — \$750 to \$2500~~
 - (3) ~~Any depositor who knowingly or negligently offers for deposit or for sale commodities which have been contaminated or have been determined to be a threat to the health or safety of the public or a condition that affects the marketability of a commodity pursuant to OAC 35:10-7-18.~~
 - (A) ~~First Violation — \$100 to \$10,000~~
 - (B) ~~Second Violation — \$3000 to \$10,000~~
 - (C) ~~Subsequent Violations — \$5000 to \$10,000~~

PART 11. LIVESTOCK MARKET VIOLATIONS [REVOKED]

35:3-1-11. Livestock dealers [REVOKED]

- (a) ~~Failure to obtain a license or operating without a license.~~
 - (1) ~~First violation — \$100 to \$500~~
 - (2) ~~Second violation — \$250 to \$750~~
 - (3) ~~Subsequent violations — \$500 to \$10,000~~
- (b) ~~Failure to complete renewal license, including submission of the completed application, copy of bonding instrument, and appropriate license fees by December 31.~~
 - (1) ~~First violation — \$100 to \$200~~
 - (2) ~~Second violation — \$150 to \$500~~
 - (3) ~~Subsequent violations — \$250 to \$10,000~~
- (c) ~~Failure to pay for livestock purchases as required by the Livestock Dealers Act.~~

- (1) ~~First violation – \$100 to \$500~~
- (2) ~~Second violation – \$250 to \$750~~
- (3) ~~Subsequent violations – \$500 to \$10,000~~
- (d) ~~Failure to keep records pursuant to the Livestock Dealers Act.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (e) ~~Failure to comply with any other provision of the Livestock Dealers Act.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (f) ~~Each day a violation is committed or continues is deemed to be a separate offense.~~
- (g) ~~In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.~~

35:3-1-12. Livestock auction markets [REVOKED]

- (a) ~~Conducting a livestock auction market without a valid bond pursuant to the Livestock Auction Market Act.~~
 - (1) ~~First violation – \$1,000 to \$5,000~~
 - (2) ~~Second violation – \$2,500 to \$7,500~~
 - (3) ~~Subsequent violations – \$5,000 to \$10,000~~
- (b) ~~Failure to properly deposit custodial funds.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (c) ~~Improper disbursement of custodial funds.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (d) ~~Shortages in custodial accounts.~~
 - (1) ~~First violation – \$250 to \$1,000~~
 - (2) ~~Second violation – \$500 to \$3,000~~
 - (3) ~~Subsequent violations – \$1,500 to \$10,000~~
- (e) ~~Failure to keep adequate records.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (f) ~~Failure to comply with any other provision of the Livestock Auction Markets Act.~~
 - (1) ~~First violation – \$100 to \$500~~
 - (2) ~~Second violation – \$250 to \$750~~
 - (3) ~~Subsequent violations – \$500 to \$10,000~~
- (g) ~~Each day a violation is committed or continues is deemed to be a separate offense.~~
- (h) ~~In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.~~

PART 15. CONSUMER PROTECTION SERVICES VIOLATIONS [REVOKED]

35:3-1-15. Violations of the Oklahoma Agricultural Liming Materials Law [REVOKED]

(a) ~~Registration and labeling violations.~~

- ~~(1) Failure to provide a Label pursuant to 2 O.S. §8-80.3(A) and OAC 35:30-31-2(2).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(2) Providing misleading label or information pursuant to 2 O.S. §8-80.3(B).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(3) Failure to identify adulterated product pursuant to 2 O.S. §8-80.3(C).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(4) Failure to register a product pursuant to 2 O.S. §8-80.3(E).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~

(b) ~~Product violations.~~

- ~~(1) Distribution of a toxic material pursuant to 2 O.S. §8-80.5(B).
 - ~~(A) First Violation—\$100 to \$1000~~
 - ~~(B) Second Violation—\$1000 to \$5000~~
 - ~~(C) Subsequent Violations—\$5000 to \$10,000~~~~
- ~~(2) Failure to pay deficiency penalty pursuant to 2 O.S. §8-80.5(C).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(3) Violation of Stop Sale Order pursuant to 2 O.S. §8-80.9 (A).
 - ~~(A) First Violation—\$100 to \$1000~~
 - ~~(B) Second Violation—\$1000 to \$5000~~
 - ~~(C) Subsequent Violations—\$5000 to \$10,000~~~~

(c) ~~Miscellaneous violations.~~

- ~~(1) Failure to obtain a license pursuant to 2 O.S. §8-80.6(A).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(2) Failure to provide semi-annual inspection fee report and pay inspection fee on time pursuant to 2 O.S. §8-80.7(C).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~
 - ~~(C) Subsequent Violations—\$500 to \$1000~~~~
- ~~(3) Deficient inspection fees discovered as result of an audit pursuant to 2 O.S. §8-80.7(C).
 - ~~(A) First Violation—\$100 to \$500~~
 - ~~(B) Second Violation—\$250 to \$750~~~~

- (C) ~~Subsequent Violations—\$500 to \$1000~~
- (4) ~~Failure to purchase, haul, or spread registered lime pursuant to OAC 35:30-31-2(1) and (2).~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
- (5) ~~Any other violation of the Oklahoma Agricultural Liming Materials Act not otherwise addressed.~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~

35:3-1-16. Violations of the Combined Pesticide Law [REVOKED]

(a) ~~Licensing violations.~~

- (1) ~~Failure or refusal to pay by the specified date any fees or penalties authorized under the Combined Pesticide Law pursuant to 2 O.S. §3-86(A)(8) and 2 O.S. §3-86(C)(11).~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
- (2) ~~Act, operate, do business, or advertise:~~
 - (A) ~~In a category or under a name for which no license is held pursuant to 2 O.S. §3-86(A)(7).~~
 - (B) ~~Without a license pursuant to 2 O.S. §3-86(A)(13).~~
 - (C) ~~As a private applicator without a private applicator license pursuant to 2 O.S. §386(A)(15).~~
 - (i) ~~First Violation—\$100 to \$1500~~
 - (ii) ~~Second Violation—\$1500 to \$5000~~
 - (iii) ~~Subsequent Violations—\$5000 to \$10,000~~
- (3) ~~Made a false statement or representation in the application for issuance or renewal of a license pursuant to 2 O.S. §3-86(A)(3) and 2 O.S. §3-86(C)(10).~~
 - (A) ~~First Violation—\$100 to \$1500~~
 - (B) ~~Second Violation—\$1500 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
- (4) ~~Employed or represented self as a certified applicator or service technician without having met the certification standards pursuant to 2 O.S. §3-86(A)(14).~~
 - (A) ~~First Violation—\$100 to \$1500~~
 - (B) ~~Second Violation—\$1500 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
- (5) ~~Failure to have a separate license or certified applicator at each business location pursuant to 2 O.S. §3-82(A)(4).~~
 - (A) ~~First Violation—\$100 to \$1500~~
 - (B) ~~Second Violation—\$1500 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~

(b) ~~General contract violations.~~

- (1) ~~Made misrepresentation for the purpose of defrauding pursuant to 2 O.S. §3-86(A)(1).~~

- (A) ~~First Violation—\$500 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$6000~~
- (2) ~~Failure to satisfactorily perform any contract into which a person shall have entered pursuant to 2 O.S. §3-86(A)(1):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
- (e) ~~Structural contract violations:~~
 - (1) ~~Failed to issue a contract pursuant to OAC 35:30-17-20:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (2) ~~For structural pest control operators—failure to include a statement, plat, or diagram showing all locations of visible termites and termite-damaged materials that are observed pursuant to 2 O.S. §3-81(11) and OAC 35:30-17-20:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (3) ~~For structural pest control operators—failure to show how the application was performed pursuant to 2 O.S. §3-81(11) and OAC 35:30-17-20:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (4) ~~Failure to address minimum standards for termite work for existing structures pursuant to OAC 35:30-17-20(2):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (5) ~~Failure to address minimum standards for pre-construction application pursuant to OAC 35:30-17-20(2):~~
 - (A) ~~First Violation—\$100 to \$1500~~
 - (B) ~~Second Violation—\$1500 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
 - (6) ~~Failure to explain in the contract any minimum standards which were not going to be met pursuant to 2 O.S. §3-86(A)(9) and OAC 35:30-17-20(2):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
- (d) ~~Identification of equipment:~~
 - (1) ~~Commercial applicator did not display the name and license number of the person or firm to whom the license is issued on any vehicle pursuant to OAC 35:30-17-15:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~

- 2) — Aircraft used by person defined as a commercial applicator to apply pesticides was not identified by a decal provided by the Board bearing the "N" identification of the aircraft pursuant to OAC 35:30-17-16.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (3) — Failure to label, when required, a rodent control bait box pursuant to OAC 35:30-17-26.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (e) — Record keeping violations:
 - (1) — Failure to allow audit of the required records pursuant to 2 O.S. §3-83.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$2500
 - (2) — Failure to maintain required records pursuant to 2 O.S. §3-83 and 2 O.S. §3-86(A)(6).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$2500
 - (3) — Failure to furnish records within seven (7) working days of request pursuant to 2 O.S. §3-83(A).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$2500
- (f) — Termite minimum standards violations:
 - (1) — Failure to meet any minimum standard for termite work for existing structures pursuant to 2 O.S. §3-86(A)(10) and OAC 35:30-17-54 et. seq.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$300 to \$1000
 - (C) — Subsequent Violations — \$750 to \$2500
 - (2) — Failure to meet any minimum standard for termite work for preconstruction (pretreats) pursuant to OAC 35:30-17-73.
 - (A) — First Violation — \$100 to \$1500
 - (B) — Second Violation — \$1500 to \$5000
 - (C) — Subsequent Violations — \$5000 to \$10,000
 - (3) — Failure to correct substandard work within twenty (20) days pursuant to 2 O.S. §3-86(A)(17).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$300 to \$1000
 - (C) — Subsequent Violations — \$750 to \$2500
 - (4) — Failure to meet minimum standards for termite work for Spot/Partial Treatment pursuant to OAC 35:30-17-70.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$300 to \$1000

- (C) ~~Subsequent Violations—\$750 to \$2500~~
- (5) ~~Failure to meet any minimum standard for termite work for baits and bait stations pursuant to OAC 35:30-17-75 et. seq.~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$750 to \$2500~~
- (g) ~~Fumigation minimum standards violations.~~
 - (1) ~~Failure to meet any minimum fumigation standard for structures pursuant to OAC 35:30-17-76 through §30-17-86.~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$750 to \$2500~~
- (h) ~~Failure to meet disposal standards of pesticides or pesticide containers pursuant to 2 O.S. 3-86(A)(2); 2 O.S. 3-86(A)(18); 2 O.S. 3-86(C)(5) and OAC 35:30-17-89 through 35:30-17-99.~~
 - (1) ~~First Violation—\$500 to \$1000~~
 - (2) ~~Second Violation—\$1000 to \$5000~~
 - (3) ~~Subsequent Violations—\$5000 to \$10,000~~
- (i) ~~Wood infestation report violations.~~
 - (1) ~~Failure to show, statements and certifications about the property as to the presence or absence of termites and any other wood destroying organism and the presence or absence of damage pursuant to 2 O.S. §3-81(44).~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$750 to \$2500~~
 - (2) ~~Issued an inaccurate wood infestation report pursuant to 2 O.S. §3-86(A)(5).~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$750 to \$2500~~
- (j) ~~Standards for application violations.~~
 - (1) ~~Certified applicator was not accessible to the noncertified applicator at all times during the application by telephone or radio pursuant to 2 O.S. §3-81(15).~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$750 to \$2500~~
 - (2) ~~Failure to have a certified applicator or service technician present at each job performed pursuant to OAC 35:30-17-25.~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$300 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$5000~~
 - (3) ~~Pesticide label was not attached to application container, or present in the vehicle used to transport the container pursuant to OAC 35:30-17-26.~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1500~~
- (k) ~~Use and misuse violations.~~

- (1) Used methods or pesticides not suitable or safe for the purpose for which they have been employed pursuant to 2 O.S. §3-86(A)(2).
 - (A) First Violation—\$100 to \$1000
 - (B) Second Violation—\$1000 to \$5000
 - (C) Subsequent Violations—\$5000 to \$10,000
- (2) Use of a pesticide in a manner inconsistent with its labeling pursuant to 2 O.S. §3-86(A)(2); 2 O.S. §3-86(A)(18); and 2 O.S. §3-86(C)(5).
 - (A) First Violation—\$100 to \$1000
 - (B) Second Violation—\$1000 to \$5000
 - (C) Subsequent Violations—\$5000 to \$10,000
- (3) Failure to report accidental spill of a hazardous material or pesticide into or on any land or water pursuant to OAC 35:30-17-92.
 - (A) First Violation—\$100 to \$500
 - (B) Second Violation—\$500 to \$1000
 - (C) Subsequent Violations—\$1000 to \$2500
- (4) Used a chemical not properly labeled or not registered with the Department pursuant to 2 O.S. §3-82(J).
 - (A) First Violation—\$100 to \$500
 - (B) Second Violation—\$500 to \$1000
 - (C) Subsequent Violations—\$1000 to \$2500
- (5) Certified applicator was not on site to use, or supervise use, of a pesticide when required by the label or labeling pursuant to OAC 35:30-17-25.
 - (A) First Violation—\$100 to \$500
 - (B) Second Violation—\$300 to \$1000
 - (C) Subsequent Violations—\$1000 to \$2500
- (6) Use of a hormone type pesticides in a restricted area between the restricted dates without a "Special Permit," if applicable, pursuant to OAC 35:30-17-35 through 35:30-17-53. Note: Commercial applicators only—category 3 exempt.
 - (A) First Violation—\$500 to \$1000
 - (B) Second Violation—\$1000 to \$3000
 - (C) Subsequent Violations—\$3000 to \$6000
- (7) Employed a fluoroacetate compound without specific written authorization from the Board pursuant to OAC 35:30-17-27.
 - (A) First Violation—\$500 to \$1000
 - (B) Second Violation—\$1000 to \$2500
 - (C) Subsequent Violations—\$2500 to \$7500
- (8) Used a mistblower in violation of Oklahoma Pesticide Applicator Rules pursuant to OAC 35:30-17-24(e).
 - (A) First Violation—\$500 to \$1000
 - (B) Second Violation—\$1000 to \$3000
 - (C) Subsequent Violations—\$3000 to \$6000
- (9) Failure to comply with the Worker Protection Standards in 40 CFR 170 pursuant to 2 O.S. §3-86(A)(18).
 - (A) First Violation—\$100 to \$1000
 - (B) Second Violation—\$500 to \$3000
 - (C) Subsequent Violations—\$3000 to \$10,000

(1) ~~Pesticide sales violations:~~

~~(1) Sale of a pesticide or device which has not been registered pursuant to 2 O.S. §3-86(C)(1):~~

~~(A) First Violation — \$250 to \$1500~~

~~(B) Second Violation — \$750 to \$3000~~

~~(C) Subsequent Violations — \$2500 to \$5000~~

~~(2) Sale of a pesticide not in its original container pursuant to 2 O.S. §3-86(C)(2):~~

~~(A) First Violation — \$250 to \$1500~~

~~(B) Second Violation — \$750 to \$3000~~

~~(C) Subsequent Violations — \$3000 to \$7500~~

~~(3) Sale of a pesticide not properly labeled pursuant to 2 O.S. §3-86(C)(3):~~

~~(A) First Violation — \$250 to \$1500~~

~~(B) Second Violation — \$750 to \$3000~~

~~(C) Subsequent Violations — \$3000 to \$10,000~~

~~(4) Sale of an adulterated or misbranded pesticide or device pursuant to 2 O.S. §3-86(C)(4):~~

~~(A) First Violation — \$250 to \$1500~~

~~(B) Second Violation — \$750 to \$3000~~

~~(C) Subsequent Violations — \$3000 to \$10,000~~

~~(5) Sale of a pesticide in a manner inconsistent with its labeling pursuant to 2 O.S. §3-86(C)(5):~~

~~(A) First Violation — \$100 to \$1500~~

~~(B) Second Violation — \$750 to \$3000~~

~~(C) Subsequent Violations — \$3000 to \$10,000~~

~~(6) Sale of a pesticide that has been canceled or suspended pursuant to 2 O.S. §3-86(C)(6):~~

~~(A) First Violation — \$250 to \$2500~~

~~(B) Second Violation — \$750 to \$5000~~

~~(C) Subsequent Violations — \$3000 to \$7500~~

~~(7) Sale of a pesticide without a valid dealer's permit pursuant to 2 O.S. §3-86(C)(7):~~

~~(A) First Violation — \$100 to \$500~~

~~(B) Second Violation — \$500 to \$1000~~

~~(C) Subsequent Violations — \$1000 to \$5000~~

~~(8) Failure to keep accurate records concerning the sale of pesticides pursuant to 2 O.S. §3-86(C)(8):~~

~~(A) First Violation — \$100 to \$500~~

~~(B) Second Violation — \$500 to \$1000~~

~~(C) Subsequent Violations — \$1000 to \$5000~~

~~(9) Failure to provide true and accurate records concerning the sale of pesticides pursuant to 2 O.S. §3-86(C)(9):~~

~~(A) First Violation — \$100 to \$500~~

~~(B) Second Violation — \$500 to \$1000~~

~~(C) Subsequent Violations — \$1000 to \$5000~~

~~(10) Violation of Stop Sale/Service Order pursuant to 2 O.S. §3-86(A)(19) and 2 O.S. §3-86(C)(12):~~

~~(A) First Violation — \$100 to \$500~~

- (B) ~~Second Violation—\$500 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$2500~~
- (m) ~~Miscellaneous violations:~~
 - (1) ~~Failure to allow the Board to inspect any work or contracts pursuant to 2 O.S. §3-85(A)(4):~~
 - (A) ~~First Violation—\$100 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
 - (2) ~~Failure to allow sampling of a pesticide pursuant to 2 O.S. §3-85(A)(6):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$500 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$2500~~
 - (3) ~~Failure or refusal to furnish to the Board, upon request, true information regarding methods, pesticides, safety measures used, work performed, or other information deemed essential by the Board pursuant to 2 O.S. §3-86(A)(3):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$500 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$2500~~
 - (4) ~~Falsely stating that a person is employed by, or represents, another person pursuant to 2 O.S. §3-86(A)(11):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$500 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$2500~~
 - (5) ~~Falsely state that methods were recommended by any branch of government pursuant to 2 O.S. §3-86(A)(12):~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$500 to \$1000~~
 - (C) ~~Subsequent Violations—\$1000 to \$2500~~
 - (6) ~~Falsely state that specific work would be inspected by any branch of government pursuant to 2 O.S. §3-86(A)(12):~~
 - (A) ~~First Violation—\$250 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$7500~~
 - (7) ~~Failure to use a method to prevent back flow during filling and mixing operations pursuant to OAC 35:30-17-24(d):~~
 - (A) ~~First Violation—\$250 to \$1500~~
 - (B) ~~Second Violation—\$750 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$7500~~
 - (8) ~~Any other violation of the Combined Pesticide Law not otherwise addressed:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~

35:3-1-17. Violations of the Oklahoma Commercial Feed Law [REVOKED]

- (a) ~~Licensing violations:~~
 - (1) ~~Failure to obtain a license pursuant to Title 2 O.S. §8-41.4 and OAC 35:30-27-11:~~

- (A) First violation—\$100 to \$500
 - (B) Second violation—\$250 to \$750
 - (C) Subsequent violations—\$500 to \$1000
- (2) License fee received thirty (30) days or more after renewal date pursuant to Title 2 O.S. §8-41.4. Late Filing Fee of Fifty Dollars (\$50.00).
- (b) Labeling violations:
 - (1) Failure to correctly label a commercial (branded) feed product pursuant to Title 2 O.S. §8-41.5(1) and OAC 35:30-27-2:
 - (A) First violation—\$100 to \$500
 - (B) Second violation—\$250 to \$750
 - (C) Subsequent violations—\$500 to \$1000
 - (2) Failure to correctly document or label customer formula feed pursuant to Title 2 O.S. §8-41.5(3)
 - (A) First violation—\$100 to \$500
 - (B) Second violation—\$250 to \$750
 - (C) Subsequent violations—\$500 to \$1000
 - (3) Distributing a feed containing an animal drug, animal protein by product, or non-protein nitrogen without precautionary or warning statements for correct use pursuant to OAC 35:30-27-3; OAC 35:30-27-6; OAC 35:30-27-7:
 - (A) First Violation—\$250 to \$1500
 - (B) Second Violation—\$750 to \$3000
 - (C) Subsequent Violations—\$3000 to \$10,000
 - (4) Failure to substantiate the safety or efficiency of a feed additive pursuant to OAC 35:30-27-8:
 - (A) First Violation—\$100 to \$500
 - (B) Second Violation—\$250 to \$750
 - (C) Subsequent Violations—\$500 to \$1000
- (c) Adulterated or misbranded violations:
 - (1) The manufacture or distribution of any commercial feed that is adulterated or misbranded pursuant to 2 O.S. §8-41.7(1):
 - (A) First Violation—\$250 to \$1500
 - (B) Second Violation—\$750 to \$3000
 - (C) Subsequent Violations—\$3000 to \$10,000
 - (2) The adulteration or misbranding of any commercial feed pursuant to 2 O.S. §8-41.7(2):
 - (A) First Violation—\$250 to \$1500
 - (B) Second Violation—\$750 to \$3000
 - (C) Subsequent Violations—\$3000 to \$10,000
- (d) Order violations:
 - (1) Violation of a stop sale order pursuant to 2 O.S. §8-41.12(A):
 - (A) First Violation—\$250 to \$1500
 - (B) Second Violation—\$750 to \$3000
 - (C) Subsequent Violations—\$3000 to \$10,000
 - (2) Failure to comply with condemnation or confiscation order pursuant to 2 O.S. §8-41.12(B):
 - (A) First Violation—\$250 to \$1,500

- (B) ~~Second Violation – \$750 to \$3,000~~
 - (C) ~~Subsequent Violations – \$3,000 to \$10,000~~
- (e) ~~Failure to keep tonnage record and/or provide an accurate report pursuant to 2 O.S. §8-41.9(B)(2).~~
 - (1) ~~First Violation – \$250 to \$500~~
 - (2) ~~Second Violation – \$250 to \$750~~
 - (3) ~~Subsequent Violations – \$500 to \$2500~~
- (f) ~~Fee violations:~~
 - (1) ~~Failure to pay inspection fee by due date pursuant to 2 O.S. §8-41.9(B) shall result in a penalty of 10% of Amount Due (Minimum of \$50.00).~~
 - (2) ~~Failure to remit deficiency inspection fees found as a result of an audit pursuant to 2 O.S. §8-41.9(D) shall result in a penalty of \$100 or 10% of amount due, whichever is greater, but shall not exceed \$2,000.~~
- (g) ~~Any other violation of the Oklahoma Commercial Feed Law not otherwise addressed:~~
 - (1) ~~First Violation – \$100 to \$500~~
 - (2) ~~Second Violation – \$250 to \$750~~
 - (3) ~~Subsequent Violations – \$500 to \$1000~~

35:3-1-18. Violations of the Oklahoma Fertilizer Law [REVOKED]

- (a) ~~Licensing violations:~~
 - (1) ~~Sale or distribution of fertilizer without a license pursuant to 2 O.S. §8-77.5(B) and OAC 35:30-29-51(A):~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$750~~
 - (C) ~~Subsequent Violations – \$500 to \$10,000~~
 - (2) ~~Failure to obtain a license for each business location pursuant to 2 O.S. §8-77.5(B):~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$750~~
 - (C) ~~Subsequent Violations – \$500 to \$10,000~~
- (b) ~~Registration violations:~~
 - (1) ~~Distribution of unregistered fertilizer pursuant to 2 O.S. §8-77.5(D):~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$750~~
 - (C) ~~Subsequent Violations – \$500 to \$10,000~~
 - (2) ~~Failure to register or guarantee plant nutrients pursuant to OAC 35:30-29-22(a):~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$750~~
 - (C) ~~Subsequent Violations – \$500 to \$10,000~~
- (c) ~~Label violations:~~
 - (1) ~~Failure to provide a label pursuant to 2 O.S. §8-77.6(A):~~
 - (A) ~~First Violation – \$100 to \$500~~
 - (B) ~~Second Violation – \$250 to \$750~~
 - (C) ~~Subsequent Violations – \$500 to \$10,000~~
 - (2) ~~Failure to provide an adequate label pursuant to 2 O.S. §8-77.6(C) and OAC 35:30-29-22(e):~~
 - (A) ~~First Violation – \$100 to \$500~~

- (B) ~~Second Violation~~ — \$250 to \$750
 - (C) ~~Subsequent Violations~~ — \$500 to \$10,000
- (3) ~~Failure to provide warning or caution statement when required pursuant to OAC 35:30-29-22(e).~~
 - (A) ~~First Violation~~ — \$100 to \$1000
 - (B) ~~Second Violation~~ — \$500 to \$2500
 - (C) ~~Subsequent Violations~~ — \$2500 to \$10,000
- (d) ~~Inspection fee and report violations:~~
 - (1) ~~Failure to provide semiannual inspection fee report and pay inspection fee on time pursuant to 2 O.S. §8-77.7(A) shall result in a penalty of \$50 or 10% of the amount due, whichever is greater.~~
 - (2) ~~Deficient inspection fees discovered as result of an audit pursuant to 2 O.S. §8-77.7(F) shall result in a penalty of \$100 or 10% of amount due, whichever is greater, but shall not exceed \$2,500.~~
- (e) ~~Distribution violations:~~
 - (1) ~~Distribution of misbranded or adulterated fertilizer pursuant to 2 O.S. §8-77.12:~~
 - (A) ~~First Violation~~ — \$500 to \$5000
 - (B) ~~Second Violation~~ — \$2500 to \$7500
 - (C) ~~Subsequent Violations~~ — \$5000 to \$10,000
 - (2) ~~Distribution of nutrient deficient fertilizer pursuant to 2 O.S. §8-77.10 and OAC 35:30-29-51(e).~~
 - (A) ~~First Violation~~ — \$250 to \$1500
 - (B) ~~Second Violation~~ — \$750 to \$3000
 - (C) ~~Subsequent Violations~~ — \$3000 to \$10,000
- (f) ~~Records and reports violations:~~
 - (1) ~~Failure to keep adequate records pursuant to 2 O.S. §8-77.7(H):~~
 - (A) ~~First Violation~~ — \$100 to \$1000
 - (B) ~~Second Violation~~ — \$500 to \$2500
 - (C) ~~Subsequent Violations~~ — \$1500 to \$10,000
 - (2) ~~Failure to furnish distribution report pursuant to 2 O.S. §8-77.7(B):~~
 - (A) ~~First Violation~~ — \$100 to \$1000
 - (B) ~~Second Violation~~ — \$500 to \$2500
 - (C) ~~Subsequent Violations~~ — \$1500 to \$10,000
- (g) ~~Pollution prevention violations:~~
 - (1) ~~Discharge, release, place, or cause to be placed any fertilizer materials in a location where it is likely to cause contamination of any surface or ground water pursuant to 2 O.S. §8-77.15(A) and (D) and OAC 35:30-29-34.~~
 - (A) ~~First Violation~~ — \$1000 to \$10,000
 - (B) ~~Second Violation~~ — \$5000 to \$10,000
 - (C) ~~Subsequent Violations~~ — \$10,000
 - (2) ~~Failure to properly report fertilizer discharge to Board pursuant to OAC 35:30-29-22(l).~~
 - (A) ~~First Violation~~ — \$250 to \$2500
 - (B) ~~Second Violation~~ — \$500 to \$7500
 - (C) ~~Subsequent Violations~~ — \$5000 to \$10,000
 - (3) ~~Failure to prepare discharge response plan pursuant to OAC 35:30-29-22(m).~~

- (A) First Violation - \$100 to \$500
 - (B) Second Violation - \$250 to \$750
 - (C) Subsequent Violations - \$500 to \$10,000
- (4) Failure to have copy of discharge response plan available pursuant to OAC 35:30-29-22(n).
 - (A) First Violation - \$100 to \$500
 - (B) Second Violation - \$250 to \$750
 - (C) Subsequent Violations - \$500 to \$10,000
- (h) Miscellaneous violations.
 - (1) Failure to meet storage facility requirements pursuant to OAC 35:30-29-31 through 35:30-29-32 and OAC 35:30-29-35 through 35:30-29-37.
 - (A) First Violation - \$500 to \$5000
 - (B) Second Violation - \$2500 to \$7500
 - (C) Subsequent Violations - \$5000 to \$10,000
 - (2) Failure to employ a method to prevent backflow with sprinkler irrigation systems pursuant to OAC 35:30-29-33.
 - (A) First Violation - \$5000 to \$10,000
 - (B) Second Violation - \$7500 to \$10,000
 - (C) Subsequent Violations - \$10,000
 - (3) Failure to meet Anhydrous Ammonia requirements pursuant to OAC 35:30-29-38.
 - (A) First Violation - \$100 to \$2500
 - (B) Second Violation - \$2500 to \$5000
 - (C) Subsequent Violations - \$5000 to \$10,000
 - (4) Any other violation of the Oklahoma Fertilizer Law not otherwise addressed.
 - (A) First Violation - \$100 to \$2500
 - (B) Second Violation - \$1000 to \$5000
 - (C) Subsequent Violations - \$2500 to \$10,000
- (i) Ammonium nitrate violations.
 - (1) Failure to secure ammonium nitrate facility pursuant to OAC 35:30-29-37.1(a).
 - (A) First Violation - \$1000 to \$10,000
 - (B) Second Violation - \$5000 to \$10,000
 - (C) Subsequent Violations - \$10,000
 - (2) Failure to keep adequate ammonium nitrate records pursuant to OAC 35:30-29-37.1(b).
 - (A) First Violation - \$1000 to \$10,000
 - (B) Second Violation - \$5000 to \$10,000
 - (C) Subsequent Violations - \$10,000
 - (3) Failure to keep ammonium nitrate records for the required time period pursuant to OAC 35:30-29-37.1(c).
 - (A) First Violation - \$1000 to \$10,000
 - (B) Second Violation - \$5000 to \$10,000
 - (C) Subsequent Violations - \$10,000
 - (4) Failure to obtain license for selling ammonium nitrate pursuant to 2 O.S. Section 8-77.5(B).
 - (A) First Violation - \$1000 to \$10,000
 - (B) Second Violation - \$5000 to \$10,000

(C) — Subsequent Violations — \$10,000

35:3-1-19. Violations of the Oklahoma Horticulture Law [REVOKED]

(a) — Licensing violations:

(1) — Failure to obtain a license pursuant to 2 O.S. §3-32.8(8):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(2) — Misrepresenting or falsifying information on a license application pursuant to 2 O.S. §3-32.8(7):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(3) — Allowing a license to be used by any person other than the person to whom the license was issued pursuant to 2 O.S. §3-32.8(9):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(4) — Failure to provide the legal description of all growing locations of nursery stock or seed pursuant to 2 O.S. §3-32.8(10):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(5) — Making a false declaration of acreage pursuant to 2 O.S. §3-32.8(1)(b):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(b) — Plant health and quality violations:

(1) — Offering for sale nursery stock which is seriously or substantially devitalized pursuant to 2 O.S. §3-32.8(1)(d):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(2) — Selling, offering for sale, or distributing any nursery stock infected or infested with a plant pest pursuant to 2 O.S. §3-32.8(4):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(3) — Selling, offering for sale, or distributing nursery stock that is not healthy, sound, and capable of growth pursuant to 2 O.S. §3-32.8(5):

(A) — First Violation — \$100 to \$500

(B) — Second Violation — \$250 to \$750

(C) — Subsequent Violations — \$500 to \$1000

(4) — Misrepresenting the grade, character, variety, or quality of any nursery stock pursuant to 2 O.S. §3-32.8(1)(a):

(A) — First Violation — \$100 to \$500

- (B) ~~Second Violation — \$250 to \$750~~
 - (C) ~~Subsequent Violations — \$500 to \$1000~~
- (5) ~~Mislabeling nursery stock by using the wrong common name or botanical name pursuant to 2 O.S. §3-32.8(14).~~
 - (A) ~~First Violation — \$100 to \$500~~
 - (B) ~~Second Violation — \$250 to \$750~~
 - (C) ~~Subsequent Violations — \$500 to \$1000~~
- (6) ~~Failure to carry out treatment or destruction of nursery stock as ordered by the Board pursuant to 2 O.S. §3-32.8(6).~~
 - (A) ~~First Violation — \$100 to \$500~~
 - (B) ~~Second Violation — \$250 to \$750~~
 - (C) ~~Subsequent Violations — \$500 to \$1000~~
- (7) ~~Selling, moving, or distributing nursery stock or other material under quarantine pursuant to 2 O.S. §3-32.8(13).~~
 - (A) ~~First Violation — \$100 to \$2500~~
 - (B) ~~Second Violation — \$2500 to \$7500~~
 - (C) ~~Subsequent Violations — \$7500 to \$10,000~~
- (8) ~~Selling nursery stock restricted by a stop sale order pursuant to 2 O.S. §3-32.8(12).~~
 - (A) ~~First Violation — \$250 to \$1000~~
 - (B) ~~Second Violation — \$1000 to \$5000~~
 - (C) ~~Subsequent Violations — \$5000 to \$10,000~~
- (9) ~~Transporting any regulated article into the state from a quarantined area of any other state or country when the article has not been treated or handled as provided by the requirements of the quarantine pursuant to 2 O.S. §3-32.8(15).~~
 - (A) ~~First Violation — \$100 to \$2500~~
 - (B) ~~Second Violation — \$2500 to \$7500~~
 - (C) ~~Subsequent Violations — \$7500 to \$10,000~~
- (10) ~~Any other violation of the Oklahoma Horticulture Law not otherwise addressed~~
 - (A) ~~First Violation — \$100 to \$500~~
 - (B) ~~Second Violation — \$250 to \$750~~
 - (C) ~~Subsequent Violations — \$500 to \$1000~~

35:3-1-20. Violations of the Oklahoma Seed Law [REVOKED]

- (a) ~~Failure to obtain a license pursuant to 2 O.S. §8-23(A)(1):~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (b) ~~Labeling and advertising violations:~~
 - (1) ~~Failure to provide a label pursuant to 2 O.S. §8-22~~
 - (A) ~~First Violation — \$250 to \$1500~~
 - (B) ~~Second Violation — \$750 to \$3000~~
 - (C) ~~Subsequent Violations — \$3000 to \$10,000~~
 - (2) ~~False or misleading label pursuant to 2 O.S. §8-23(A)(3); OAC 35:30-25-2; OAC 35:30-25-7.~~
 - (A) ~~First Violation — \$250 to \$1500~~
 - (B) ~~Second Violation — \$750 to \$3000~~

- (C) Subsequent Violations—\$3000 to \$10,000
- (3) ~~False or misleading advertisement pursuant to 2 O.S. §8-23(A)(4):~~
 - (A) ~~First Violation—\$250 to \$1500~~
 - (B) ~~Second Violation—\$750 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$10,000~~
- (4) ~~Selling seed labeled certified that is not in compliance pursuant to 2 O.S. §8-23(B)(8):~~
 - (A) ~~First Violation—\$250 to \$1500~~
 - (B) ~~Second Violation—\$750 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$10,000~~
- (5) ~~Failure to provide a caution or warning statement pursuant to 2 O.S. §8-23(A)(5):~~
 - (A) ~~First Violation—\$250 to \$1500~~
 - (B) ~~Second Violation—\$750 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$10,000~~
- (c) ~~Standards violations:~~
 - (1) ~~Date of test exceeds standards pursuant to 2 O.S. §8-23(A)(2) and OAC 35:30-25-6:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (2) ~~Failure to meet minimum standards for germination and purity pursuant to 2 O.S. §8-23(B)(1) and OAC 35:30-25-5:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (d) ~~Content violations:~~
 - (1) ~~Exceeds maximum for inert matter and weed seed pursuant to 2 O.S. §8-23(B)(1) and OAC 35:30-25-4:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (2) ~~Selling seed that contains prohibited noxious weeds pursuant to 2 O.S. §8-23(B)(2) and OAC 35:30-25-4:~~
 - (A) ~~First Violation—\$250 to \$1500~~
 - (B) ~~Second Violation—\$750 to \$3000~~
 - (C) ~~Subsequent Violations—\$3000 to \$10,000~~
 - (3) ~~Selling seed that exceeds tolerance for restricted noxious weeds pursuant to 2 O.S. §8-23(B)(2) and OAC 35:30-25-4:~~
 - (A) ~~First Violation—\$100 to \$500~~
 - (B) ~~Second Violation—\$250 to \$750~~
 - (C) ~~Subsequent Violations—\$500 to \$1000~~
 - (e) ~~Order violations:~~
 - (1) ~~Violation of Stop Sale Order pursuant to 2 O.S. §8-23(B)(6):~~
 - (A) ~~First Violation—\$100 to \$1000~~
 - (B) ~~Second Violation—\$1000 to \$5000~~
 - (C) ~~Subsequent Violations—\$5000 to \$10,000~~
 - (2) ~~Failure to keep records pursuant to 2 O.S. §8-23(B)(7):~~

- (A) ~~First Violation — \$100 to \$500~~
- (B) ~~Second Violation — \$250 to \$750~~
- (C) ~~Subsequent Violations — \$500 to \$2500~~
- (f) ~~Fee violations:~~
 - (1) ~~Failure to pay inspection fee by due date pursuant to 2 O.S. §8-26(9) shall result in a penalty of \$10 or 10% of the amount due, whichever is greater.~~
 - (2) ~~Deficient inspection fees discovered by audit pursuant to 2 O.S. §8-29(B) shall result in a penalty of \$100 or 10% of amount due, whichever is greater, but shall not exceed \$2,000.~~
- (g) ~~Any other violation of the Oklahoma Seed Law not otherwise addressed:~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~

**35:3-1-21. Violations of the Oklahoma Services Technician and Service Agency Law
[REVOKED]**

- (a) ~~Failure to renew service agency and service technician license within thirty (30) days from expiration pursuant to 2 O.S. §14-63(E) shall result in a penalty of twice the amount charged for the renewal.~~
- (b) ~~Failure to attach an approval seal approved by the Board that identifies the service agency, signed by the service technician pursuant to 2 O.S. §14-65(3).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (c) ~~Failure to meet the requirements of the Oklahoma Service Technician and Service Agency Act rules pursuant to 2 O.S. §14-68 and OAC 35:10-5-1 through OAC 35:10-5-6.~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (d) ~~Failure to correct work on each job that fails to meet the requirements and required testing procedures as Specified in Handbook 44 pursuant to 2 O.S. §14-69(1).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (e) ~~Failure to complete the placing-in-service report in its entirety and to report the accurate description of parts replaced, adjusted, or reconditioned and work performed pursuant to 2 O.S. §14-69(2).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (f) ~~Failure to report in a contract or work agreement a written explanation of the actual repairs required to repair the weight or measure to meet the requirements pursuant to 2 O.S. §14-69(3)~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~

~~(g) Failure to furnish to the Board, upon request, duplicated copies of the service agency or any service technician weight or measure test report, or any other information required by the Board pursuant to § 2-14-69(4).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(h) To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in Handbook 44 and the required testing procedures for the category of weight and measure pursuant to 2 O.S. §14-69(5).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(i) Making a misrepresentation for the purpose of defrauding pursuant to 2 O.S. §14-69(6).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(j) Operating as a service technician or service agency without a license pursuant to 2 §14-69(7).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(k) Repairing a weight or measure unless the repairs involved cause the weight or measure to meet the requirements of the Oklahoma Service Technician and Service Agency Act for at least ninety (90) days after the repairs pursuant to 2 O.S. §14-69(8).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(l) Failure to submit a placing in service report to the Board within five (5) calendar days after that repair, installation, or removal is performed pursuant to 2 O.S. §14-69(9).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(m) Filing a false or fraudulent application to the Board pursuant to 2 O.S. §14-69(10).~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

~~(n) Any other violation of the Oklahoma Service Technician and Service Agency Law not otherwise addressed.~~

~~(1) First Violation \$100 to \$500~~

~~(2) Second Violation \$250 to \$750~~

~~(3) Subsequent Violations \$500 to \$1000~~

35:3-1-22. Violations of the Oklahoma Soil Amendment Law [REVOKED]

~~(a) Labeling violations:~~

~~(1) Failure to provide a Label pursuant to 2 O.S. §8-85.4(A) and (B):~~

~~(A) First Violation \$100 to \$500~~

- (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (2) — Failure to approve an ingredient with the Board before listing it on a label pursuant to 2 O.S. §8-85.4(F).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (3) — Failure to provide proof of claims pursuant to 2 O.S. §8-85.4(C).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (b) — Registration violations.
 - (1) — Failure to register a product pursuant to 2 O.S. §8-85.5(A) and (E) shall result in a \$100 Late Fee
 - (2) — Failure to provide a copy of all information promoting sales pursuant to 2 O.S. §8-85.5(D).
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000
- (c) — Miscellaneous violations.
 - (1) — Violation of Stop Sale Order pursuant to 2 O.S. §8-85.7.
 - (A) — First Violation — \$100 to \$1000
 - (B) — Second Violation — \$1000 to \$5000
 - (C) — Subsequent Violations — \$5000 to \$10,000
 - (2) — Any other violation of the Oklahoma Soil Amendment Act not otherwise addressed.
 - (A) — First Violation — \$100 to \$500
 - (B) — Second Violation — \$250 to \$750
 - (C) — Subsequent Violations — \$500 to \$1000

35:3-1-23. Violations of the Oklahoma Standard Weights and Measures Law [REVOKED]

- (a) — Failure to meet the requirements of Handbook 44 "Specifications, Tolerances, and Other Technical Requirements For Weighing and Measuring Devices" pursuant to 2 O.S. §14-34.
 - (1) — First Violation — \$100 to \$500
 - (2) — Second Violation — \$250 to \$750
 - (3) — Subsequent Violations — \$500 to \$1000
- (b) — Failure to meet the requirements of the "Uniform Packaging And Labeling Regulation" pursuant to 2 O.S. §14-35(2) and OAC 35:10-9-1.
 - (1) — First Violation — \$100 to \$500
 - (2) — Second Violation — \$250 to \$750
 - (3) — Subsequent Violations — \$500 to \$1000
- (c) — Failure to repair a weighing and measuring device within the specified time pursuant to 2 O.S. §14-35(2) and (7).
 - (1) — First Violation — \$100 to \$500
 - (2) — Second Violation — \$250 to \$750
 - (3) — Subsequent Violations — \$500 to \$1000

- (d) Failure to meet the requirements of Handbook 133 "Checking The Net Contents Of Packaged Goods" pursuant to 2 O.S. §14-35(2) and (8) and OAC 35:10-11-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (e) The average quantity of contents of packages in a lot, shipment, or delivery must equal or exceed the quantity printed on the label pursuant to 2 O.S. §14-35(2) and (8) and OAC 35:10-11-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (f) The variation of individual package contents from the labeled quantity shall not exceed the maximum allowed Variation (MAV) on individual packages in the lot pursuant to 2 O.S. §14-35(2) and (8) and OAC 35:10-11-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (g) Failure to meet the requirements of the "Uniform Regulations For The Method Of Sale Of Commodities" pursuant to 2 O.S. §14-35(2) and (3) and OAC 35:10-13-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$500 to \$2500
 - (3) Subsequent Violations—\$2500 to \$10,000
- (h) Failure to meet the requirements of the "National Type Evaluation Program (NTEP)" pursuant to 2 O.S. §14-35(2) and OAC 35:10-15-1 through 35:10-15-4.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (i) Failure to meet the requirements of the "Uniform Open Dating Regulation" pursuant to 2 O.S. §14-35(2) and (3) and OAC 35:10-17-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (j) Failure to meet the requirements of the "Examination Procedures For Price Verification" pursuant to 2 O.S. §14-35(2) and OAC 35:10-19-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (k) Failure to meet accuracy requirements for the appropriate sample size in column 4, 98% accuracy with one overcharge and one undercharge item pursuant to 2 O.S. §14-35(2) and OAC 35:10-19-1.
- (1) First Violation—\$100 to \$500
 - (2) Second Violation—\$250 to \$750
 - (3) Subsequent Violations—\$500 to \$1000
- (l) Sold, offered, or exposed for sale any item for less than the quantity represented or took more than the represented quantity when the buyer furnishes the weight or measure that determines the quantity pursuant to 2 O.S. §14-38(1).

- (1) ~~First Violation — \$100 to \$500~~
- (2) ~~Second Violation — \$250 to \$750~~
- (3) ~~Subsequent Violations — \$500 to \$1000~~
- (m) ~~Represented the price or quantity of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count in any manner calculated or intended to mislead or deceive a person pursuant to 2 O.S. §14-38(2).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (n) ~~Use, or have in possession for use in Commerce, any incorrect weight or measure pursuant to 2 O.S. §14-42(1).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (o) ~~Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority pursuant to 2 O.S. §14-42(2).~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~
- (p) ~~Hinder or obstruct any weights and measures official in performance of the duties of the official pursuant to 2 O.S. §14-42(3).~~
 - (1) ~~First Violation — \$100 to \$1000~~
 - (2) ~~Second Violation — \$1000 to \$5000~~
 - (3) ~~Subsequent Violations — \$5000 to \$10,000~~
- (q) ~~Any other violation of the Oklahoma Standard Weights and Measures Law not otherwise addressed.~~
 - (1) ~~First Violation — \$100 to \$500~~
 - (2) ~~Second Violation — \$250 to \$750~~
 - (3) ~~Subsequent Violations — \$500 to \$1000~~

35:3-1-24. Violations of the Boll Weevil Eradication Act [REVOKED]

- (a) ~~Gin violations:~~
 - (1) ~~Failure to maintain complete and accurate records or reports or failure to provide required reports to a producer, pursuant to 2 O.S. §3-50.9a:~~
 - (A) ~~First violation — \$100 to \$500.~~
 - (B) ~~Second violation — \$500 to \$1,000.~~
 - (C) ~~Subsequent violations — \$1,000 to \$5,000.~~
 - (2) ~~Failure to provide monthly assessment fee reports or failure to pay assessment fees on time, pursuant to 2 O.S. §3-50.9a:~~
 - (A) ~~First violation — \$100 to \$500.~~
 - (B) ~~Second violation — \$500 to \$1,000.~~
 - (C) ~~Subsequent violations — \$1,000 to \$5,000.~~
- (b) ~~Cotton producer violations:~~
 - (1) ~~Failure to certify or provide required information to the Board of Directors on time, pursuant to 2 O.S. §3-50.8 and 2 O.S. §3-50.9a(C)(3).~~
 - (A) ~~First violation — \$100 to \$500.~~

- (B) ~~Second violation—\$500 to \$1,000.~~
 - (C) ~~Subsequent violations—\$1,000 to \$2,500.~~
- (2) ~~Failure or refusal to pay assessment fees or any penalties authorized under the Boll Weevil Eradication Act pursuant to 2 O.S. §3-50.9a and 2 O.S. §3-50.11.~~
 - (A) ~~First violation—\$100 to \$500.~~
 - (B) ~~Second violation—\$500 to \$1,000.~~
 - (C) ~~Subsequent violations—\$1,000 to \$5,000.~~
- (3) ~~Failure to carry out treatment or destruction of cotton plants pursuant to 2 O.S. 3-50.16, 2 O.S. §3-50.18(B), and OAC §35:30-14-7.~~
 - (A) ~~First violation—\$100 to \$500.~~
 - (B) ~~Second violation—\$250 to \$750.~~
 - (C) ~~Subsequent violations—\$500 to \$1,000.~~
- (c) ~~Miscellaneous violations:~~
 - (1) ~~Filing a false or fraudulent report to the Board of Directors pursuant to 2 O.S. §3-50.8 and 2 O.S. §3-50.9a.~~
 - (A) ~~First violation—\$100 to \$500.~~
 - (B) ~~Second violation—\$250 to \$750.~~
 - (C) ~~Subsequent violations—\$500 to \$1,000.~~
 - (2) ~~Any other violation of the Boll Weevil Eradication Act.~~
 - (A) ~~First violation—\$100 to \$500.~~
 - (B) ~~Second violation—\$250 to \$750.~~
 - (C) ~~Subsequent violations—\$500 to \$1,000.~~

PART 17. AGRICULTURAL ENVIRONMENTAL MANAGEMENT VIOLATIONS [REVOKED]

35:3-1-30. Violations of the Oklahoma Concentrated Animal Feeding Operations Act [REVOKED]

- (a) ~~Licensing violations:~~
 - (1) ~~Failure to obtain a Concentrated Animal Feeding Operations license pursuant to 2 O.S. § 20-6.~~
 - (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
 - (2) ~~Failure to properly design or construct a waste retention structure pursuant to 2 O.S. § 20-1 et seq.:~~
 - (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
 - (3) ~~Failure to renew license by deadline pursuant to 2 O.S. § 20-7.~~
 - (A) ~~First violation—\$100 to \$500~~
 - (B) ~~Second violation—\$250 to \$750~~
 - (C) ~~Subsequent violations—\$1,000 to \$5,000~~
 - (4) ~~Failure to submit or complete a transfer application in a timely manner pursuant to 2 O.S. § 20-7.~~
 - (A) ~~First violation—\$5,000 to \$10,000~~

- (B) ~~Second violation~~ — \$7,500 to \$10,000
 - (C) ~~Subsequent violations~~ — \$10,000
- (5) ~~Failure to obtain presite approval prior to construction pursuant to 2 O.S. § 20-9.~~
 - (A) ~~First violation~~ — \$5,000 to \$10,000
 - (B) ~~Second violation~~ — \$7,500 to \$10,000
 - (C) ~~Subsequent violations~~ — \$10,000
- (b) ~~Operating violations:~~
 - (1) ~~Failure to obtain required education for licensed managed feeding operations pursuant to 2 O.S. § 20-7.~~
 - (A) ~~First violation~~ — \$100 to \$500
 - (B) ~~Second violation~~ — \$250 to \$750
 - (C) ~~Subsequent violations~~ — \$750 to \$1,500
 - (2) ~~Failure to comply with Pollution Prevention Plan requirements, obtain approval for amendment to PPP that impacts the potential to discharge, or failure to amend PPP pursuant to 2 O.S. § 20-9.~~
 - (A) ~~First violation~~ — \$1,000 to \$5,000
 - (B) ~~Second violation~~ — \$2,500 to \$7,500
 - (C) ~~Subsequent violation~~ — \$5,000 to \$10,000
 - (3) ~~Failure to maintain records pursuant to 2 O.S. § 20-1 et seq.~~
 - (A) ~~First violation~~ — \$1,000 to \$5,000
 - (B) ~~Second violation~~ — \$2,500 to \$7,500
 - (C) ~~Subsequent violation~~ — \$5,000 to \$10,000
 - (4) ~~Failure to comply with Best Management Practices pursuant to 2 O.S. § 20-10.~~
 - (A) ~~First violation~~ — \$1,000 to \$5,000
 - (B) ~~Second violation~~ — \$2,500 to \$7,500
 - (C) ~~Subsequent violation~~ — \$5,000 to \$10,000
 - (5) ~~Failure to prevent a discharge to waters of the state pursuant to 2 O.S. § 20-10.~~
 - (A) ~~First violation~~ — \$5,000 to \$10,000
 - (B) ~~Second violation~~ — \$7,500 to \$10,000
 - (C) ~~Subsequent violations~~ — \$10,000
 - (6) ~~Failure to notify the Department of a discharge to waters of the state pursuant to 2 O.S. § 20-10.~~
 - (A) ~~First violation~~ — \$5,000 to \$10,000
 - (B) ~~Second violation~~ — \$7,500 to \$10,000
 - (C) ~~Subsequent violations~~ — \$10,000
 - (7) ~~Failure to provide written report of a discharge or failure to sample a discharge pursuant to 2 O.S. § 20-10.~~
 - (A) ~~First violation~~ — \$1,000 to \$5,000
 - (B) ~~Second violation~~ — \$2,500 to \$7,500
 - (C) ~~Subsequent violation~~ — \$5,000 to \$10,000
 - (8) ~~Failure to comply with the Animal Waste Management Plan pursuant to 2 O.S. § 20-10.~~
 - (A) ~~First violation~~ — \$1,000 to \$5,000
 - (B) ~~Second violation~~ — \$2,500 to \$7,500
 - (C) ~~Subsequent violation~~ — \$5,000 to \$10,000

~~(9) Failure of a licensed managed feeding operation to provide the recipient of animal waste with a current sample analysis or to notify them of animal waste and land application requirements of the concentrated animal feeding operations act pursuant to 2 O.S. § 20-10.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(10) Failure to perform sampling of water, animal waste, effluent, or soils pursuant to 2 O.S. § 20-10.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(11) Failure to develop, revise, or adhere to a carcass disposal plan pursuant to 2 O.S. § 20-10.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(12) Failure of a licensed managed feeding operation to develop, revise, or adhere to an Odor Abatement Plan pursuant to 2 O.S. § 20-11~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(13) Failure to maintain no hydrologic connection pursuant to 2 O.S. § 20-12.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(14) Failure to install or maintain monitoring wells or leak detection system pursuant to 2 O.S. § 20-12.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(15) Failure to maintain the liner to inhibit infiltration of wastewaters pursuant to 2 O.S. § 20-12.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(16) Failure to perform a required site evaluation on the waste retention structure pursuant to 2 O.S. § 20-12.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

~~(17) Failure to report suspected leakage of a waste retention structure to the Department pursuant to 2 O.S. § 20-12.~~

~~(A) First violation—\$1,000 to \$5,000~~

~~(B) Second violation—\$2,500 to \$7,500~~

~~(C) Subsequent violation—\$5,000 to \$10,000~~

- (18) ~~Disposing of any materials other than animal waste into the waste retention structure pursuant to 2 O.S. § 20-12.~~
- (A) ~~First violation—\$1,000 to \$5,000~~
 - (B) ~~Second violation—\$2,500 to \$7,500~~
 - (C) ~~Subsequent violation—\$5,000 to \$10,000~~
- (19) ~~Failure to comply with any land application setback pursuant to 2 O.S. § 20-19.~~
- (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
- (20) ~~Failure to install or maintain an antipollution device or complete disconnect on land application equipment pursuant to 2 O.S. § 20-13.~~
- (A) ~~First violation—\$1,000 to \$5,000~~
 - (B) ~~Second violation—\$2,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
- (21) ~~Failure of a poultry laying operation to immediately comply with an emergency order by the Board regarding land application pursuant to 2 O.S. § 20-27.~~
- (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
- (e) ~~Miscellaneous violations:~~
- (1) ~~Making a false statement, representation, or certification in, omitting material data from, or tampering with any application for a license or notice relating to the determination of affected property owners pursuant to 2 O.S. § 20-7.~~
- (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
- (2) ~~Interference with an authorized agent of the Board in the conducting of official duties pursuant to 2 O.S. § 20-14.~~
- (A) ~~First violation—\$5,000 to \$10,000~~
 - (B) ~~Second violation—\$7,500 to \$10,000~~
 - (C) ~~Subsequent violations—\$10,000~~
- (3) ~~Failure to pay any required fee or the cost of sampling monitoring wells pursuant to 2 O.S. §§ 20-12 or 20-16.~~
- (A) ~~First violation—\$100 to \$500 or twice the cost of the required fee or cost, whichever is larger.~~
 - (B) ~~Second violation—\$250 to \$750 or twice the cost of the required fee or cost, whichever is larger.~~
 - (C) ~~Subsequent violations—\$1,000 to \$5,000 or twice the cost of the required fee or cost, whichever is larger.~~
- (4) ~~Failure to comply with any other law or rule pursuant to the Oklahoma Concentrated Animal Feeding Operations Act:~~
- (A) ~~First violation—\$500 to \$5,000~~
 - (B) ~~Second violation—\$2,500 to \$7,500~~
 - (C) ~~Subsequent violations—\$5,000 to \$10,000~~
- (5) ~~Failure to take reasonable and necessary action to avoid pollution of any stream, lake, river, or creek pursuant to 2 O.S. § 20-26.~~

- (A) — First violation — \$5,000 to \$10,000
- (B) — Second violation — \$7,500 to \$10,000
- (C) — Subsequent violations — \$10,000
- (6) — Failure to comply with surety requirements pursuant to 2 O.S. § 20-17.
 - (A) — First violation — \$1,000 to \$5,000
 - (B) — Second violation — \$2,500 to \$10,000
 - (C) — Subsequent violations — \$10,000
- (d) — Each day a violation is committed or continues is deemed to be a separate offense.
- (e) — In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.

**35:3-1-31. Violations of the Oklahoma Registered Poultry Feeding Operations Act
[REVOKED]**

- (a) — Failure to comply with any law or rule pursuant to the Oklahoma Registered Poultry Feeding Operations Act.
 - (1) — First violation — \$100 to \$200
 - (2) — Second violation — \$150 to \$200
 - (3) — Subsequent violations — \$200
- (b) — Each day a violation is committed or continues is deemed to be a separate offense.
- (c) — In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.

**35:3-1-32. Violations of the Oklahoma Poultry Waste Applicators Certification Act
[REVOKED]**

- (a) — Failure to comply with any law or rule pursuant to the Oklahoma Poultry Waste Applicators Certification Act.
 - (1) — First violation — \$100 to \$200
 - (2) — Second violation — \$150 to \$200
 - (3) — Subsequent violations — \$200
- (b) — Each day a violation is committed or continues is deemed to be a separate offense.
- (c) — In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rules revoke the fine matrices used by the Department for determining fines in enforcement of rule violations.
- (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 rule revocations affect persons regulated by the Department. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who rely on current fine matrices for determining fines for violations of the Department's programs will benefit from the proposed rule revocations and the subsequent provision of updated fine policies within the Department.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who rely on the Department's programs will be provided with updated fine policies.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule revocations.
- (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 effect on any political subdivision is anticipated by the proposed rule revocations.
- (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:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule revocations.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rule revocations will not affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rule revocations will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 29, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 10. AGRICULTURAL PRODUCTS

SUBCHAPTER 7. PUBLIC WAREHOUSES

35:10-7-18. Responsibility of the warehouseman

(a) Any warehouseman who knowingly or negligently stores grain in a manner which causes commodities to be spoiled or degraded or disposes of spoiled or degraded commodities improperly shall be in violation of the Oklahoma Public Warehouse and Commodity Indemnity Act and may be fined as provided by applicable law and rules.

(b) This section shall apply to all warehousemen who hold a federal or state charter.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments provide penalty for warehouseman who stores grain in improper manner.
- (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 rule amendments affect persons regulated by the Department's warehouse programs. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on the Department's warehouse programs will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's warehouse program will be provided with a new penalty for improper storage of commodities.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (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 effect on any political subdivision is anticipated by the proposed 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:**
The proposed rule amendments will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rule amendments will not affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rule amendments will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 23, 2020.

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

The Distilled Spirits for Fuel Use regulations found in Title 27 of the Code of Federal Regulations (CFR) (~~2019~~ 2020 Revision), Part 19.661 et seq. for the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:13-1-2.

35:13-1-2. Deleted regulations

The following sections of the Code of Federal Regulations governing distilled spirits for fuel use of the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau incorporated by reference under 35:13-1-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 27 CFR §§ 19.669, 19.670, 19.699, and 19.700 (~~2019~~ 2020 Revision).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments update citations to the Code of Federal Regulations.
- (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 rule amendments affect persons regulated by the Department's fuel alcohol program. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on the Department's fuel alcohol program will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's fuel alcohol program will be provided with current citations to the Code of Federal Regulations.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (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 effect on any political subdivision is anticipated by the proposed 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:**
The proposed rule amendments will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 23, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 15. ANIMAL INDUSTRY

SUBCHAPTER 1. GENERAL PROVISIONS

35:15-1-4. Exhibitions and shows

(a) ~~Each person who presents swine for a swine exhibition, special sale, or show shall provide verification of one of the following:~~

~~(1) a federal premise identification number; or~~

~~(2) a state location identifier.~~

(b) ~~The information provided for a state location identifier shall not be included or maintained with the Federal Premise Identification Number database.~~

(e) A swine exhibition, special sale, or show shall not include a regularly scheduled livestock auction market.

(b) It shall be the responsibility of the event management to verify that contestants have met testing and documentation requirements.

35:15-1-7. ~~Change of ownership for cattle within Oklahoma~~ Cattle identification for intrastate movement

(a) The following cattle shall be individually identified by official identification when the cattle change ownership or when the cattle are taken to an event:

(1) All dairy cattle;

(2) All "M" branded cattle including any commingled domestic cattle; and

(3) All roping, ~~exhibition,~~ event, and rodeo cattle.

(b) ~~Sellers shall maintain records of the official identification and the purchasers name and contact information for five (5) years. The records shall be made available to Department personnel upon request in a disease trace back or cattle theft case.~~

(e) Cattle that are sold or consigned to move from a resident herd of origin to a state or federally approved slaughter establishment within seven (7) days of the change of ownership, where they are harvested within three days of arrival at the establishment, are exempt from the requirement of subsection (a) of this section.

(c) Additional requirements for cattle identification may be provided within this chapter.

35:15-1-8. Record keeping

All dealers, auction markets, commission firms, and persons required to have official identification at change of ownership shall keep sufficient records for a minimum of five (5) years of all animals sold to enable any authorized agent to trace the animals satisfactorily to their herd of origin and to their disposition at the time of sale. These records shall be made available to any authorized agent for the purpose of inspection or photocopying during normal business hours. Failure to maintain or provide adequate records shall constitute a violation of rules adopted by the Board.

SUBCHAPTER 5. BIOLOGICAL PRODUCTS AND LABORATORIES

35:15-5-1. Biological products

- (a) No biological product used in the treatment of livestock or any other species of animals shall be manufactured, produced, transported, distributed, sold, offered for sale, or used in Oklahoma unless the biological product has been:
- (1) ~~licensed~~ Licensed or permitted by the United States Veterinary Biologics Division of the United States Department of Agriculture;
 - (2) ~~produced~~ Produced in an establishment licensed by the United States Veterinary Biologics Division of the United States Department of Agriculture; and
 - (3) ~~approved~~ Approved by the Oklahoma Department of Agriculture, Food, and Forestry.
- (b) Biological products ~~prepared in laboratories approved by the Oklahoma Department of Agriculture, Food, and Forestry~~ when prepared by any person solely for the treatment of livestock or any other species of animals of such person or prepared solely for treatment of livestock or any other species of animals under a veterinary-client-patient relationship in the course of the state licensed professional practice of veterinary medicine by such person shall be exempt from (a) and (d) of this section if used as follows:
- (1) Permission is obtained from the State Veterinarian in the form of a one (1) year memorandum of understanding between the Department and the persons owning the livestock or any other species of animals;
 - (2) An authorized agent of the Board may inspect and monitor the application of the product and verify the proper handling, cleaning, and disinfection of equipment utilized in the application.
- (c) Johnes (Paratuberculosis) vaccine is expressly prohibited in Oklahoma without prior approval of the Department. This approval may be obtained only after a written agreement is developed between the producer, attending veterinarian, and state regulatory officials. A plan of herd management, vaccination, and any restrictions shall be a part of this agreement.
- (d) Each biological product manufactured, produced, distributed, sold, offered for sale or used in Oklahoma or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Department on an annual basis.
- (e) Each person registering biological products shall pay an annual registration fee of Two Hundred Dollars (\$200.00) for each biological product registered.
- (1) The Department may require the submission of the complete formula of any biological product.
 - (2) Trade secrets and formulations submitted with the registration shall be kept confidential.
- (f) If it appears to the Department that the composition of the biological product is adequate to warrant the proposed claims and if the biological product, its labeling, and other material required to be submitted comply with the requirements of this section, then the biological product shall be registered.
- (g) Additional registration of a biological product shall not be required in the case of a biological product shipped from one location within Oklahoma to another location within Oklahoma if the location is operated by the same person.
- (h) All biological product registrations shall expire on March 20 of each year but may be renewed by the Department. Any person who fails to renew a biological product by March 20 of each year shall pay a penalty of an additional Two Hundred Dollars (\$200.00).
- (i) Any biological product that contains any living organism and is produced pursuant to subsection (b) may be used with prior written notice to the Department. Notice shall be provided

for each day the person intends to utilize the biological product and shall contain the name of the person prescribing the biological product, the specific location where the biological product will be used, and the reason for using the biological product.

~~(j)~~ ~~Any person providing notice to the Department may elect to provide notice to neighboring owners of susceptible species.~~

~~(k)~~ No person shall sell or offer for sale an unregistered biological product or an expired biological product.

~~(l)~~ **(k)** The term "biological product" shall mean all viruses, serums, toxins (excluding substances that are selectively toxic to microorganisms, including antibiotics), or analogous products at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals and which act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. The term biological products includes but is not limited to vaccines, bacterins, allergens, antibodies, antitoxins, toxoids, immunostimulants, certain cytokines, antigenic or immunizing components of live organisms, and diagnostic components that are of natural or synthetic origin, or that are derived from synthesizing or altering various substances or components of substances such as microorganisms, genes or genetic sequences, carbohydrates, proteins, antigens, allergens, or antibodies. The term shall not include any product identified and regulated as a pesticide by the Department.

(1) A product's intended use shall be determined through an objective standard dependent upon factors such as representations, oral or written claims, packaging, labeling, or appearance.

(2) The term "analogous products" shall include the following:

(A) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals and which are similar in function to biological products in that they act, or are intended to act, through the stimulation, supplementation, enhancement, or modulation of the immune system or immune response;

(B) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals through the detection or measurement of antigens, antibodies, nucleic acids, or immunity; or

(C) Substances, at any stage of production, shipment, distribution, or sale, which resemble or are represented as biological products intended for use in the treatment of livestock or any other species of animals through appearance, packaging, labeling, claims (either oral or written), representations, or through any other means.

~~(m)~~ **(l)** The term "treatment" shall mean the prevention, diagnosis, management, or cure of diseases of livestock or any other species of animals.

~~(n)~~ **(m)** The term "unregistered biological product" shall mean a biological product that has not been registered with the Department or a biological product that has been previously registered with the Department but the registration has lapsed.

~~(o)~~ **(n)** The term "expired biological product" shall mean a biological product which exceeds the expiration date established by the manufacturer.

SUBCHAPTER 11. IMPORTATION OF LIVESTOCK, POULTRY, AND PETS ANIMALS

PART 1. GENERAL

35:15-11-2. Importation of domestic companion animals

All companion animals domestically imported into Oklahoma shall be admitted:

- (1) When accompanied by an official Certificate of Veterinary Inspection (CVI);
- (2) If there is an approved vaccine for the species, the animal has been officially vaccinated against rabies, when over three (3) months of age, within twelve (12) months prior to the date of entry with an approved rabies vaccine or within three (3) years with the use of a three (3) year vaccine if the primary vaccination and subsequent boosters are documented on the CVI; and
- (3) When an additional permit has been obtained from the Oklahoma Department of Agriculture, Food, and Forestry within thirty (30) days prior to the entry of a companion animal that originates from an area under quarantine for rabies or has been exposed to rabies within six (6) months prior to entry.

35:15-11-3. Requirements regarding vesicular stomatitis

Any livestock (equine, bovine, porcine, caprine, ovine, or cervidae) entering Oklahoma from a county where vesicular stomatitis has been diagnosed within the last thirty (30) days or a county that contains a premise quarantined for vesicular stomatitis shall be accompanied by a certificate of veterinary inspection dated within five (5) days of entry containing the following statement: "All animals identified on this certificate of veterinary inspection have been examined and found to be free from signs of vesicular stomatitis and have not originated from a premise which is under quarantine for vesicular stomatitis."

PART 5. PERMITS

35:15-11-10. Requests for permits

Request for permits shall be directed to the State Veterinarian of the state of Oklahoma and shall set forth the following information: the name and addresses of the consignor and the consignee, and number, age, sex, and breed of the livestock animal.

PART 7. LIVESTOCK [REVOKED]

35:15-11-17. Companion animal importation [REVOKED]

~~All dogs, cats, and ferrets shipped or transported into Oklahoma, shall be admitted only when accompanied by an official Certificate of Veterinary Inspection (CVI). All companion animals over three (3) months of age shall have been officially vaccinated against rabies within twelve (12) months prior to the date of entry with an approved rabies vaccine or within three (3) years with the use of a three (3) year vaccine if the primary vaccination and subsequent boosters are documented on the CVI. A permit shall be obtained from the Oklahoma Department of Agriculture, Food, and Forestry within thirty days prior to the entry of a companion animal that originates from an area under quarantine for rabies or has been exposed to rabies within six (6) months prior to entry.~~

35:15-11-20. Requirements regarding vesicular stomatitis [REVOKED]

~~Any livestock (equine, bovine, porcine, caprine, ovine, or cervidae) entering Oklahoma from a county where vesicular stomatitis has been diagnosed within the last thirty (30) days or a county that contains a premise quarantined for vesicular stomatitis shall be accompanied by a certificate of veterinary inspection dated within five (5) days of entry containing the following statement: "All animals identified on this certificate of veterinary inspection have been examined and found to be free from signs of vesicular stomatitis and have not originated from a premise which is under quarantine for vesicular stomatitis."~~

PART 9. FOREIGN LIVESTOCK ANIMALS

35:15-11-31. Importation of foreign livestock animals

(a) Prior to entry, all livestock animals imported into Oklahoma from a foreign country ~~must~~ shall obtain a permit issued by the Oklahoma Department of Agriculture.

(b) All livestock animals imported into Oklahoma from a foreign country ~~must~~ shall meet all United States Department of Agriculture import requirements for the country of origin and for any country the livestock animals have resided during shipment, in addition to all Oklahoma import requirements.

(c) In addition to meeting the requirements of subsections (a) and (b), all companion animals imported into Oklahoma from a foreign country shall be admitted:

(1) When accompanied by an official Certificate of Veterinary Inspection (CVI);

(2) If ,when over three (3) months of age, officially vaccinated against rabies within twelve (12) months prior to the date of entry with an approved rabies vaccine or within three (3) years with the use of a three (3) year vaccine if the primary vaccination and subsequent boosters are documented on the CVI;

(3) When an additional permit has been obtained from the Oklahoma Department of Agriculture, Food, and Forestry within thirty (30) days prior to the entry of a companion animal that originates from an area under quarantine for rabies or has been exposed to rabies within six (6) months prior to entry; and

(4) After any required quarantine and examination by an accredited veterinarian for companion animals imported into Oklahoma with potential exposure to foreign animal diseases.

SUBCHAPTER 13. TESTING AND INSPECTION FOR DISEASE AND RELEASE OF LIVESTOCK AT AUCTION MARKETS

35:15-13-1. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Approved veterinarian" means a licensed accredited veterinarian who has complied with all Department regulations and educational requirements, and who has been approved by the Department to conduct necessary tests, vaccinations, inspections, and other duties.

"Drive-in" means a written record of livestock in a single consignment. Information on a drive-in shall include name and address of the consignor, license tag number of vehicle used to

haul livestock, list and brief description of livestock and corresponding backtags applied, and any special notes or instructions concerning the livestock.

"Livestock auction market veterinarian" means a licensed, accredited veterinarian who has been approved to represent the Department by performing the veterinarian's duties at livestock auction markets.

"Official forms" means forms furnished or approved by the State Board of Agriculture or Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Restricted cattle" means cattle that have not met specific requirements for change of ownership.

"Slaughter only" means to go directly to a slaughter establishment or to an approved feedlot to be fed to go directly to slaughter.

"Slaughter only tag" means a cardboard tag with the words, "For Slaughter Only" applied to the hip of an animal that is to be taken directly to a slaughter establishment or to an approved feedlot to be fed before going directly to slaughter.

~~"Brucellosis test eligible cattle" means all cattle eighteen (18) months of age, as determined by the loss of first pair of temporary incisor teeth, except exposed cattle which have been "S" branded, steers, and spayed heifers.~~

35:15-13-3. General requirements for a livestock auction market

(a) Any person owning, operating, conducting, or maintaining a livestock auction market shall be required to:

~~(1) Submit an application for a license to the Department on an official form prior to operation.~~

~~(2) Bond the market pursuant to 2 O.S. § 9-132, as amended or according to the provisions of the Federal Packers and Stockyards Act as amended.~~

~~(3) Employ~~ employ a livestock auction market veterinarian for auctions selling cattle, horses, swine, or other species as determined by the state veterinarian.

~~(b) The livestock auction market license shall cost Twenty Five Dollars (\$25.00) per year and shall expire on December 31 of each year.~~

(e) Both the buyer's and seller's invoices shall include the owner's name, and address ~~of the owner~~, and a description of the cattle as to breed, sex, and age. Invoices for swine shall show the predominate breed and shall show them to be feeding, breeding, or slaughter swine.

(d) The livestock auction market veterinarian or sale company shall not be responsible for results of any tests that are conducted properly or for any reactor animals or responder animals found in the market.

(e) Refusal or failure to comply with the Department rules shall be just cause for the revocation or suspension of the livestock auction market license.

(f) No person owning, operating, conducting, or maintaining a livestock auction market shall allow any of the following animals to leave the livestock auction market unless it is individually identified by an official identification with an exception for weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person:

(1) All beef cattle eighteen (18) months of age or older, except terminal fed steers and heifers, going directly to a feedlot or slaughter which will not be reintroduced into the breeding herd;

(2) All dairy cattle;

(3) All "M" branded cattle including any commingled cattle, and

- (4) All roping, exhibition, event, and rodeo cattle.
- (g) Weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person may be sold with a back tag and slaughter only tag to be transported directly to slaughter.
- (h) The owner or operator of the livestock auction market shall keep records of each animal consigned or delivered to the livestock auction market for a period of five (5) years for disease traceback purposes, including but not limited to, the following:
 - (1) "Drive-in" or any other documents identifying the backtag, ~~owners~~ owner's name and address, and license tag of mode of transportation;
 - (2) Any records kept pursuant to the Livestock Auction Market Act;
 - (3) Records of any official identification applied to the animal or already existing with the animal;
 - (4) Any records available regarding the purchaser of the animals; and
 - (5) Records of official identification ~~shall be that are~~ sufficiently legible and accurate to facilitate successful tracebacks.
- (i) Each livestock auction market shall sign and have on record with the Department the most current livestock market contract for each of the species sold at the market.
- (j) The livestock auction market shall make the above records available to ODAFF Department personnel when requested.
- ~~(i) Each livestock auction market shall sign and have on record with the Department the most current livestock market contract for each of the species sold at the market.~~

35:15-13-4. Approval of livestock auction market laboratory to conduct diagnostic tests

~~All Diagnostic tests may be conducted in an Auction Market Laboratories shall meet the following requirements before Laboratory when approval is granted to conduct diagnostic tests, and no veterinarian shall conduct any test until said laboratory has been approved, and the laboratory meets the following requirements:~~

- (1) Constructed and equipped so as to be maintained at room temperature (70° to 78°) both winter and summer;
- (2) ~~Contain~~ Contains a sink with running water;
- (3) ~~Be equipped~~ Equipped with a refrigerator in working condition;
- (4) Constructed so ~~that~~ the veterinarian or technician shall have sufficient space and maintain privacy in conducting tests and filling out records and forms;
- (5) Constructed so ~~that it~~ the laboratory can be kept clean easily and locked at all times when not in use;
- (6) ~~Contain~~ Contains a work counter and sufficient shelf, locked cabinet, or storage space to store forms, official identification, etc., required by the veterinarian or technician in performing the tests and releasing animals;
- (7) ~~Be supplied~~ Supplied with adequate artificial light. The electric wiring shall be adequate to carry a minimum of a centrifuge, electrical refrigerator, cooling facility, and have a minimum of two (2) electrical outlets; and
- (8) ~~Be located~~ Located so as to be convenient for the veterinarian or technician and the public while conducting his duties as an Auction Market Veterinarian.

SUBCHAPTER 15. EQUINE INFECTIOUS ANEMIA (EIA)

PART 3. PROCEDURES

35:15-15-34. Requirements for approved EIA testing laboratories

- (a) No person shall operate an EIA testing laboratory without first obtaining approval from the Board.
- (b) Conditions of approval.
 - (1) Submit a complete application to the office of the State Veterinarian.
 - (2) Upon receipt of an application, the facility shall be inspected by an authorized agent of the ~~Board~~ USDA.
 - (3) A report of the inspection shall be submitted to the State Veterinarian and identify the EIA testing laboratory's compliance with the minimum standards for facilities, equipment, and personnel.
 - (4) The applicant shall agree in writing to operate the laboratory in conformity with the Department rules and the requirements of the USDA and shall continually meet all requirements during operation of the laboratory.
 - (5) A determination by the Department that an additional EIA laboratory is necessary in the area.
- (c) Operating requirements.
 - (1) All personnel conducting an official test at an approved laboratory shall receive training prescribed by the National Veterinary Services Laboratories (NVSL).
 - (2) Approved laboratories shall use USDA licensed antigen ELISA test kits and follow standard test protocols prescribed by NVSL.
 - (3) Approved laboratories shall maintain a work log clearly identifying each individual sample and test results.
 - (4) Approved laboratories shall maintain a work log and a file of all submission forms for a period of not less than two (2) years.
 - (5) All approved laboratories shall report all positive results to an official test for EIA to the State Veterinarian's office within twenty four (24) hours.
 - (6) A copy of all test charts for positive Equidae shall be sent to the State Veterinarian's office within seventy two (72) hours.
 - (7) Negative results shall be reported to the office of the State Veterinarian on a monthly basis.
 - (8) Approved laboratories shall not test samples until an officially completed test chart is received.
- (d) Inspections, proficiency tests, and licenses.
 - (1) The ~~Board~~ USDA APHIS VS shall randomly and without prior notification collect samples and inspect the facilities and records of all EIA laboratories in Oklahoma at a ~~minimum of once~~ least one (1) time per year.
 - (2) All records required to be maintained by approved laboratories shall be open to inspection by state or federal employees during normal business hours.
 - (3) All approved laboratories shall pass annual proficiency test requirements administered by the NVSL.
 - (4) All approved laboratories shall pass any additional proficiency test requirements administered by the Board.
 - (5) The Board shall charge a fee to the approved laboratory for administering each additional proficiency test in the amount of Fifty Dollars (\$50.00).
 - (6) Each approved laboratory shall obtain a license on an annual basis.

- (A) The annual license fee shall be ~~\$250.00~~ Two Hundred Fifty Dollars (\$250.00).
- (B) The annual license shall expire on January 31 of each calendar year.
- (C) The renewal license application shall be submitted no later than January 31 of each calendar year.
- (D) A renewal application received or postmarked after January 31 shall be in violation of these rules.
- (E) Failure to renew may result in disapproval of the laboratory.
- (F) A fee waiver may be granted to an EIA laboratory at a university or state agency.
- (e) An EIA laboratory may have its approval cancelled if the Board finds that the laboratory has failed to meet the requirements or has falsified records or reports.
- (f) Any action taken by the Board to cancel laboratory approval shall conform to the Administrative Procedures Act.
- (g) The Department may deny the application of any EIA laboratory if it fails to meet any criteria required by the Department.
- (h) Approved laboratories shall only perform the ELISA test.
- (i) The Department may at its discretion in limited and approved circumstances grant approved laboratories the ability to perform the AGID test for equine being exported from Oklahoma to a foreign country or for horses not residing in Oklahoma. The limited exception shall be detailed in a written agreement between the Department and the approved laboratory.
- (j) Any approved EIA laboratory shall resubmit all application information for approval by the Department upon a change in ownership of the facility or a change in location of the facility.

PART 9. EQUINE EXHIBITIONS

35:15-15-91. Requirements of Equidae entering equine exhibitions

- (a) All Equidae moving within the state to equine exhibitions, including but not limited to, fairs, livestock shows, breed association shows, rodeos, racetracks, or other equine gatherings shall be accompanied by a record of a negative official test for EIA conducted within the previous twelve (12) months. The official test shall be conducted by an approved laboratory and the name of the laboratory, the case number, and the date of the test shall appear on the official test record.
- (b) The official in charge shall be responsible for verifying that all Equidae entering an equine exhibition meet all recordation requirements.
 - (1) An official in charge of an equine exhibition shall not be held responsible for recording or accepting falsified or erroneous information provided by an owner.
 - (2) Any person providing erroneous or fictitious information shall be in violation of these rules.
- (c) Any official in charge who knowingly, negligently, or willfully allows an untested or positive animal to enter an equine exhibition shall be in violation of these rules and the official in charge and the owner of the positive or untested animal shall be equally and individually in violation of these rules.
- ~~(d) The original VS 10-11 for horses offered for sale through claiming races shall be on file with the Racing Secretary.~~

SUBCHAPTER 16. CONTAGIOUS EQUINE METRITIS

35:15-16-1. Incorporation by reference

- (a) The contagious equine metritis regulation found in Title 9 of the Code of Federal Regulations (CFR) (2019 2020 Revision), Section 93-301 and USDA VS Guidance Document 13406.1 (2013) Revision are hereby adopted in their entirety.
- (b) All words and terms defined or used in the federal regulation incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

SUBCHAPTER 17. BOVINE AND BISON BRUCELLOSIS

PART 1. DEFINITIONS AND GENERAL PROVISIONS

35:15-17-4. Traceback of reactors [REVOKED]

- ~~(a) A successful traceback of reactors occurs when the premises of the herd of origin of a market test reactor, including those animals identified as reactors on laboratory confirmation of market test, is located and the herd is tested as deemed necessary. If all animals at the premises of origin were sold for slaughter, a traceback is considered successful. Tracing to dealers, feedlots, commission firms, and other interim holders of animals shall not be considered a successful traceback of reactors.~~
- ~~(b) Every traceback of reactors requires a comprehensive epidemiologic investigation and follow up, including traces to "sold out" herds, to effectively locate and control the disease. This investigation shall include:~~
- ~~(1) Reactors in marketing channels with positive supplemental test titers:~~
 - ~~(A) Contact and adjacent herds shall be identified, recorded, and investigated.~~
 - ~~(B) The herd of origin shall be blood tested unless the comprehensive epidemiology investigation indicates conclusively that the titers are not caused by field strains of B. abortus.~~
 - ~~(C) All sales following the estimated date of onset of infection shall be traced and the herds of destination identified, recorded, and investigated for evidence of infection by testing.~~
 - ~~(D) If a herd identified in this subparagraph is negative, the herd shall be retested thirty to ninety (30-90) days later if deemed necessary by the epidemiologist.~~
 - ~~(2) Reactors in marketing channels with negative supplemental test results:~~
 - ~~(A) The owner shall be advised of negative test results by writing, telephone, or personal visit.~~
 - ~~(B) The herd shall be tested if reasonable doubt exists as to the reason for the serologic response, if evidence of brucella infection is present, or if the status of contact or other neighborhood herds is questionable.~~

35:15-17-6. Incorporation by reference

- (a) The brucellosis regulations found in Title 9 of the Code of Federal Regulations (CFR) Part 78 (2020 Revision), are hereby adopted in their entirety.
- (b) All words and terms defined or used in the federal regulation incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

PART 3. RULES ADOPTED FROM USDA UNIFORM METHODS AND RULES (UM&R) FOR BRUCELLOSIS ERADICATION [REVOKED]

35:15-17-32. Laboratories [REVOKED]

~~Blood samples are to be tested only by cooperative state-federal laboratories, or by persons authorized to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.~~

35:15-17-33. Reporting [REVOKED]

~~Activities conducted privately or as part of the official brucellosis eradication program, including results of agglutination tests or vaccination, shall be reported immediately to state-federal cooperating agencies. A complete epidemiological report shall be prepared and filed on each infected herd.~~

35:15-17-34. Supervision [REVOKED]

~~The official brucellosis eradication program shall be supervised by full-time state or federal veterinarians.~~

35:15-17-35. Quarantine [REVOKED]

~~When there is a reason to suspect brucellosis infection due to the presence of an undiagnosed abortion in the herd or presence of a suspect or reactor as evidenced by an approved test for brucellosis, all cattle and bison except steers and spayed heifers may be confined to the premises or livestock market until the herd is freed of brucellosis or sold for slaughter. In emergency hardship cases animals may be moved to a new premises and placed under quarantine. All movements shall be accompanied by proper permit.~~

35:15-17-36. Disposition of affected herds [REVOKED]

~~(a) Known affected herds shall be completely depopulated except for steers and spayed heifers unless the State Veterinarian determines otherwise.~~

~~(b) Partial herd depopulations may be approved if a complete herd test and an epidemiological investigation discloses that certain separate pastures of cattle in the herd have passed a negative test and have had no exposure to the affected pastures more than 180 days prior. Heifers which were progeny of cows in the affected pastures are considered exposed and required to be included in the depopulation or spayed. Bull calves produced by cows in the affected pastures shall be neutered.~~

~~(c) Depopulation may be waived if in the opinion of the Designated Brucellosis Epidemiologist, the State Veterinarian and the APHIS VS Area Veterinarian in Charge depopulation is not warranted and an approved herd plan is followed.~~

35:15-17-37. Community notification of brucellosis affected herds [REVOKED]

~~The Oklahoma Department of Agriculture, Food, and Forestry shall notify owners of herds adjacent to Brucellosis infected herds of the presence of the infection by mail or personal contact.~~

35:15-17-38. Contact herds and adjacent herds [REVOKED]

~~Herds within one (1) mile of the periphery of the herd of origin of a market cattle identification reactor are to be tested within thirty (30) days of notification or placed under quarantine. These herds shall be retested six (6) to eight (8) months after notification. The test requirement and the extent of the testing area may be altered by the Designated Brucellosis Epidemiologist if it is justified by epidemiological evidence. Those herds within one (1) mile of the periphery of the affected herd, herds sharing common pasture, and herds containing previous purchases from or exchanges with the affected herd shall be tested within thirty (30) days of notification or placed under quarantine. All herds having direct fence-to-fence or across a road contact, or sharing common pasture with or containing previous purchases from or exchanges with the affected herd shall be retested from four (4) to eight (8) months after removal of the last reactor from the affected herd. These herds and all other herds located within one (1) mile of the periphery of the affected herd shall be retested ten (10) to fourteen (14) months after the removal of the last reactor from the affected herd. The extent of the testing area from the affected herd may be altered by the Designated Brucellosis Epidemiologist if it is justified by epidemiological evidence.~~

35:15-17-39. Cleaning and disinfection [REVOKED]

~~Premises shall be cleaned and disinfected under regulatory supervision within fifteen (15) days following the removal of reactors or the entire herd for slaughter. An extension of time may be considered under extenuating circumstances. Exemptions from cleaning and disinfection requirements can be authorized by the cooperative state-federal officials directing the brucellosis program activities within the state.~~

35:15-17-40. Classification of cattle and bison [REVOKED]

~~(a) — Animals are classified as Negative, Suspect, or Reactor based in part on their serologic test results using the criteria listed in the Uniform Methods and Rules of Brucellosis Eradication and the Code of Federal Regulations for evaluation of titer response. Titer responses for all cattle shall be evaluated by a trained, experienced epidemiologist who has been designated to perform or supervise this function. The designated epidemiologist shall take into consideration the animal and herd history and other epidemiologic factors. The designated epidemiologist may deviate from the reactor criteria but shall document the reasons for doing so.~~

~~(b) — Cattle and bison are classified as brucellosis negative when their blood serums are subjected to official serologic tests and the test results do not disclose evidence of Brucella infection, and if blood, milk or tissues are subjected to bacteriologic methods for culturing field strain brucella and none are recovered. An animal shall only be classified as negative if all procedures that are performed fail to disclose evidence of brucellosis.~~

~~(c) — Cattle and bison are classified as suspects when their blood serums are subjected to official serologic tests and the test results are suggestive of infection but are inconclusive and a bacteriologic method to culture brucella from blood, milk, or tissues do not yield field strain brucella.~~

~~(d) — Cattle and bison are classified as reactors when their blood serums subjected to official serologic tests and the test results indicate that the animal was exposed to and is infected with Brucella. Cattle and bison are also classified as reactors in the absence of significant serologic test results when bacteriologic methods result in the recovery of field strain Brucella organisms.~~

a significant rise in the serologic titer occurs, or when other epidemiologic evidence of infection is demonstrated.

(e) The evaluation and classification of titer responses for all animals shall be the responsibility of a trained, experienced epidemiologist who has been designated to perform this function, taking into consideration the animal and herd history and other epidemiologic considerations. The selection of the epidemiologist shall be made jointly by USDA Veterinary Services, Regional Epidemiologist, and state and federal animal health officials. Deviations from the reactor criteria are acceptable when made by the designated epidemiologist.

(f) Infection of animals by *Brucella* may also be indicated or confirmed by other diagnostic procedures such as the bacteriologic cultivation and isolation of *Brucella* from tissues, secretions, or excretions and positive agglutination in tests such as the semen plasma test.

(g) Animals initially classified as reactors may be eligible for reclassification provided an appropriate epidemiological investigation of the herd is conducted, including a serological test of the herd if necessary and there is no evidence of brucella infection or exposure thereto; and final classification is determined by the designated epidemiologist. The herd shall remain under quarantine pending final classification.

35:15-17-41. Identification of reactors [REVOKED]

All reactor animals are to be permanently identified by branding with the letter "B" (at least 2x2 inches) placed on the tailhead. An approved reactor tag shall be placed in the left ear. Identification of reactors shall be completed within fifteen (15) days of the date of classification. The time may be extended for an additional additional (15) days for reasons mutually acceptable to the cooperating state and federal officials in charge.

35:15-17-42. Identification of exposed animals [REVOKED]

(a) Exposed animals shall be identified by branding with a hot iron the letter "S" (at least 2x2 inches) placed on the tailhead prior to movement. These exposed animals may move from a farm of origin or from a livestock market direct to slaughter.

(b) Exposed animals returned from the livestock market to the herd of origin under quarantine pending further testing are exempt from this requirement.

(c) Exposed animals may move from the farm of origin direct to a federal or state inspected slaughtering establishment in a sealed truck without permanent identification by "S" brand provided:

- (1) The animals are destined for slaughter at a single slaughtering establishment;
- (2) The entire lot is consigned direct to slaughter with no diversion to holding facilities;
- (3) The animals are moved in sealed vehicles with an official shipping permit with eartag or backtag identification of each animal in the shipment;
- (4) The appropriate seal number is recorded; and
- (5) The permit accompanies each shipment.

(d) Seals are to be placed and broken only by state or federal regulatory personnel during normal working hours.

(e) Livestock to be transported in sealed vehicles shall remain on the premises until the appropriate regulatory personnel writes the permit and seals the vehicle.

(f) Post authorized permits shall not be approved.

35:15-17-43. Slaughter requirements [REVOKED]

~~(a) Reactor animals and "B" brand exposed animals shall be sold for immediate slaughter and removed from the premises under state or federal permit within fifteen (15) days of the date of identification. The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials in charge. Reactors or responders and "B" branded exposed animals in herd depopulations shall remain on the premises of origin until a state or federal permit for movement to slaughter is obtained. Movement for immediate slaughter shall be to a slaughtering establishment where federal or state inspection is maintained or to a state or federal approved market for sale to the slaughtering establishment. There shall be no diversion from the permitted destination.~~

~~(b) Exposed animals consigned for immediate slaughter shall remain on the premise of origin until an "S" brand permit for movement to slaughter is prepared. Movement for immediate slaughter shall be to a slaughtering establishment where state or federal inspection is maintained or to a state or federal approved market for sale to a slaughtering establishment. There shall be no diversion from the permitted destination.~~

~~(c) All test eligible animals shall have a blood sample collected at slaughter and all man-made identity shall be properly collected and submitted with each blood sample.~~

35:15-17-44. Movement of reactors, exposed animals and suspects [REVOKED]

~~(a) Reactors, "B" branded exposed animals and "S" branded animals shall be moved under permit or "S" brand permit. There shall be no diversion from the permitted destination. When moved, the animals shall be maintained separate and apart from all other classes of livestock in specially designed pens reserved for this purpose at livestock markets.~~

~~(b) Heifer calves born in affected herds or consigned with a market cattle investigation reactor shall meet one of the following to qualify for movement from the herd or sale premise:~~

~~(1) The heifer calves shall be "S" branded or spayed;~~

~~(2) The heifer calves shall be quarantined and held separate and apart from the affected adult herd after weaning until the entire quarantined group is negative on an official test occurring not less than thirty (30) days following the completion of their first calving; or~~

~~(3) If the heifer calves remain in or return to the affected adult herd, the entire herd shall not be released from quarantine until all the heifer calves have matured and calved; then at not less than thirty (30) days after all the retained heifers have completed first calving, the entire herd shall test negative for brucellosis to qualify for quarantine release.~~

35:15-17-45. Entering premises [REVOKED]

~~Persons engaged in the brucellosis eradication program shall be authorized to enter premises to carry out eradication procedures.~~

35:15-17-47. Herd depopulation [REVOKED]

~~All affected herds shall be depopulated unless granted a waiver as prescribed in 35:15-17-36. Following herd depopulation, all contact herds and adjacent herds within one (1) mile of the perimeter of the depopulated herd shall be tested as prescribed in 35:15-17-38.~~

35:15-17-48. Diagnostic agents for brucellosis [REVOKED]

~~Brucella antigens and all supplies accompanying these antigens used for the diagnosis or detection of brucellosis in domestic livestock shall be distributed only to state or federal animal health personnel and approved accredited veterinarians. Only state or federal animal health~~

~~personnel, approved veterinary technicians, and approved accredited veterinarians may possess brucella antigens or the supplies accompanying these antigens. Approved accredited veterinarians may use the brucella antigens and the supplies accompanying these antigens only in approved laboratories at state or federally approved markets for testing domestic livestock or bison consigned for sale at state or federally approved markets.~~

35:15-17-49. Adult vaccination [REVOKED]

~~(a) For affected, exposed, or at risk herds, adult brucellosis vaccinations shall adhere to current recommendations of the USDA Uniform Methods and Rules (UM&R) for Brucellosis Eradication.~~

~~(b) For cattle not vaccinated pursuant to subsection (a), above, the accredited veterinarian performing the brucellosis vaccination shall:~~

- ~~(1) obtain permission from the Oklahoma state veterinarian;~~
- ~~(2) obtain serum samples and submit to the State Federal laboratory for brucellosis testing;~~
- ~~(3) use the full, recommended dose of an approved brucella vaccine; and~~
- ~~(4) identify the cattle and report the vaccination as required in 35:15-17-3 (b).~~

35:15-17-50. Epidemiologic services [REVOKED]

~~The brucellosis eradication program shall furnish quality epidemiologic services to aid veterinarians and herd owners in brucellosis prevention and control leading toward local eradication. To accomplish this goal, the following components relating to epidemiologic service shall be instituted:~~

- ~~(1) State employed veterinarians having brucellosis program responsibilities shall attend an APHIS brucellosis epidemiology short course or its equivalent within the first year of their assignment.~~
- ~~(2) State livestock inspectors and APHIS animal health technicians shall have in their job descriptions a requirement for a structured program of continuing education on program elements.~~
- ~~(3) The state brucellosis program supervisor shall notify the state public health agency at the time or within fifteen (15) days of the imposition of each new affected herd quarantined for brucellosis. The public health agency shall take appropriate steps to mail to these herd owners educational letters encouraging any existing human cases of brucellosis to see a physician and recommend procedures to minimize further potential exposure of family members and employees to brucellosis.~~

35:15-17-51. Individual herd plan [REVOKED]

~~A written plan for the elimination of brucellosis from each affected herd shall be developed by the herd owner and his veterinarian if requested by the owner and a veterinarian of the cooperative state federal brucellosis eradication program.~~

35:15-17-52. Heifers to be spayed [REVOKED]

~~Heifers less than test eligible age and are to be spayed may be released from an auction market to a licensed approved veterinarian's clinic within the state of Oklahoma. These heifers shall be accompanied by an official permit. All heifers spayed be marked with a spade brand on the tail head. "S" branded females shall not be released to a veterinarian's clinic for spaying.~~

35:15-17-53. Assurance test [REVOKED]

~~All animals not included in a herd depopulation of an affected herd shall be placed under herd surveillance after quarantine release until they pass negative assurance tests. The assurance test schedule shall be between four (4) and eight (8) months and again between ten (10) and fourteen (14) months after the last reactor is removed from the herd. If all animals test negative to the assurance tests, the herd shall be removed from the surveillance list. The assurance test schedule may be modified by the Designated Brucellosis Epidemiologist if epidemiological evidence justifies a less stringent schedule.~~

35:15-17-54. Fictitious names and erroneous information [REVOKED]

~~Test charts, vaccination charts and other official forms shall be completed in the name of the actual owner or the person responsible for the cattle. An auction market or market operator shall not be held responsible for recording erroneous information provided by an owner, buyer or seller. The individual providing the erroneous or fictitious information shall be in violation of rules adopted by the State Board of Agriculture.~~

35:15-17-56. Commuter herds [REVOKED]

~~(a) — Any person, firm or corporation importing or exporting cattle or bison as a commuter herd in Oklahoma shall prepare an approved commuter herd agreement. The agreement shall be signed by the herd owner, or legal representative, and the State Veterinarians of all states in which the commuter herd resides. A commuter herd permit number will be assigned to each approved commuter herd.~~

~~(b) — All commuter herds shall be a part of a valid farming, breeding, or ranching operation and any movement shall be in the course of normal farming, breeding or ranching activities without change of ownership. Only those bulls and cows and their calves which are a part of the breeding herd may be moved as a commuter herd. Movements shall only be between premises designated on the agreement.~~

~~(c) — Any commuter herd which has disclosed reactors affected with field strain brucellosis during the previous forty-eight (48) months shall have a negative complete herd test within thirty (30) days of submission of the commuter herd agreement for consideration. Approval, denial or revocation of commuter herd status shall be based on the herd management and health history as evaluated by the designated brucellosis epidemiologists of all states in which the commuter herd resides.~~

~~(d) — The animals in an approved commuter herd may be moved between the states approving the commuter herd agreement without additional tests for brucellosis provided they are accompanied by a certificate of veterinary inspection issued by an accredited veterinarian within thirty (30) days of the movement. All requirements regarding any other infectious or contagious diseases shall be completed prior to issuance of the certificate of veterinary inspection.~~

PART 5. BRUCELLA VACCINE [REVOKED]

35:15-17-59. Brucella vaccine [REVOKED]

~~(a) — Use of approved brucella vaccine shall be in accordance with instructions approved by the State Board of Agriculture accompanying each lot of vaccine.~~

~~(b) — Non-approved brucella vaccine is prohibited for use or distribution.~~

~~(c) — Approved brucella vaccine shall only be used by approved veterinarians and approved regulatory personnel.~~

~~(d) — Before obtaining or using any approved brucella vaccine, veterinarians and regulatory personnel shall have successfully completed a formal course of training in the dilution, handling and use of the vaccine.~~

35:15-17-60. Official calfhood vaccination shield [REVOKED]

~~The official metal calfhood vaccination shield or any other approved device for the identification of official vaccinates shall remain exclusively in the possession of an accredited veterinarian or state or federal animal health official at all times. The approved official tattoo shall only be used to properly identify all officially calfhood vaccinated animals. Any unauthorized use or possession of this shield or other approved identification device shall constitute a violation of rules adopted by the State Board of Agriculture.~~

PART 7. CERTIFIED BRUCELLOSIS-FREE HERDS OF CATTLE OR BISON [REVOKED]

35:15-17-64. Qualifying methods [REVOKED]

~~A herd of cattle or bison may qualify as Certified Brucellosis-Free through one or more of the following methods:~~

~~(1) — Milk Ring Test.~~

~~(A) — A minimum of four (4) consecutive negative milk ring tests conducted at not less than ninety (90) day intervals, following by a negative herd blood test conducted within ninety (90) days after the last negative milk ring test are required for initial qualification.~~

~~(B) — Milk ring test procedures shall not be used for herd recertification.~~

~~(2) — Complete herd test.~~

~~(A) — At least two (2) consecutive negative tests of all test eligible animals not less than ten (10) months nor more than fourteen (14) months apart are required for initial certification. Additional herd tests may be conducted if the owner desires or if the certifying agencies deem it necessary.~~

~~(B) — A negative herd test of all test eligible animals conducted within sixty (60) days of each anniversary date is required for recertification. If the herd certification test is conducted within sixty (60) days following the anniversary date the certification period will be twelve (12) months from the anniversary and not twelve (12) months from the date of the recertifying test. If a herd test for recertification is not conducted within sixty (60) days following the anniversary date, then recertification requirements are the same as for initial certification.~~

35:15-17-65. Qualifying standards [REVOKED]

~~Qualifying standards for a Certified Brucellosis Free Herd of cattle or bison are as follows:~~

~~(1) — Size of area is on a herd basis, including all offspring.~~

~~(2) — Length of status is twelve (12) months.~~

~~(3) — Testing period.~~

~~(A) — For initial certification the period is ten (10) to fourteen (14) months, or a minimum of nine (9) months if the milk ring test is used.~~

- ~~(B) — For recertification a negative blood test of all test eligible animals shall be conducted within ten (10) to fourteen (14) months of the last certification date for continuous status.~~
- ~~(4) — The individual herd shall have no evidence of infection at the time of initial herd certification or recertification.~~
- ~~(5) — The individual animals shall have no evidence of infection at the time of initial herd certification or recertification.~~
- ~~(6) — Animals classified as suspects shall be tested sufficiently to determine their status. The various supplemental tests shall be conducted on blood samples, and the results evaluated by a brucellosis epidemiologist and a determination made that an infection does not exist before the surveillance on suspects is dropped. If the suspects requiring retests are not available, then a complete herd test is required.~~
- ~~(7) — When one or more reactors are disclosed in a certified herd or in a herd under test for initial certification, the herd status shall be affected and the quarantine and retest provisions shall apply.~~
 - ~~(A) — A herd qualifies for initial Certified Brucellosis Free status when the herd is free of infection, all provisions of release of quarantine are met, and additional provisions required under 35:15-17-64 are met.~~
 - ~~(B) — A herd decertified because a brucellosis reactor is discovered shall only be recertified by repeating the entire certification process.~~
- ~~(8) — Standards for movement of animals into a Certified Brucellosis Free Herd are as follows:~~
 - ~~(A) — Animals consigned to feedlots may be held on premises with a Certified Brucellosis Free Herd provided these animals meet the blood testing requirements prior to entry into the feedlot and there is no contact with the Certified Brucellosis Free Herd.~~
 - ~~(B) — No test requirements on breeding or dairy animals originating from Certified Brucellosis Free Herds or Class Free States or Areas shall be required. Animals added to the Certified Brucellosis Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a sixty to one hundred twenty (60-120) day post entry retest.~~
 - ~~(C) — Test eligible animals from herds not under quarantine and from Class A, B, or C Areas or States shall be blood tested negative for brucellosis within thirty (30) days prior to the date of being moved. In addition, all other requirements for interstate or intrastate movement shall be met. A sixty to one hundred twenty (60-120) day post entry retest is required for all cattle purchased from noncertified free herds. Animals added to a Certified Brucellosis Free Herd under this provision shall not receive new herd status for sale purposes until passing a sixty to ninety (60-120) day post entry retest and are included in an anniversary herd test.~~

35:15-17-66. Certified Brucellosis-Free Herd [REVOKED]

- ~~(a) — Certified Brucellosis-Free Herds shall have at least two (2) consecutive negative tests not less than ten (10) months nor more than fourteen (14) months apart. Additional herd tests may be conducted if the owner desires or if USDA Veterinary Services or the Oklahoma Department of Agriculture, Food, and Forestry deem it necessary.~~

- ~~(b) Commercial dairy herds require a minimum of four (4) consecutive negative milk ring tests conducted at not less than ninety (90) day intervals followed by a negative herd blood test conducted within ninety (90) days after the last negative milk ring test.~~
- ~~(c) Herd additions and requalification shall be in accordance with procedures outlined in 35:15-17-64 and 35:15-17-65.~~

PART 13. COMMUNITY PASTURES [REVOKED]

35:15-17-83. Community pastures [REVOKED]

~~Groups of test-eligible cattle and bison under multiple ownership that share a common premises, including but not limited to a community pasture, grazing association, or lease, shall be from a herd not known to be affected with brucellosis, and have passed a negative test within thirty (30) days prior to sharing a common premises with other herds.~~

PART 15. DEPOPULATION PAYMENT [REVOKED]

35:15-17-87. Conditions and animal qualifications for depopulation payment [REVOKED]

~~(a) Any owner of cattle or bison destroyed because of an approved brucellosis depopulation agreement with the State of Oklahoma shall be entitled to payment in an amount of \$50.00 for each eligible animal, provided the animal qualifies for payment pursuant to official state brucellosis rules and agreement for depopulation.~~

~~(1) All eligible animals shall be tagged and "B" branded as reactor animals.~~

~~(2) All eligible "B" branded animals shall be handled in accordance with 35:15-17-44.~~

~~(b) State depopulation monies, within the limits of availability, shall be in addition to any payments made by the United States Department of Agriculture for depopulation.~~

~~(c) State depopulation monies shall not be paid unless the owner of the cattle or bison is in compliance with all the requirements of the State of Oklahoma brucellosis depopulation agreement.~~

PART 17. BLOOD TYPING [REVOKED]

35:15-17-91. Misrepresentation of blood samples or animals [REVOKED]

~~(a) It shall be a violation of rules adopted by the State Board of Agriculture to misrepresent any blood sample submitted for official testing. Methodology currently used for blood typing may be used to assure the validity of samples.~~

~~(b) When a retest of a serologically positive animal is conducted, it shall be a violation of rules adopted by the State Board of Agriculture for anyone to present any animal other than the original animal for the retest. Methodology currently used for blood typing may be used to assure that the samples match.~~

SUBCHAPTER 36. SCRAPIE

35:15-36-1. Incorporation by reference of federal regulations

Regulations of the United States Department of Agriculture concerning scrapie in sheep and goats found at 9 CFR Part 79 (2019 2020 Revision) are adopted by reference with the exception of the deleted regulations specified in 35:15-36-2.

35:15-36-2. Deleted regulations

The following sections of the Federal regulations governing scrapie in sheep and goats (9 CFR, Part 79 et seq.) (~~2019~~ 2020 Revision) of the USDA incorporated by reference under 35:15-36-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 79.6 and 79.7.

SUBCHAPTER 37. MINIMUM STANDARDS FOR CERTIFIED BRUCELLOSIS-FREE GOAT HERDS

35:15-37-1. Minimum standards for certification and recertification of Certified Brucellosis-Free Goat Herds

Minimum standards for certification and recertification of Certified Brucellosis-Free Goat Herds are:

- (1) Animals to be tested. Requires complete herd test of all breeding goats six (6) months of age or older, as follows:
 - (A) For initial certification, at least two (2) negative tests not less than ten (10) months, nor more than fourteen (14) months apart.
 - (B) For recertification, a negative herd test, of all breeding animals six (6) months of age or older, ~~within sixty days of each~~ not less than ten (10) months nor more than fourteen (14) months from the anniversary date is required for continuous certification. If the herd certification test is conducted within sixty (60) days following the anniversary date, the certification period will be twelve (12) months from the anniversary, and not twelve (12) months from the date of the recertifying test. If a herd test for recertification is not conducted within sixty (60) days following the anniversary date, then certification requirements are the same as for initial certification.
- (2) Additions. Additions to a Certified Brucellosis-Free Herd ~~must~~ shall originate from a herd of origin which has passed a negative blood test within the previous twelve (12) months, and animals entering a Certified Brucellosis-Free Herd ~~must~~ shall have an additional negative retest not less than sixty (60) days from the date of the negative herd test, and within thirty (30) days of date of movement. Animals added under this provision shall not receive new herd status for sale purposes until they have been members of the herd at least thirty (30) days and are included in a complete herd test.

SUBCHAPTER 38. BOVINE TRICHOMONIASIS

35:15-38-1. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Acceptable specimen" means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.

"Approved feedlot" means a confined animal feeding operation (CAFO) licensed by the Department.

"Approved laboratory" means any laboratory designated and approved by the state veterinarian for examining T. foetus samples.

"Approved veterinarian" means a licensed accredited veterinarian who has complied with all Department regulations and educational requirements, and who has been approved by the Department to conduct necessary tests, vaccinations, inspections, and other duties.

"Bovine" means any sexually intact male and female animal of the genus bos.

"Change of ownership" means control of an animal being transferred between two (2) persons by sale, lease, or lending.

"Commingle" means animals of opposite sex and/or belonging to different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

"Exposed bull" means an untested bull that has had an opportunity to breed exposed female cattle.

"Exposed female" means a female bovine animal that is sexually intact and sexually mature that could have been exposed to a positive T. foetus bull.

"Herd" means the group of animals consisting of all male and female bovines over twelve (12) months of age that have commingled during the last twelve (12) months.

"Negative T. foetus bull" means a bull that qualifies by one of the following:

- (A) originate from a herd not known to be infected and has had a negative official T. foetus bull test within the last year;
- (B) originate from a positive herd but has a series of three negative official T. foetus bull tests at intervals of at least one week; or
- (C) a negative official T. foetus bull test within sixty (60) days prior to entry with no sexual activity for one (1) week prior to the test and between the test and movement.

"Official T. foetus laboratory testing" means the laboratory procedures that shall be approved by the state veterinarian for culture and identification of T. foetus.

"Official T. foetus bull test" means the sampling of the preputial content of a bull by a licensed, accredited and trichomoniasis certified veterinarian or a veterinarian from the Oklahoma Department of Agriculture, Food, and Forestry. The test shall be conducted after ~~a~~ at least one (1) week separation from all female bovine and the bull and sample shall be officially identified and documented for laboratory submission. The test ~~may~~ shall consist of three (3) culture tests at least one (1) week apart or one (1) Real Time PCR test. Pooled samples are acceptable.

"Oklahoma trichomoniasis certified free herd" means a herd of cattle that has been determined to be free of bovine trichomoniasis by following the requirements of OAC 35:15-38-4.

"Pooled sample" means a method of sampling where a sample from each bull is submitted in an individual transport pouch and the laboratory mixes aliquots from up to five (5) samples together to economize the test cost.

"Positive T. foetus bull" means a bull that has had a positive T. foetus test.

"Positive T. foetus herd" means the group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any male or female animal has had a positive diagnosis for T. foetus.

"Resident herd of origin" means a group of livestock maintained together as a herd or flock on the same premises for at least four (4) months.

"Suspect T. foetus bull" means a bull from a positive T. foetus herd that has not yet had three (3) consecutive negative official T. foetus bull tests.

"Tritrichomas foetus" or **"T. foetus"** means a contagious venereal protozoan parasite disease of the trichomonas foetus species that frequently results in lifetime infection of male bovidae as an inapparent carrier and causes infertility, pyometra, abortions and reproductive inefficiency in female bovidae.

"Unacceptable sample" means a sample that is deemed not diagnostic by the official testing laboratory.

"Virgin bull" means a sexually intact male bovine less than twelve (12) months of age or a sexually intact male bovine between twelve (12) and eighteen (18) months of age that has had no breeding and no potential breeding contact with females.

"Virgin bull affidavit" means a signed affidavit from the owner, manager, or veterinarian that verifies the bull is between twelve (12) and eighteen (18) months of age and has had no breeding and no potential breeding contact with females.

35:15-38-2.1. Intrastate change of ownership requirements for bulls

(a) Any bull greater than twelve (12) months of age changing ownership within the state of Oklahoma shall have a negative official T. foetus test within sixty (60) days prior to change of ownership with no exposure to females from seven (7) days prior to the test to the time of change of ownership. Each bull shall be identified with an official ID tag at the time of testing.

(b) Exceptions to this rule shall include the following:

(1) A bull between twelve (12) and twenty-four (24) months of age accompanied by a virgin bull affidavit;

(2) A bull sold directly to slaughter;

(3) A bull sold for feeding and slaughter to be fed in an approved feedlot only and leaves the feedlot only to be slaughtered; or

(c) Any bull presented for sale at a livestock auction market without a virgin bull affidavit (if between twelve (12) and twenty-four (24) months of age) or verification of a negative official T. foetus test:

(1) Shall be tagged for slaughter only and sold for slaughter only;

(2) May go to the purchaser's destination so long as the market veterinarian takes a sample for an official T. foetus test and the purchaser agrees to keep the bull under quarantine at the destination until receipt of negative test results.

(d) A livestock auction market shall not be liable for a virgin bull affidavit and shall not be liable for the results of a market veterinarian's sampling and results for an official T. foetus test.

SUBCHAPTER 40. BOVINE TUBERCULOSIS

PART 3. GENERAL TUBERCULOSIS RULES

35:15-40-49.4. Rodeo bulls

(a) Rodeo bulls moving within the state shall meet the following requirements:

(1) Be accompanied by a negative tuberculosis test performed by an accredited veterinarian within the previous ~~365~~ three hundred sixty-five (365) days and the test was performed in the name of the current owner; and

(2) Be identified with an official Radio Frequency Identification Device (RFID) identification tag.

- (b) The official in charge of an event shall be responsible for verifying that all rodeo bulls entering any exhibition meet all testing requirements.
- (1) The official in charge of an event shall not be held responsible for recording or accepting falsified or erroneous information provided by an owner.
 - (2) Any person providing erroneous or fictitious information shall be in violation of these rules.
- (c) Any official in charge of an event who knowingly, negligently, or willfully allows an untested or positive animal to enter an exhibition shall be in violation of these rules and the official in charge and the owner of the positive or untested animal shall be equally and individually in violation of these rules.

PART 7. IMPORT REQUIREMENTS

35:15-40-93. Rodeo bulls

- (a) Rodeo bulls may move into the State of Oklahoma provided:
- (1) The rodeo bull is accompanied by a negative tuberculosis test performed by an accredited veterinarian within the previous ~~365~~ three hundred sixty-five (365) days and the test was performed in the name of the current owner;
 - (2) The bull is identified with an official Radio Frequency Identification Device (RFID) identification tag;
 - (3) A certificate of veterinary inspection accompanies each interstate movement of the bull; and
 - (4) A permit for entry is issued for each interstate movement of the bull.
- (b) The official in charge of an event shall be responsible for verifying that all rodeo bulls entering any exhibition meet all testing requirements.
- (1) The official in charge of an event shall not be held responsible for recording or accepting falsified or erroneous information provided by an owner.
 - (2) Any person providing erroneous or fictitious information shall be in violation of these rules.
- (c) Any official in charge of an event who knowingly, negligently, or willfully allows an untested or positive animal to enter an exhibition shall be in violation of these rules and the official in charge and the owner of the positive or untested animal shall be equally and individually in violation of these rules.

SUBCHAPTER 44. FARMED CERVIDAE

35:15-44-19. Entry and export requirements

- (a) Import of cervidae shall be accompanied by a Certificate of Veterinary Inspection and a Cervidae Import Permit approved or provided by the Department.
- (1) The import permit shall be valid for thirty (30) days from approval.
 - (2) Cervidae Import Permit applications shall be submitted to the Department no less than three (3) working days prior to the scheduled shipment.
- (b) Cervidae shall have two forms of identification. One (1) of these two (2) forms of identification shall be official identification.
- (c) The State Veterinarian or designee may require a brucellosis test of any cervidae subject to the provisions of this subchapter.

- (d) All cervidae shall meet the tuberculosis testing provisions found at 9 CFR Part 77 (2019 2020 Revision).
- (e) All cervidae, within the genera *Odocoileus*, *Cervus*, and *Alces* and their hybrids, shall originate from a chronic wasting disease certified herd from a county where no chronic wasting disease has been confirmed in native cervidae populations.

SUBCHAPTER 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDS

PART 1. GENERAL

35:15-47-2. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Affected herd" means a herd of cervidae that contains or has contained one or more animals infected with chronic wasting disease.

"Certified CWD sample collector" means an individual who has completed appropriate training recognized by the Department on the collection and preservation of samples for CWD testing and on proper record keeping, and who has been certified to perform these activities by the Department.

"Cervidae" means, for the purposes of this Subchapter only, white-tail deer, black-tail deer, mule deer, red deer (European elk), and elk but does not include members of the cervidae family that are not susceptible to CWD.

"Herd" means one or more cervidae maintained on common ground and includes all cervidae under single or multiple ownership or supervision that are geographically separated but can have an interchange of cervidae between the groups.

"Herd plan" means a herd management and testing agreement developed by state and federal animal health officials in conjunction with the herd owner. A herd plan shall be valid only upon approval by the State Veterinarian.

"Suspect animal" means a cervid that displays clinical signs suggestive of CWD, including but not limited to, weight loss, poor condition, drooling, behavioral abnormalities, incoordination, weakness, or recumbency.

PART 5. DISPOSITION OF POSITIVE AND TRACE HERDS

35:15-47-11. Disposition of positive herds

- (a) A CWD positive herd shall be depopulated.
- (b) ~~The Board may pay an indemnity not to exceed fifty dollars (\$50.00) per head for any depopulated cervidae.~~
- (c) After depopulation of a CWD positive herd, the herd owner may repopulate the premise with new cervidae only pursuant to herd plan requirements.

PART 7. INTERSTATE MOVEMENT REQUIREMENTS

35:15-47-18. Minimum CWD requirements for interstate movement of cervids

- (a) Regulations of the United States Department of Agriculture concerning the interstate movement of cervidae found at 9 CFR Part 81 (2019 2020 Revision) are adopted by reference.

(b) Caribou and Reindeer shall meet all interstate movement regulations that apply to cervidae found at 9 CFR Part 81 (~~2019~~ 2020 Revision).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

(A) PURPOSE OF THE PROPOSED RULE:

The proposed rule amendments modify requirements for exhibitions and shows; modify identification requirements for certain cattle; modify requirements for change of ownership of dairy cattle; provide regulations for intrastate movement, diversion, and separation of Mexican cattle; provide for intrastate movement of rodeo bulls; provide recordkeeping requirements for sale of certain animals; update citations to the Code of Federal Regulations; revise rules related to biological products; provide for importation of domestic companion animals; provide requirements regarding vesicular stomatitis; conform language; provide for importation of foreign animals; modify definitions; update requirements for livestock auction markets; update language; revoke outdated provisions and provisions duplicated in federal regulations; modify recertification requirements of certain herds; add certain renewal application fee; and update obsolete language.

(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 rules affect persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock. No cost impacts have been received to date.

(C) PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:

Persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock, will benefit from the proposed rules.

(D) DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:

Persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock, will benefit from the proposed rules.

(E) PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:

No additional cost to the Department is anticipated by the proposed rules.

(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 effect on any political subdivision is anticipated by the proposed rules.

(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:**

The proposed rules will have no adverse effect on small business.

(H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rules will benefit public health, safety, and the environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on November 2, 2020.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 17. WATER QUALITY

SUBCHAPTER 3. SWINE FEEDING OPERATIONS

35:17-3-5. License required [REVOKED]

~~In addition to concentrated swine feeding operations, any person who has filed a Notice of Intent (NOI) to be covered under the National Pollution Discharge Elimination Systems (NPDES) General Permit on Concentrated Animal Feeding Operations issued by the Environmental Protection Agency (EPA) on February 8, 1993 or its replacement or possessing an NPDES Permit for a swine feeding operation shall be required to obtain an Oklahoma swine feeding operation license. Any swine feeding operation may be required to obtain an Oklahoma swine feeding operation license if it is specifically identified as a significant contributor of pollution by either the Director of EPA Region 6 or the State Board of Agriculture.~~

35:17-3-12. Documentation of no hydrologic connection [REVOKED]

~~USDA NRCS design specifications in the USDA NRCS Agricultural Waste Management Field Handbook Chapter 10 (formerly Tech Note 716) shall satisfy documentation of no hydrologic connection so long as the facility is designed by USDA NRCS and does not exceed one thousand (1,000) swine animal units.~~

SUBCHAPTER 4. CONCENTRATED ANIMAL FEEDING OPERATIONS

35:17-4-3. License required [REVOKED]

~~In addition to CAFOs, any person who has filed a Notice of Intent (NOI) to be covered under the National Pollution Discharge Elimination Systems (NPDES) General Permit on Concentrated Animal Feeding Operations issued by the Environmental Protection Agency (EPA) on February 8, 1993 or its replacement or possessing an NPDES Permit shall be required to obtain an Oklahoma CAFO License. Any animal feeding operation may be required to obtain an Oklahoma CAFO License if it is specifically identified as a significant contributor of pollution by either the Director of EPA Region 6 or the State Board of Agriculture.~~

35:17-4-10. Documentation of no hydrologic connection [REVOKED]

~~USDA NRCS design specifications in the USDA NRCS Agricultural Waste Management Field Handbook Chapter 10 (formerly Tech Note 716) shall satisfy documentation of no hydrologic connection so long as the facility is designed by USDA NRCS and does not exceed one thousand (1,000) animal units.~~

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule revocations remove obsolete requirements from concentrated animal feeding operations and swine feeding operations. The rules revoked are no longer necessary because the agency now has approval to operate the federal concentrated animal feeding operation programs and no longer needs to refer to obsolete documents.

(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 rule amendments affect persons regulated by the Department's swine feeding operation and concentrated animal feeding operation statute and rules. No cost impacts have been received to date, but it will be less costly.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Persons and operations licensed under these rules will benefit from the revocation of the rules.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Persons and licensees relying on the Department's swine feeding operation and concentrated animal feeding operation programs will be able to avoid the additional cost of a second license.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rule revocations.

(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 effect on any political subdivision is anticipated by the proposed rule revocations.

(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:**

The proposed rule revocations will have no adverse effect on small business.

(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule revocation.

(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rule revocations will not detrimentally affect the public health, safety, and environment.

(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The Department is not aware of any detrimental effect the proposed rule revocations will have on public health, safety, and environment.

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on October 23, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 18. CARCASS DISPOSAL

35:18-1-4. Methods of disposal

A domestic animal carcass may be stored in a freezer until such time as the owner is able to dispose of the carcass in one of the following methods:

(1) Burial shall only be used to dispose of a domestic animal carcass if the soil and site conditions are suitable and if no other reasonable alternative exists.

(A) Specific measures and practices shall be utilized to protect the ground ~~and surface~~ and surface waters of the state. The local NRCS office may be available with initial evaluation or an owner may use the NRCS web soil survey tool to perform a desktop site evaluation, but actual site conditions shall be the determining factor when evaluating a site's suitability for burial of a domestic animal carcass.

(B) Requirements for burial of a domestic animal carcass are as follows:

(i) Burial of a domestic animal carcass requires the construction of a pit or trench.

(ii) A burial pit or trench shall not be located closer than one (1) foot vertically above the flood plain or within two (2) feet of the water table or bedrock.

(iii) A burial pit or trench shall not be located within three hundred (300) feet of a well, waters of the state, neighboring residences, public areas, or property lines.

(iv) A burial pit or trench shall not be located along any stream or ravine where a domestic animal carcass may become exposed through erosion of the soil, or where the land is at any time subject to overflow.

(v) After placing a domestic animal carcass in a pit or trench, the carcass shall be covered with a minimum of two and one-half (2 ½) feet of soil.

(vi) A burial pit or trench shall be mounded so water does not pond on the mounded area.

(vii) A burial pit or trench shall be routinely inspected to add additional soil, if necessary, and to ensure that animals are not scavenging, digging, or dragging away a domestic animal carcass.

(viii) Surface rainwater shall be directed to flow away or around the burial pit or trench.

(2) ~~General requirements for composting~~ Composting of a domestic animal carcass may be utilized as a method of carcass disposal if the following requirements are as follows met:

(A) The composting process shall be managed at all times to be practically odorless, prevent fly larvae development, prevent animal depredation and prevent leaching of waste material which may cause water or soil contamination.

(B) A domestic animal carcass shall be reduced to brittle, easily broken bone after composting.

- (C) A minimal peak temperature of 130 degrees Fahrenheit shall be achieved during the composting process to produce pathogen free compost.
- (3) A domestic animal carcass ~~shall~~ may be disposed of in a self-contained, closed incinerator. An air quality permit from the Oklahoma Department of Environmental Quality may be required.
- (4) A domestic animal carcass ~~shall~~ may be disposed of in a landfill approved to dispose of animal carcasses by the Oklahoma Department of Environmental Quality.
- (5) A domestic animal carcass ~~shall~~ may be disposed of by delivering to a rendering facility within twenty-four (24) hours of death, unless the carcass has been refrigerated or frozen.
- (6) A domestic animal carcass, other than poultry, may be disposed of by above ground burial.

(A) Specific measures and practices shall be utilized to protect the ground and surface waters of the state. The local NRCS office may be available with initial evaluation or an owner may use the NRCS web soil survey tool to perform a desktop site evaluation, but actual site conditions shall be the determining factor when evaluating a site's suitability for above ground burial of a domestic animal carcass.

(B) Requirements for above ground burial of a domestic animal carcass are as follows:

- (i) Above ground burial of a domestic animal carcass requires the construction of a trench. The trench shall have an approximate depth of 24 inches. There shall be a carbon source placed in the trench at an approximate depth of 12 inches. The domestic animal carcass shall be placed on the carbon layer and covered with a soil cap. A suitable vegetative layer shall be planted or seeded on the soil cap.
- (ii) The domestic animal carcass layer shall be a maximum of two feet deep.
- (iii) An above ground burial trench shall not be located closer than one (1) foot vertically above the flood plain or within two (2) feet of the water table or bedrock.
- (iv) An above ground burial trench shall not be located within three hundred (300) feet of a well, waters of the state, neighboring residences, public areas, or property lines.
- (v) An above ground burial trench shall not be located along any stream or ravine where a domestic animal carcass may become exposed through erosion of the soil, or where the land is at any time subject to overflow.
- (vi) After placing a domestic animal carcass in an above ground burial trench, the carcass shall be covered with a minimum of two and one-half (2 ½) feet of soil. If this is not attainable, fencing may be required around the trench area to ensure protection from animals.
- (vii) An above ground burial trench shall be mounded so water does not pond on the mounded area.
- (viii) An above ground burial trench shall be routinely inspected to add additional soil, if necessary, and to ensure that animals are not scavenging, digging, or dragging away a domestic animal carcass.

(ix) Surface rainwater shall be directed to flow away or around the above ground burial trench.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 18. CARCASS DISPOSAL

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments are to include above ground burial as a method of disposal of domestic animal carcasses, other than poultry, in Oklahoma.

(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 rule amendments primarily affect persons who own domestic animals and would like to use above ground burial for disposal.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Persons relying on the Department's regulation of carcass disposal and citizens of the State of Oklahoma shall benefit from the proposed rules.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Persons relying on the Department's regulation of carcass disposal will be provided an additional method for disposal of domestic animals.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rule amendments.

(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 rule amendments will benefit the public health, safety, and environment by increasing compliance with Department regulations relating to carcass disposal.

(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 rule amendments.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

November 4, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 20. FORESTRY

SUBCHAPTER 3. RURAL FIRE PROTECTION PROGRAM FUND ACT

PART 3. FINANCIAL ASSISTANCE PROGRAM

35:20-3-12. Financial assistance program grant administration

(a) Recordkeeping and auditing. Participants ~~are required to~~ shall keep complete and accurate records of expenditures made using Financial Assistance Program funds, and make ~~them~~ the records available during any subsequent audit. ~~Fire departments will~~ Each fire department shall submit a an annual expenditure report to the Coordinator on the form prescribed on how the program funds were expended. If a fire department fails to submit the required annual expenditure report, Financial Assistance Program funds may be reduced or eliminated, but only during the next calendar year.

(b) Coordinator's report. The Coordinators ~~will~~ shall submit a written report of Financial Assistance Program results and benefits, as requested by Forestry Services, by June 1 of the following year for funds expended in their Rural Fire Coordination District.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 20. FORESTRY

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rules require submission of certain annual expenditure report; provide penalty for failure to submit certain report; and update language.
- (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 rules affect fire departments receiving funds from the Department through the Financial Assistance Program. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Fire departments that rely on funds from the Department's Financial Assistance Program will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Fire departments that participate in the Department's Financial Assistance Program will be provided a penalty for failure to submit a required report.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (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 effect on any political subdivision is anticipated by the proposed rules.
- (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:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rules will not affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on November 2, 2020.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 25. LABORATORIES

SUBCHAPTER 1. GENERAL PROVISIONS

35:25-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of setting up guidelines and procedures for the operation of the Laboratory Division, ~~as well as to establish fees for analysis and to establish rules for licensing metrology laboratories.~~

SUBCHAPTER 5. CHEMISTRY

35:25-5-1. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"AAFCO" means the ~~American~~ Association of ~~Fertilizer~~ American Feed Control Officials.

~~"AAFM" means the American Association of Feed Microscopists.~~

"AAPFCO" means the Association of American Plant Food Control Officials.

"AAPCO" means the ~~American~~ Association of ~~Pesticide~~ American Pesticide Control Officials.

~~"AOAC" "AOAC International"~~ means the Association of Official Analytical ~~Chemists~~ Collaboration International.

"EPA" means the United States Environmental Protection Agency.

"FDA" means the United States Food and Drug Administration.

~~"Microscopy" means the microscopic analysis of a sample.~~

"Official sample" means a sample which has been taken by a properly prescribed method by a State Department of Agriculture, Food, and Forestry inspector or an authorized agent of the State Department of Agriculture, Food, and Forestry.

"Procedure" means the method of analysis of a sample.

"Service sample" means a non-official sample taken by an individual, corporation, firm or other state agency for informational use, and shall not include samples deemed to be "official samples".

~~"Standard methods for examination of dairy products" means the microbiological and chemical methods formulated by the American Public Health Association.~~

"Tolerance" means the deviation from the guaranteed analysis permitted by law. The tolerances shall be established by State Board of Agriculture where needed, except where otherwise provided by law or these regulations.

~~"USFDA" means the United States Food and Drug Administration.~~

35:25-5-2. Administrative organization

Except as otherwise provided herein, and except as may be directed by the State Board of Agriculture, the powers, duties, and functions vested by the Oklahoma Agricultural Code and the rules of this subchapter shall be exercised and performed through a division of the State

Department of Agriculture, Food, and Forestry, to be known as the Agricultural Laboratories Laboratory Services Division. ~~Such~~ The Division shall be under the immediate supervision of a Director, who shall be appointed by the Board and whose compensation and duties shall be fixed by the Board. The Director of ~~such the~~ division shall be known as the Director of the Agricultural Laboratories Laboratory Services Division.

35:25-5-4. Methods of analysis; tolerances

- (a) The methods of analyzing and testing samples shall be those adopted by the State Board of Agriculture from sources which may include, but shall not be limited to, those adopted by ~~the~~ AOAC, AAPCO, AAFCO, AAEM AAPFCO, AOAC International, and the Standard Methods for Examination of Dairy Products FDA, when methods from these sources are available.
- (b) Tolerances for residues of pesticide chemicals shall be identical to those tolerances established by ~~USEPA EPA~~, unless a variance is necessary for the protection of the public health or unless otherwise prescribed by the State Board of Agriculture or State Board of Health in accordance with the provision of law.

35:25-5-5. Analytical Fees

- (a) The fees to be charged for testing or analyzing samples shall be determined by the State Board of Agriculture and shall be filed in the office of the Secretary of State.
- (b) ~~Should~~ If an analysis ~~be is~~ requested for which no fee has been established, the Board shall ~~within a reasonable time~~ determine and file ~~said the~~ the fee; and the sample shall be charged accordingly.
- (c) No charges ~~will~~ shall be made for the analysis or testing of an "official sample" as defined in 35:25-5-1.
- (d) All service (unofficial) samples submitted for analysis or testing by individuals, firms, corporations or other state agencies shall be subject to the required fees as specified in subsection (a) of this section.
- (e) Monies received for the analysis of service samples ~~shall be deposited in the Agricultural Trust Fund~~. ~~These monies~~ shall be used solely to perform analytical work.

35:25-5-7. Recordkeeping

The records of analysis shall be maintained in the Agricultural Laboratories Laboratory Services Division ~~for a period not to exceed two (2) years~~ pursuant to the requirements of each program.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 25. LABORATORIES

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rules update language; add and modify definitions; update source references; delete obsolete language; and modify recordkeeping requirements.
- (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 rule amendments affect persons receiving services from the Department's Laboratory Services, Agricultural Laboratories division. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on services through the Department's Laboratory Services, Agricultural Laboratories division will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on services through the Department's Laboratory Services, Agricultural Laboratories division will be provided with new and modified definitions, source references, and recordkeeping requirements.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (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 effect on any political subdivision is anticipated by the proposed 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:**
The proposed rule amendments will have no adverse effect on small business.

(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on November 2, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 17. COMBINED PESTICIDE

PART 5. PREREQUISITES FOR LICENSING

35:30-17-11. Application for license required

- (a) Prior to issuance of any license, an applicant shall properly complete a license application.
- (b) An application for license shall be considered properly filed when the Board has received the following:
 - (1) An application completed and signed prior to January 1 of the license year.
 - (2) Cash, check, or money order in the proper amount.
 - (3) Certificate of insurance.
- (c) A commercial pesticide applicator operating under more than one business identity or name from a single business location shall be licensed separately for each business identity or name, including but not limited to any trade name, "d/b/a", website, alias, or other designation used in commerce for the purpose of offering services regulated by this subchapter.
- (d) The application shall also list the natural person or legal entity lawfully permitted to do business in the State of Oklahoma using or operating under the licensed name.
- (e) The Department shall issue a stop sale order and initiate license revocation proceedings against any person or legal entity that is not lawfully permitted to do business in the State of Oklahoma or is not permitted to do business in the State of Oklahoma under the business identity or name provided in the application.
- (f) A commercial pesticide applicator with a single business identity or name but operating from more than one business location shall be licensed at each separate business location.
- (g) If the name selected by an applicant for a license to act, operate, or do business or advertise as a commercial or noncommercial applicator in the State of Oklahoma is the same or so near the same as that of another licensee already doing business in the state as to cause confusion in the minds of the people or is likely to deceive the public, the Department may require the applicant to apply for a license under a different name that is distinguishable from the names of existing licensees. Any determination made pursuant to this rule shall be at the sole discretion of the Department.
- (h) Each business location licensed shall have a minimum of one certified applicator at that location who is certified in each licensed category for which application is made.
- (i) A franchised business shall have a separate license and a separate certified applicator at each business location.
- (j) Established time periods for the issuance, renewal or denial of all certifications and licenses required by law shall be as follows:
 - (1) The Department shall review a new application within fifteen (15) working days from the date received.

- (2) Any renewal application for certification or license received prior to the renewal date established by the Board shall be considered valid until a final determination is made.
- (3) Following review, if it is determined that the requirements have been met, the appropriate certification or license shall be issued within ten (10) working days of the determination date.
- (4) Following review, if it is determined that the requirements have not been met, the appropriate certification or license shall be denied. Notification of the denial shall be made in writing to the applicant within ten (10) working days of the determination. The notification shall state the reasons for the denial and identify steps necessary to meet the requirements for issuance.

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

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

- (a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2019~~ 2020 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.
- (b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 8. PESTICIDE REGISTRATIONS AND PERMITS

35:30-17-17. Pesticide registrations

- (a) Pesticide registrations shall be issued for a period of one (1) year and shall expire annually as follows:
 - (1) Companies whose names begins with the letters A, B, C, D, E, & F shall expire on March 31st of each year (group 1).
 - (2) Companies whose names begins with the letters G, H, I, J, K, L, & M shall expire on June 30th of each year (group 2).
 - (3) Companies whose names begins with the letters N, O, P, Q, R, & S shall expire on September 30th of each year (group 3).
 - (4) Companies whose names begins with the letters T, U, V, W, X, Y, & Z shall expire on December 31st of each year (group 4).
- (b) Pesticide registration applications ~~must~~ shall be received no later than the fifteenth day of the month following the date of expiration.
- (c) Unless provided otherwise, registrants shall be responsible for the registration of pesticides and devices and may be sanctioned by the Department if unregistered pesticides or devices are distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate or interstate commerce by registrants, distributors or dealers.

(d) Pesticides and devices classified under sections 24(c) or 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq. shall be registered with the Department and shall comply with all registration requirements established by the Department.

(e) Companies producing, packaging, labeling, and shipping pheromone lures, traps, and monitoring systems from Oklahoma shall be exempt from pesticide registration.

(f) The Department may waive the annual pesticide registration fee when granting experimental use permits. Before issuing an experimental use permit, the Department may require the registrant to provide a complete copy of the use plan, label, contact information for the person responsible in Oklahoma and any other information required for pesticide or device registration.

~~(f)~~(g) Registrants shall submit a laboratory standard and an analytical method for each new pesticide product registered for which either/or both have not previously been submitted or has changed since the previous submission. Submissions shall be made to: Supervisor, ODAFF Pesticide Laboratory, 2800, N. Lincoln Blvd. Oklahoma City, Oklahoma.

PART 11. STANDARDS FOR APPLICATION OF PESTICIDE

35:30-17-25. Pesticide application by certified applicators, service technicians, and private applicators

(a) A certified applicator shall be on site to use any pesticide when required by the label or labeling.

(b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.

(c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.

(d) ~~The~~ A certified applicator may be ~~the~~ a service technician in other categories for ~~the~~ a licensed company without completing the service technician's examination.

(e) Certified applicators, service technicians, and private applicators shall be a minimum of eighteen (18) years of age to make pesticide applications.

PART 17. MINIMUM ~~STANDARD~~ STANDARDS FOR TERMITE WORK FOR PRECONSTRUCTION (PRETREATS) AND NEW CONSTRUCTION

35:30-17-73. Concrete Slabs

(a) All pretreatment pesticide applications shall follow the pesticide label instructions including the application rates and methods. Treatments using less than label recommended concentrations at higher volume or higher concentrations at reduced volume applications are prohibited for pre-construction treatments. A written contract shall be provided that conforms with all requirements for contracts issued in the Structural Pest Category. In addition, the contract shall include the total square footage treated, the total linear feet treated, and any additional information required.

(b) Pretreatment of main slab areas (including attached garages) is as follows:

(1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions to the entire area to be covered by concrete, for the establishment of horizontal and/or vertical barriers.

(2) Horizontal barriers shall be established.

- (3) Vertical barriers shall be ~~established~~ established by trenching or trenching and rodding through the bottom of the trench and at the rate prescribed by the label. When trenching cannot be performed due to elements of construction (i.e. coarse aggregate fill, rebar, etc.) the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
- (4) Treatment shall not be made when the soil or fill is excessively wet or when rain is imminent.
- (5) Precautions shall be taken to prevent disturbance of the treated areas by human or animal contact or prolonged exposure to the weather.
- (6) Immediately after completion of treatment to the main slab area, each termite pretreatment shall be stenciled or a sticker or tag permanently affixed to one of the stubouts in an area which will be readily accessible. The stencil, sticker, or tag shall identify the company, date of treatment, and termiticide used.
- (c) Pretreatment of adjacent slabs, i.e., porches, patios, entrance pads, walkways, driveways, etc., shall be as follows:
- (1) Termiticide shall be applied at the rate specified on the label and in accordance with label instructions for application, to the adjacent slabs which abut the main structure.
 - (2) Treatment and precautions shall meet the requirements in (b)(2) and (b)(3) of this Section.
- (d) Pretreatment of outside foundations shall be as follows:
- (1) Treatment shall be applied to the soil by trenching or trenching and rodding into the bottom of the trench around the entire outside foundation of the structure after the final grade has been established. This treatment shall be performed within 30 days of notification of completion of landscaping or one year from the date of completion of construction, whichever comes first.
 - (2) Where trenching is not possible due to rocks, concrete, gutters, etc., the treatment may be accomplished by rodding the chemical at a rate specified on the label and shall be stated in the contract.
 - (3) Where outside foundations (stem walls) have 12" or more of exposed concrete extending above the outside final grade, the outside foundation treatment may be omitted.
- (e) Pretreatment of crawl space construction shall be made in the same manner as described in the minimum standards for existing structures (SEE PART 15 of this Chapter).
- (f) Any ~~treatment~~ pretreatment that does not meet all of the minimum standards for pretreatments under concrete slab or crawl space is considered "Partial Pretreats" and is not acceptable. ~~In the event~~ If a portion of a structure is not treated through no fault of the applicator, it will be stated in the pretreat documentation and the contract signed by the contractor (home builder), and include specific reasoning why the area was not treated.
- (g) Pesticide applicators ~~must~~ conducting pretreatment applications shall issue Form NPCA-99b to the builder as an attachment to the contract.
- (h) All new construction pesticide applications shall be made within three (3) months after completion of construction with baiting systems approved by the Department which meet minimum specification requirements for the treatment. All new construction treatments shall follow pesticide label instructions, including application rates and methods, and the Minimum Standards Parts 9 and 18.

PART 18. MINIMUM STANDARDS FOR THE USE OF TERMITE BAITS AND BAITING SYSTEMS FOR NEW CONSTRUCTION AND EXISTING STRUCTURES

35:30-17-75. Definitions

The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"Station monitoring" means the act of inspecting a termite bait station per the manufacturer's label or as required by the Board.

"Termite bait" means any substance designed for ingestion by termites for the purpose of controlling termites in or around a structure.

"Termite baiting system" means any system of components used to control termites in or around a structure.

"Termite baiting system station" means any component of the termite baiting system that holds or delivers active ingredients to termites in or around a structure.

35:30-17-75.1. General requirements for application

(a) Commercial and noncommercial applicators applying termite bait or termite baiting systems shall have a valid Oklahoma license in the structural pest category.

(b) Application shall be performed by a certified applicator, certified in the structural pest category or under the terms of "Direct Supervision" as defined in 2 O.S. § 3-81(15).

(c) Any certified applicator or any person working under the supervision of a certified applicator who applies termite bait or termite baiting systems shall be trained in the use of termite baits or termite baiting systems prior to any application. The manufacturer shall give prior notice to the Board of the time, location, and agenda of certification and training programs. The Board may attend and observe certification and training programs. The manufacturer shall identify all trained certified applicators and service technicians in writing to the Board.

(d) A written contract pursuant to 2 O.S. § 3-81(11) and OAC 35:30-17-20 shall be completed prior to a termite bait or termite baiting system application, and shall also include the following:

(1) A term for at least one year with an option for renewal by the parties.

(2) A block for the consumer to initial verifying a consumer information sheet on the termite bait or termite baiting system was provided.

(e) Termite bait or baiting systems may ~~not~~ be used as a new construction treatment in place of a preconstruction treatment.

(f) Above-ground bait stations shall be used according to their label when the presence of subterranean termites are detected in a structure. Above-ground bait stations shall be monitored no less than quarterly.

(g) Records of contracts, graphs, monitoring, and bait applications shall be kept according to the minimum standards.

35:30-17-75.2. Recordkeeping

(a) In addition to other recordkeeping requirements contained in OAC 35:30-17-21, the applicator shall ~~keep~~ maintain the following records of the date:

(1) Date, time, and location of all monitoring of ~~the~~ a termite baiting system, including termite activity in non-baited stations; and baited stations;

(2) Linear feet of perimeter of a treated structure;

- (3) Number of monitored or baited ground and above-ground bait stations installed around a structure;
 - (4) Inspection diagram; and any
 - (5) Any bait application in or around the termite baiting system stations.
- (b) A consumer information sheet, supplied by the manufacturer and approved by the Board, shall be obtained by the applicator. At the time of sale, the applicator shall supply a copy of the approved consumer information sheet to the consumer. The consumer information sheet shall, at a minimum, include the following:
- (1) Product function-;
 - (2) Monitoring intervals of both baited and non-baited termite baiting system stations-;
 - and
 - (3) Indicate if the product is an immediate stop to termite feeding activity when known termite activity is present at the structure.

35:30-17-75.5 Requirements for Combination Liquid Spot and Baits and Baiting Systems Treatments

- (a) A contract shall identify the specific location where a spot treatment will be performed and the treatment shall meet all minimum standards for the specific location. The spot treatment shall be at least three (3) feet in two (2) or more directions unless the label requires a distance greater than three (3) feet.
- (b) Combination of liquid spot and bait and baiting systems treatments shall be used according to label and the minimum standards. Above-ground bait stations shall be monitored no less than quarterly.
- (c) Records of contracts, graphs, monitoring, and applications shall be retained. Upon termination of a contract, the pest control operator shall make an attempt to remove all components of bait and baiting systems.
- (d) If property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator shall treat the property according to the minimum standards.

PART 20. MINIMUM STANDARDS FOR BED BUG TREATMENTS

35:30-17-87 General Requirements

- (a) When used in this section, "Heat as a method of pest control" shall mean performing heat treatments for the purpose of treating and controlling bed bugs or other insects.
- (b) Heat as a method of pest control may be used by a licensed commercial or noncommercial entity to treat and control bed bugs or other insects in:
 - (1) A whole structure;
 - (2) An apartment unit, room, or portion of a room;
 - (3) A compartment containing furniture and possessions; and
 - (4) Modes of transportation including, but not limited to, vehicles, compartment trailers, buses and RV's.
- (c) Prior to and when conducting heat as a method of pest control, applicators shall:
 - (1) Comply with applicable fire codes and local ordinances regarding the use of portable heaters, fire suppression systems, and other heat treatment related concerns;

- (2) Only use equipment designed and tested for use as an insect control device for a whole structure, whole room, or apartment unit bed bug heat treatment;
- (3) Carefully inspect heat equipment before use to ensure that it is in proper working order and no foreseeable fire hazards exist;
- (4) When conducting whole room heat treatment, ensure that the equipment has the capacity to raise and hold the temperature in the treated area to a level lethal to bed bugs of at least one hundred twenty (120) degrees Fahrenheit;
- (5) Ensure, through the use of heat sensors, that bed bug harborage areas are raised to a lethal temperature of at least one hundred twenty (120) degrees Fahrenheit and held for a sufficient period of time to kill all bed bugs and eggs depending on the size of the area being treated;
- (6) Place sensors in areas that are insulated or slower to heat to ensure the lethal temperature is reached; and
- (7) Monitor ambient air and surface temperature to avoid damage to heat sensitive items.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations

- (a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2019~~ 2020 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.
- (b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

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:

"Acceptable Hemp THC Level" means when a laboratory tests a sample, it shall report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the

measurement of uncertainty. The acceptable hemp THC level, for the purpose of compliance with the requirements of the state hemp plan, is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less.

"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 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)~~ (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)

(15) 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.

(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.

(4) 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.

(e) 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.

(f) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

~~(G)~~ (g) 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;
- (4) Total acreage or square footage of industrial hemp planted, harvested, and destroyed; and
- (5) Any changes to the information provided shall be reported within thirty (30) days to USDA Farm Service Agency.

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~~ Analytical testing for purposes of detecting the concentration levels of delta-9

tetrahydrocannabinol (THC) shall be conducted and reported by a laboratory registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

(c) Analytical testing for purposes of detecting the concentration levels of delta-9 tetrahydrocannabinol (THC) shall be conducted in accordance with USDA's current Testing Guidelines for Identifying Delta-9 Tetrahydrocannabinol (THC) Concentration in Hemp. Testing shall meet the following standards:

(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;

(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; and

(5) Quantitative determination of THC levels measured using liquid chromatography with ultraviolet detection (LC-UV) or mass spectral detection if required by matrix interference (LC/MS/MS) shall be the accepted analytical technique to avoid the risk of incomplete decarboxylation, therefore, removing the need for any post-decarboxylation.

(d) The Department ~~may~~ shall inspect and take samples from any cultivation site and mature Cannabis sativa L. plants located thereon, as follows:

(1) Within thirty (30) 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; and

(4) A producer shall not harvest the cannabis plants prior to collection of samples.

(e) 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.

(f) Industrial pre-harvest hemp sampling shall be conducted according to the Department standard field operating procedures.

~~(f)~~ (g) 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)~~(h) 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) A violation of the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall be subject to enforcement in accordance with Title 2 O.S. §§ 3-401 *et seq.*

(e) A violation of the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter may result in civil action.

(f) If the Department determines that a licensee has negligently violated the Oklahoma Industrial Hemp Program and the rules of this subchapter, the Department may issue a corrective action plan to the licensee.

(1) A corrective action plan shall include, but not be limited to:

(A) A reasonable date by which the licensee shall correct the negligent violation, which may include destruction of hemp crops in accordance with the rules of this subchapter;

(B) A requirement that the licensee shall periodically report to the Department on the compliance status of the licensee with the corrective action plan for a period of not less than two (2) years after the violation; and

(C) Any reasonable steps the Department determines necessary to address each negligent violation.

(2) A licensee shall not have committed a negligent violation if the licensee has made reasonable efforts to grow hemp and the cannabis (marijuana) does not have a delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry weight basis.

(3) The Department shall monitor and conduct inspections as necessary to determine if the corrective action plan has been implemented as required.

(g) If the Department determines that a licensee has violated the Oklahoma Industrial Hemp Program and rules of this subchapter with a culpable mental state greater than negligence, the Department shall immediately report the licensee to the United States Attorney General and the Oklahoma Attorney General and the violations shall be subject to enforcement in accordance with applicable law.

(h) 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 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 USDA AMS guidelines or the CSA and DEA regulations, as the material constitutes marijuana, a schedule I controlled substance under the CSA. When material is destroyed pursuant to CSA and DEA regulations, it 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.

35:30-24-15. Unlicensed growers

(a) Any person found growing hemp without a license shall be required to destroy all Cannabis sativa L. plants and plant parts.

- (b) Destruction of plants by the grower shall be conducted pursuant to the provisions of this act unless the Department provides written authorization for an alternate method of destruction.
- (c) If an unlicensed grower fails to destroy Cannabis sativa L. plants as required, the Department shall destroy the plants and pursue legal action against the grower, if necessary, to recover expenses incurred in destruction of the plants.

SUBCHAPTER 29. FERTILIZER

PART 3. LIQUID, DRY, AND ANHYDROUS AMMONIA

35:30-29-38. Anhydrous ammonia requirements

(a) General safety requirements.

- (1) Each tank used with a system shall be constructed and tested in accordance with parts UG-1 through UG-36, inclusive, entitled "General Requirements for All Methods of Construction and All materials" and parts UF-1 through UF-136 entitled "Requirements for Pressure Vessels Fabricated by Forging" as published in Section VIII, Division I of the ASME Boiler and Pressure Vessel Code, July 1, 1983 edition amendments, supplements, or successors.
- (2) No person shall fill a storage or nurse tank with anhydrous ammonia unless the tank bears a manufacturer's nameplate showing that it is a code container.
- (3) The copy of the report form from each inspection and re-qualification, together with tank repair and mill test reports, if any, shall be maintained for the entire service life of the tank. The reports shall be forwarded with the tank when relocated.
- (4) For protection to the public and safety for individuals, the storage of nurse tanks shall conform to the same subsection as permanent storage installations in order to prevent tampering by individuals, which may cause injury to human health.
- (5) Anhydrous ammonia tanks of three thousand (3,000) gallon water capacity or less shall not be used for any other commodity except anhydrous ammonia.
- (6) Tank trucks, semi-trailers, nurse tanks, and trailers transporting anhydrous ammonia shall not be left unattended on public thoroughfares or in densely populated areas.
- (7) If the ammonia hose is marked with:
 - (A) the year of manufacture and made from the following materials, it shall be replaced per the indicated service life with not more than one (1) year shelf life added:
 - (i) Rayon - 2 years
 - (ii) Nylon - 4 years
 - (iii) Stainless Steel - 6 years
 - (B) a manufacturer's removal date, it shall be replaced prior to that date (i.e., the manufacturer removal date is 2020, the hose shall be removed prior to January 1, 2020).
- (8) All anhydrous ammonia high pressure transfer hoses shall be clearly marked at least once every five (5) feet with the manufacturer's name or trademark, the words Anhydrous Ammonia, the maximum working pressure in PSIG, and the year of manufacture or

manufacture removal date. Bulk hoses shall not be used. All hose ends shall be connected by the manufacturer.

(9) Any accident or release, involving anhydrous ammonia, shall be reported (telephone or fax) to the Oklahoma Department of Agriculture as soon as possible, no later than twenty-four (24) hours following the incident, so that an investigation may be made before the area is disturbed.

(A) An accident includes nurse tanks that have been in a wreck, overturned tanks, vandalism (without a release), storage tank being damaged, or "ANY" personal injuries.

(B) A release includes valve malfunctions, ruptured hoses, or any time anhydrous ammonia is released into the air with the exception of safety relief (pop off and hydrostatic) valves.

(10) Converted railroad tank cars shall not be used for the storage of anhydrous ammonia unless they have been retested and meet the requirements of this subsection.

(11) All storage installations shall have on hand, as a minimum, the following equipment in a readily accessible location for emergency and rescue purposes:

(A) One full face gas mask with one industrial size ammonia canister with current date and at least one spare ammonia canister in a readily accessible location. A positive pressure self-contained breathing apparatus shall be used in ammonia contaminated atmospheres that are immediately dangerous to life or health. Gas masks and self-contained breathing apparatus shall be approved by NIOSH/MSHA under provisions of 30 CFR Part II. Procedures and training shall be in accordance with 29 CFT Part 1910 and documented.

(B) One pair of approved protective gloves made of material impervious to anhydrous ammonia.

(C) One pair of protective boots made of material impervious to anhydrous ammonia.

(D) One protective slicker and/or protective pants and jacket made of material impervious to anhydrous ammonia.

(E) Approved flexible fitting, hooded ventilation goggles and one full face shield.

(12) Each employee shall be provided with a pair of approved gloves and a pair of approved flexible fitting, hooded ventilation goggles and, as an option, a full face shield worn over the goggles, which shall be worn when making, breaking, or testing, any ammonia connection, transferring ammonia, or performing maintenance on an ammonia system under pressure.

(13) Each vehicle transporting anhydrous ammonia shall carry a container of at least five gallons of water and shall be equipped with one pair approved protective gloves; a full face gas mask; a pair of approved flexible fitting hooded ventilation goggles, and as an option, one full face shield to be worn over the goggles. The driver shall be instructed in their use and the proper action to take to provide for their safety.

(14) If a leak occurs in transportation equipment and it is not practical to stop the leak, the driver should move the vehicle to an isolated location downwind from populated communities or heavily traveled highways.

(15) Wheel chocks for nurse tanks and railcars shall be available and shall be used when loading or unloading.

(16) It is a violation for any person to transfer or deliver any anhydrous ammonia into a storage or nurse tank having defects which are plainly apparent.

(17) No container pressure relief device shall be used after the replacement date as specified by the manufacturer.

(18) An attendant is required to transfer anhydrous ammonia and shall be trained in safe operating practices, use of equipment, safety devices, and the proper action to take in the event of emergencies.

(19) Additional safety guidelines found in the American National Standards Institute, Inc., Safety Requirements for Storage and Handling of Anhydrous Ammonia may be applied at the Board's discretion.

(b) **Minimum safety requirements for anhydrous ammonia storage tanks.** Minimum safety requirements for storage tank facility operations are as follows:

(1) A sign shall be on display at each location in a conspicuous place stating the name, address, and phone number of the nearest representative, agent, or owner of the storage system in letters not less than one inch high.

(2) An easily accessible shower and/or a minimum of one hundred (100) gallons of clean water in an open top container shall be available at every anhydrous ammonia storage location.

(3) Storage tanks shall be free of leaks

(4) Tank supports shall be in good condition.

(5) Storage tanks shall have a reflective surface maintained in good condition. White is recommended for painted surfaces, but other light reflective colors are acceptable.

(6) All hoses shall be maintained, approved for anhydrous ammonia and meet current data specifications.

(7) Hose hang-up racks shall be provided and operational.

(8) All gauges shall be operative with markings clearly visible.

(9) Vapor valves shall be color coded safety yellow and labeled.

(10) Liquid valves shall be color coded safety orange and labeled.

(11) All pressure relief valves shall be capped.

(12) All piping shall be well supported and provision made for expansion and contraction.

(13) All piping shall be done with Schedule 40 black pipe when joints are welded or Schedule 80 black pipe when joints are threaded. An unpainted stainless steel braided flex hose, with Schedule 80 welded fittings, no longer than thirty (30) inches, may be used to provide expansion, contraction, jarring, vibrating, and for settling. In no case shall the angle of the connection exceed ten (10) degrees.

(14) Brass, copper, or galvanized steel pipe or tubing shall not be used.

(15) Provisions shall be made to protect all exposed piping by use of guardrails or other types of protective barriers.

(16) In addition, to the excess flow valves in the liquid and vapor connections of the storage tank and the tank car or truck, an excess flow valve or backflow check valve shall be installed in the piping connecting the storage tank with the tank car or truck, close to the point where the piping and hose are joined.

(17) "STOP-TANK CAR CONNECTED" signs shall be available and in use when railcars are being unloaded. A sign shall be used at each end of the railcar when the railroad siding opens onto the main line from both directions.

(18) The area around permanent storage tanks shall be kept free of trash, debris, and vegetation which could be a fire or safety hazard.

(19) Storage tanks and appurtenances shall be secured to provide reasonable protection against vandalism or unauthorized access which may result in a discharge. Discharge valves on storage tanks shall be locked except when persons responsible for facility security or transfer operations are present. A trained attendant shall make all connections, disconnections, and supervise the transfer of liquids from the time the connections are made until they are disconnected.

(20) Each storage tank shall be marked on at least two sides with the words "ANHYDROUS AMMONIA" OR "CAUTION-AMMONIA" in sharply contrasting colors with letters not less than four (4) inches high. The inhalation hazard decals on a background of sharply contrasting colors at least two (2) inches high shall be on two (2) sides.

(21) Storage tanks shall be located outside of densely populated areas.

(22) Storage tanks shall not be located less than fifty (50) feet from any property line upon which a building may be erected.

(23) Storage tanks shall not be located less than six hundred (600) feet from building, structures, or areas used for activities such as civic, political, religious, recreational, or education purposes, or for involuntary detention of persons.

(24) Storage tanks shall not be located less than fifteen hundred (1500) feet from hospitals, nursing homes, homes for the aged, or public swimming facilities.

(25) Storage tanks shall not be located less than fifty (50) feet from containers of petroleum products.

(c) **Minimum safety requirements for anhydrous ammonia nurse tanks.** Minimum safety requirements for nurse tanks are as follows:

(1) Nurse tanks shall be painted white or aluminum.

(2) All nurse tanks shall be equipped with both pressure gauge and liquid level gauge. Gauges shall be operative at all times.

(3) All ammonia hoses shall be in good condition, approved for anhydrous ammonia, and meet current date specifications.

(4) It is a violation for any person to transfer or deliver any anhydrous ammonia into a nurse tank having defects which are plainly apparent.

(5) It is a violation for a liquid transfer hose to be joined between a nurse tank unit and a tool bar during transport upon a public right-of-way.

(6) Nurse tanks shall be securely attached to the pulling vehicle and supplemented by two (2) suitably welded safety chains.

~~(6)~~ (7) There shall appear on each side and on each end of the nurse tank the words "ANHYDROUS AMMONIA" on a background of sharply contrasting colors at least four (4) inches high. The words are not required on the tank end with valves, fittings, gauges, or appurtenances. In addition, on the rear end of the tank or trailer, there shall be a "Slow Moving Vehicle" sign.

- ~~(7)~~ (8) The name of the owner, place of business, phone number, or contact in case of an emergency shall appear on each side.
- ~~(8)~~ (9) The owner's unique number shall appear as an individual identifying figure on each nurse tank, including single or dual nurse tank setups, in letters and numbers with at least one half (1/2) inch in height and width.
- ~~(9)~~ (10) Vapor valves shall be color coded safety yellow and labeled.
- ~~(10)~~ (11) Liquid valves shall be color coded, safety orange and labeled.
- ~~(11)~~ (12) Vapor valves and liquid valves shall remain closed when not in operation.
- ~~(12)~~ (13) All pressure relief valves shall be capped.
- ~~(13)~~ (14) Decals depicting step by step ammonia transfer instructions and/or connecting/disconnecting instructions for quick couplers to include first aid procedures to use when contaminated with ammonia shall be on each nurse tank.
- ~~(14)~~ (15) All nurse tank operators shall be furnished with the following by the dealer:
- (A) One pair of approved flexible fitting, hooded ventilation goggles or full face shield.
 - (B) One pair of approved protective gloves made of rubber or other material impervious to ammonia.
- ~~(15)~~ (16) A minimum five gallon container of water shall be carried on all tanks containing anhydrous ammonia. When the temperature is near freezing or below, five gallons of water shall be carried in the pulling vehicle. The water container shall be filled with clean water before the trailer leaves the storage facility.
- ~~(16)~~ (17) Nurse tanks shall have the 1005 nonflammable gas placard on the sides and ends. The placard is not required on the tank end with valves, fittings, gauges, or appurtenances.
- ~~(17)~~ (18) The inhalation hazard decals on a background of sharply contrasting colors at least two (2) inches high shall be on two (2) sides of the tank.
- ~~(18)~~ (19) A decal showing the maximum pulling speed of 25 M.P.H. shall be on the front of each nurse tank as per the American National Standards Institute, Inc. (ANSI).
- ~~(19)~~ (20) The provisions found in Title 49 CFR § 173.315 (m) (1) and (2) (2010) as promulgated and amended in the Federal Register, are hereby adopted by reference in their entirety.

PART 5. LICENSES AND COMPLAINTS

35:30-29-51. Fertilizer license and schedule of fertilizer fees

- (a) Any person engaged in the distribution or sale of fertilizer shall obtain a license.
- (b) The Board shall not issue a fertilizer license to any bulk dry, liquid, or anhydrous ammonia facility unless the following are approved by the Board:
 - (1) Completed fertilizer license application;
 - (2) A completed fertilizer facility application package ~~shall be~~ submitted in a format approved by the Board;
 - (3) Site inspection performed by the Board prior to construction;
 - (4) Final construction of the facility; and
 - (5) Completion of all other conditions required by the Board.

(c) The Board shall not issue and may revoke any fertilizer registration if the Board determines:

(1) The nutrient value of the product or substance has inadequate plant food content; or

(2) The registration is for the primary purpose of disposal of the product or substance.

(d) Fertilizer license renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the license.

(e) Fertilizer registration renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the registration.

(f) Fees for the fertilizer program shall be as follows:

(1) The annual fee for persons operating a business engaged in the distribution or sale of a fertilizer shall be Fifty Dollars (\$50.00) and expire on December 31 of each year.

(2) An inspection fee of one dollar (\$1.00) per ton of which fifty cents (\$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 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. Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account Fund.

(3) Each registrant distributing fertilizer in this state shall file with the Board not later than the last day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of fertilizer distributed during the preceding six (6) calendar months. The inspection fee and tonnage report shall be due within thirty (30) days following the close of the filing period and upon return of the statement the licensee shall pay the inspection fee. If no fertilizer was sold or distributed in this state for the semiannual period, the registrant shall submit a statement reflecting that information and shall remit a minimum fee of ten dollars (\$10.00). If the inspection fee and tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee due or a minimum of ten dollars (\$10.00), shall be assessed and added to the amount due.

(4) If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of the Oklahoma Fertilizer Act, the Board shall assess a penalty fee of ten percent (10%) of the amount due, with a maximum not to exceed two thousand dollars (\$2,000.00) or a minimum of one hundred dollars (\$100.00) whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of the deficiency.

(5) Annual registrations for specialty fertilizer products sold in packages of less than thirty (30) pounds shall pay a one hundred dollar (\$100.00) registration fee for each product. Specialty fertilizer product registrations shall expire on June 30 of each year. The penalty for failure to register any specialty fertilizer product shall be one hundred dollars (\$100.00) per product and shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

SUBCHAPTER 36. WEED FREE HAY CERTIFICATION

35:30-36-2. Definitions

The following words or terms shall be defined as follows:

"Bale" means a mechanically compressed package of forage or mulch bound by string or wire.

~~"Bale certification inspection" means inspection of forage or mulch which has been baled prior to inspection.~~

"Certificate of inspection" means a certificate issued by a qualified inspector that states the results of a field or commodity inspection. This certificate shall document that the inspected field or commodity is free from state or regional noxious weeds or that the field or commodity contains noxious weeds.

"Certification" means the process the Department utilizes to conduct field or hay inspections to determine if the field or hay is free of noxious weeds.

"Cubed Hay" means hay formed into small compact self-binding units and shall not include pellets, as defined in this section. The field of origin for cubed hay shall be certified.

"Field" means the land on which a hay is grown and is not divided by streams, public roads, other crops, or other barriers.

"Field certification inspection" means an onsite inspection of forage or mulch in the field, and areas adjacent to the field, for the presence of noxious weeds. The inspection shall be conducted prior to cutting or harvesting.

"Forage" means alfalfa, grain, and grass hay, and combinations of alfalfa, grain, or grass hay.

"Hay" means any agricultural forage crop product whether cultivated or not cultivated, irrigated or not irrigated, planted or naturally occurring, and may include mulch.

"Mulch" means the straw remaining after grain is harvested.

"NAISMA" means North American Invasive Species Management Association.

"Noxious weeds" means those weeds, including any weed seed or propagative plant parts, included on the regional NAISMA noxious weed list or designated by the State Board of Agriculture as noxious and are prohibited, and shall include those noxious weeds identified in Section 3-220 of Title 2 of the Oklahoma Statutes.

"Pellets" means agglomerated feed formed by compacting and forcing through die openings by a mechanical process. The field of origin shall be certified if heat is not used in the process.

"Propagative plant parts" means any parts of a plant capable of reproduction, including seeds, live roots, rhizomes, stolons or any other plant part.

"Qualified inspector" means a person qualified and trained to identify noxious weeds pursuant to standards promulgated by the Board or NAISMA Certified Training.

"Regional noxious weed free" means hay inspected for, and determined to be free of weeds designated as noxious on NAISMA's Regional list or by states participating in a the regional noxious weed free forage and mulch certification program, including but not limited to the following: Colorado, Idaho, Kansas, Montana, Oregon, Utah, Washington, and Wyoming.

"State noxious weed free" means hay inspected for weeds designated as noxious and certified as free of noxious weeds, seed, and propagative plant parts.

"Treated" means utilizing treatment methods to prevent weed seed formation, including, but not limited to burning, mechanical methods, rouging, or application of chemical herbicides.

"Weed free" means any hay certified as free of noxious weeds; ~~and~~.

"Weed free hay certification" means hay inspected and certified as free of noxious weeds pursuant to standards adopted by the Board.

35:30-36-3. Voluntary weed free hay certification

- (a) The Oklahoma Department of Agriculture, Food, and Forestry is the certifying authority for weed free hay certifications.
- (b) The Department shall complete the following for the weed free hay certification program:
 - (1) Coordinate hay inspections within the state.
 - (2) Select, train, and supervise persons who serve as qualified inspectors.
 - (3) Issue certificates of inspection and bale tags to qualifying applicants.
 - (4) Maintain a record of all inspections performed and certificates and bale tags issued.
- (c) The Department may issue a certificate of inspection for each field and crop cutting inspected and found to be free of noxious weeds.
 - (1) The certificate shall document that the hay is weed free and shall contain the applicant's name, address, commodity, and estimated yield.
 - (2) A copy of the certificate shall be retained by the Department.
- (d) ~~Sufficient tags will be provided to the~~ The applicant may use tags provided by the Department or purple and yellow twine as approved by NAISMA to identify the hay bales harvested from the certified field.
- (e) Any excess tags shall be returned to the Department no later than December 31 of the calendar year issued and the price shall be nonrefundable.
- (f) All certified weed free hay shipments shall be accompanied by a certificate of inspection and a state phytosanitary certificate, if required, and tag as evidence that the hay is certified to be weed free and traceable to the source of the original hay.

35:30-36-5. Field certification inspection

- (a) Hay shall be inspected in the field of origin prior to the beginning of harvest for each field and cutting.
- (b) Each field inspected shall be identified by the name of the applicant and a field name or number. The field certification inspection may be performed on an entire field or a portion of a field, if the portion of the field is plainly marked and identified by the applicant prior to inspection.
- (c) Field inspections shall take place prior to any farming practice that limits the qualified inspector's ability to properly inspect and certify the field.
- (d) A field shall be inspected a second time if the hay is not harvested within ten (10) days of the first inspection.
- (e) When performing field certification inspections, the qualified inspector shall inspect the following:
 - (1) The entire field and the entire field border;
 - (2) Any ditches, fence rows, roads, easements, rights-of-way, and buffer zones, as applicable, surrounding the field; and
 - (3) A minimum of two (2) entry points per field and a minimum of one (1) entry point per each ten (10) acres, and at each entry point the qualified inspector shall walk at least one hundred and fifty (150) feet ~~(150)~~ into the field.

- (e) Storage areas shall ~~also~~ be inspected and ~~shall~~ meet the same standards as field certifications.
- (f) If noxious weeds are found that could result in hay contamination, the field shall not be certified weed free. The qualified inspector shall complete an inspection report identifying the weeds present and their locations in the field.

35:30-36-6. Baled hay certification inspection [REVOKED]

- ~~(a) Hay that is already in bales may be inspected to determine if the bales are certified as weed free.~~
- ~~(b) Bales inspected shall be identified by the name of the applicant.~~
- ~~(c) When performing baled hay certification inspections, the qualified inspector shall inspect the following:~~
 - ~~(1) The baled hay storage areas and surrounding areas;~~
 - ~~(2) Any ditches, fence rows, roads, easements, rights of way, and buffer zones, as applicable, surrounding the baled hay storage area.~~
 - ~~(3) Sample hay bales shall be broken apart and examined by the authorized inspector for any sign of noxious weeds.~~
- ~~(d) Baled hay that is identified with the presence of noxious weeds shall not be certified weed free.~~
- ~~(e) An inspection report shall be completed by the authorized inspector identifying the weeds present in the baled hay.~~

35:30-36-10. Voluntary posting

- (a) After certification, an applicant may post signs or other forms of notification indicating that the hay is certified as weed free. Each sign or notification shall include the weed free certification number.
- (b) The Department may post a list of all certified producers and commodities on its website.

35:30-36-11. Qualified inspector qualifications

- (a) The Department shall appoint, as needed, qualified inspectors throughout the state who may issue certificates of inspection.
- (b) Only qualified inspectors shall certify hay as weed free.
- (c) The principal purpose of the qualified inspector is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of hay to determine if the hay is weed free.
- (d) Each person designated as a qualified inspector shall ~~attend~~ participate in a training session give by the Department presented by NAISMA to recognize noxious weeds and learn standardized inspection, certification, and recordkeeping procedures.
- (e) The Department shall determine minimum training and accreditation standards for qualified inspectors. Qualified inspectors shall obtain continuing education as required by the Department.
- (f) A qualified inspector shall not inspect fields or bales in which the qualified inspector has ownership or a financial interest.

35:30-36-14. Regional noxious weed free certification

(a) The Department may certify hay as a noxious weed free ~~pursuant to the North American~~ using NAISMA Weed List as minimum certification standards. The Department shall follow the above standards during inspections, except where the North American Weed List standards are more strenuous.

(b) ~~The North American~~ NAISMA Noxious Weed List shall be utilized for the regional noxious weed free certification and is available on the Department or NAISMA website.

SUBCHAPTER 37. NURSERY STOCK SALES

35:30-37-12. Schedule of horticulture program fees

(a) The fee for each Federal Phytosanitary Certificate issued or renewed shall be as follows:

(1) Federal Phytosanitary Certificate PPQ Form 577

(A) If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more - ~~Fifty Dollars (\$50.00)~~ One Hundred and Six Dollars (\$106.00).

(B) If the aggregate commercial value of the product inspected for certification is less than \$1,250.00 - ~~Twenty-Five Dollars (\$25.00)~~ Sixty One Dollars (\$61.00).

(2) Federal Phytosanitary Certificate, Processed Plant Products PPQ Form 578

(A) If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more - ~~Fifty Dollars (\$50.00)~~ One Hundred and Six Dollars (\$106.00).

(B) If the aggregate commercial value of the product inspected for certification is less than \$1,250.00 - ~~Twenty-Five Dollars (\$25.00)~~ Sixty One Dollars (\$61.00).

(3) Federal Phytosanitary Certificate for Re-export PPQ Form 579.

(A) If the aggregate commercial value of the product inspected for certification is \$1,250.00 or more - ~~Fifty Dollars (\$50.00)~~ One Hundred and Six Dollars (\$106.00).

(B) If the aggregate commercial value of the product inspected for certification is less than \$1,250.00 - ~~Twenty-Five Dollars (\$25.00)~~ Sixty One Dollars (\$61.00).

(4) Ten Dollars (\$10.00) for the re-issuance of a Federal Phytosanitary Certificate.

(b) All Federal Phytosanitary Certificates shall require an administrative fee paid by the Department to USDA in the following amounts:

(1) Six Dollars (\$6.00) if the certificate is issued in PCIT.

(2) Twelve Dollars (\$12.00) if the certificate is issued outside of PCIT.

(c) The fee for each State Phytosanitary Certificate issued or renewed shall be ~~Twenty Dollars (\$20.00) except there shall be no charge for the issuance of a certificate required by the Japanese Beetle Harmonization Plan unless a treatment is monitored by an authorized agent of the Board~~ as follows:

(1) If the aggregate commercial value of the product inspected for certification is Two Hundred Fifty Dollars (\$250.00) or more: Twenty Dollars (\$20.00).

(2) If the aggregate commercial value of the product inspected for certification is Two Hundred Forty-nine Dollars (\$249.00) or less: Five dollars (\$5.00).

(3) If you do not have an Oklahoma nursery license, the Phytosanitary Certificate fee shall be Twenty Dollars (\$20.00) regardless of aggregate commercial value.

(4) There shall be no fee for the issuance of a Phytosanitary Certificate if it is required by the Japanese Beetle Harmonization Plan unless a treatment is monitored by an authorized agent of the Board.

~~(e)~~ (d) The fee for each grower, dealer, broker, and landscaper license issued or renewed and inspection conducted shall be as follows:

- (1) Growers license - Twenty five Dollars (\$25.00) for each business location.
- (2) Growers inspection fee - One Dollar (\$1.00) per acre and per 1000 square feet of greenhouse area inspected.
- (3) Dealers, broker license and landscapers fees -Thirty eight Dollars (\$38.00) for each business location.
- (4) Landscaper or Personal Use Only license fee - One Hundred Dollars (\$100.00) for each business location.
- (5) No fee for shall be charged for a grower's license issued to any scientific, agricultural, or horticultural club, educational or eleemosynary institution, or any department or branch of the state or federal government.
- (6) Failure to remit the license fee by the 15th of the month following the expiration month shall result in a penalty fee equal to the cost of the license.

~~(d)~~ (e) A fee of Twenty-Five Dollars (\$25.00) shall be charged for any requested inspection or certification and shall be payable at the time of inspection and includes inspections and certificates issued for transporting plants.

~~(e)~~ (f) All fees and monies collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments update citations to the Code of Federal Regulations; exempt companies producing certain pheromone systems from pesticide registration; provide age restriction for certain persons to make pesticide applications; provide minimum standards for new construction pesticide applications; update general requirements for termite bait applications; modify recordkeeping requirements; provide requirements for certain combination treatments; provide minimum standards for bed bug treatments; add and revise definitions; modify requirements for Oklahoma Industrial Hemp Program; modify minimum safety requirements for anhydrous ammonia nurse tanks; provide penalty for late fertilizer registration renewal applications; modify requirements for weed free hay certification; revoke provisions relating to baled hay certification inspection; and conform language.

(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 rule amendments affect consumers and persons regulated by the Department's combined pesticide, industrial hemp, fertilizer, and weed free hay certification programs. No cost impacts have been received.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Consumers and persons regulated by the Department's combined pesticide, industrial hemp, fertilizer, and weed free hay certification programs will benefit from the proposed rule amendments.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

The affected classes of persons will benefit from the proposed rule amendments.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rule amendments.

(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 effect on any political subdivision is anticipated by the proposed 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:**

The proposed rule amendments will have no adverse effect on small business.

(H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on November 2, 2020.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 37. FOOD SAFETY

SUBCHAPTER 1. EGGS

35:37-1-2. Methods of grading

Methods of egg grading shall be the same as those described in USDA "Regulations Governing the Voluntary Grading of Shell Eggs 7 CFR Part 56" (~~2019~~ 2020 Version).

SUBCHAPTER 3. MEAT INSPECTION

PART 1. GENERAL PROVISIONS

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

The Mandatory Meat Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (~~2019~~ 2020 Revision), Parts 301 to 391; 416; 417; 418; 424; 430; 441; 442 and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-3-3. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry form, certificate or seal shall be substituted.

35:37-3-3. Deleted regulations

The following sections of the Federal regulations governing the mandatory meat inspection of the USDA incorporated by reference under 35:37-3-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 9 CFR 302.2; 303.1(c); 304.1; 304.2(a); 304.2(c); 305.2(b); 307.4; 307.5; 307.6; 316.12; 316.13(c); 317.5; 317.7; 317.9; 317.13; 318.8; 318.12; 321; 322; 327; 329; 331; 335; 351; 352; 354; 355; 362; 381; 390; 391; 392; 439; and 590 (~~2019~~ 2020 Revision).

SUBCHAPTER 5. POULTRY PRODUCTS INSPECTION

PART 1. GENERAL PROVISIONS

35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations

(a) The Mandatory Poultry Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (~~2019~~ 2020 Revision), Parts 381; 416; 417; 418; 424; 430; 441; 442; and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-5-2. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry mark, form, certificate or seal shall be substituted.

(b) All words and terms defined or used in the federal regulations incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

(c) The following terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise:

- (1) **"Act"** means the Oklahoma Poultry Products Inspection Act.
- (2) **"Director"** means the Director of Meat Inspection.
- (3) **"Poultry"** means any domesticated bird, whether live or dead, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs (also known as young pigeons from one to about thirty (30) days of age).
- (4) **"Poultry product"** means any poultry carcass, part, or product made wholly or in part from any poultry carcass or part that can be used as human food, except those exempted from definition as a poultry product in Title 9 of the Code of Federal Regulations (CFR), Part 381.15. This term shall not include detached ova.
- (5) **"Poultry byproduct"** means the skin, fat, gizzard, heart, or liver, or any combination of any poultry for cooked, smoked sausage.

35:37-5-2. Deleted regulations and exemptions

(a) The following sections of the Federal regulations governing the mandatory poultry inspection (9 CFR, Part 381; 416; 417; 418; 424; 441; 442; and 500), (~~2019~~ 2020 Revision) of the USDA incorporated by reference under 35:15-27-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 381.6; 381.10(a)(2), (5), (6), and (7); 381.10(b); 381.10(d)(2)(i); 381.13(b); 381.16; 381.17; 381.20; 381.21; 381.37; 381.38; 381.39; 381.96; 381.101; 381.103 through 381.112; 381.123(b)(1) and (4); 381.132(c); 381.133; 381.179; 381.185; 381.186; and 381.195 through 381.225.

(b) The provisions of this Act and rules do not apply to poultry producers who slaughter their own poultry raised on their farm, and each of the following apply:

- (1) The producers slaughter no more than two hundred and fifty (250) turkeys or their equivalent with a ratio of four (4) birds of other species, excluding ratites, to one (1) turkey during a calendar year;
- (2) The producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;
- (3) The poultry and poultry products do not move in commerce. ~~Poultry producers~~ Producers are prohibited from selling or donating uninspected poultry products to retail stores, brokers, meat markets, schools, orphanages, restaurants, nursing homes, and other similar establishments and are prohibited from sales or donation of uninspected poultry through any type of retail market or similar establishment owned or operated by the ~~poultry~~ producer;
- (4) The producers submit a certificate of registration to the ~~Board~~ Department;
- (5) The poultry is healthy, ~~the poultry is~~ slaughtered, and processed under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food, and each carcass, part, or poultry product bears a label that lists the customer's name, the producer's name, and the following statement, "This poultry product has not been inspected and passed";
- (6) The poultry is sold directly to the household consumer and transported by either the household consumer or the ~~poultry~~ producer without third-party intervention or intervening transfer or storage, and is maintained in a safe and unadulterated condition during transportation; and

- (7) The poultry producers, allow an authorized agent of the ~~Board~~ Department access to their facilities and an opportunity to examine records at all reasonable times, upon notice.
- (c) The provisions of this Act and rules do not apply to poultry producers who slaughter their own poultry raised on their farm, and each of the following apply:
- (1) The producers slaughter no more than two thousand five hundred (2500) turkeys or their equivalent with a ratio of four (4) birds of other species, excluding ratites, to one (1) turkey during a calendar year;
 - (2) The producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;
 - (3) The poultry is sold by the producer, or other person for distribution by the producer, solely within the producer's jurisdiction, directly to household consumers, restaurants, hotels, and boardinghouses for use in their own dining rooms or in the preparation of meals for sales directly to consumers;
 - (4) The producers submit a certificate of registration to the Department;
 - (5) The poultry is healthy, slaughtered, and processed under sanitary standards, practices, and procedures that result in the preparation of products that are sound, clean and fit for human food, and each carcass, part or poultry product bears a label that lists the producer's name and address and the following statement, "This poultry product has not been inspected and passed" and the products are not otherwise misbranded;
 - (6) The producers meet the sanitation requirements as provided in 9 CFR 416.1-5 and allow the Department to inspect sanitation at least two (2) times each year;
 - (7) The producers allow an authorized agent of the Department access to their facilities and an opportunity to examine records at all reasonable times, upon notice; and
 - (8) The producers do not engage, within the same calendar year, in the business of buying or selling any poultry or poultry products or engage in any other poultry exemptions, or operate an inspected poultry establishment, unless approved by the Department.

SUBCHAPTER 13. MILK AND MILK PRODUCTS

35:37-13-2. Incorporations by reference

- (a) Adopted references.
- (1) PMO. "Grade A Pasteurized Milk Ordinance with Administrative Procedures - ~~2017~~ 2019 Recommendations," including Appendices A through T thereto, hereinafter referred to as the "PMO," as published in the Grade A Pasteurized Milk Ordinance, ~~2017~~ 2019 Revisions, by the Department of Health and Human Services, Public Health Service/Food and Drug Administration, Washington, D.C. is hereby incorporated by reference.
 - (2) Code of Federal Regulations. Where mention is made to any section or sections of the Code of Federal Regulations in the PMO, that section or sections shall be incorporated by reference. The State Board of Agriculture declares that, by incorporating the PMO by reference, it does not intend to create any inconsistency with the Oklahoma Milk and Milk Products Act, in the event there may be any inconsistency.
- (b) Exceptions.
- (1) Section 16, "Penalty" is not incorporated by reference.
 - (2) Section 17, "Repeal and Date of Effect" is not incorporated by reference.
 - (3) Section 5, "Certified Industry Inspection" is not incorporated by reference.

- (4) Appendices E, "Examples of 3-out-of-5 Compliance Enforcement Procedures" is not incorporated by reference.

SUBCHAPTER 15. ORGANIC PRODUCTS

35:37-15-2. The Adoption of NOP Standards

The Department adopts or incorporates by reference the following parts of the official rules and regulations of the NOP, 7 CFR Part 205 (~~2019~~ 2020 Revision), except for OAC 35:37-15-1, or as the Department designates otherwise in specific cases:

- (1) Subpart A - Definitions, except for those designated otherwise by this subchapter;
- (2) Subpart B - Applicability;
- (3) Subpart C - Organic Production and Handling Requirements;
- (4) Subpart D - Labels, Labeling, and Market Information;
- (5) Subpart E - Certification;
- (6) Subpart F - General Requirements for Accreditation; and
- (7) Subpart G - Administrative.
 - (A) Sections 205.600 through 205.607.
 - (B) Sections 205.660 through 205.663.
 - (C) Sections 205.670 through 205.672.
 - (D) Sections 205.680 through 205.681.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed amendments update citations to the Code of Federal Regulations and other procedures and regulations; update language; and modify and provide new exemptions for certain poultry producers.
- (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 rule amendments affect persons regulated by the Department's Food Safety program. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on current citations and those who wish to apply for poultry producer exemptions through the Department's Food Safety program will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's Food Safety program will be provided with current legal citations and new and modified exemptions for certain poultry producers.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (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 effect on any political subdivision is anticipated by the proposed 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:**
The proposed rule amendments will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on November 2, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 40. MARKET DEVELOPMENT

**SUBCHAPTER 5. AGRICULTURE ENHANCEMENT AND DIVERSIFICATION
PROGRAM**

PART 11. TERMS OF LOANS OR GRANTS

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

(a) Loan funds shall be provided at zero interest with repayment terms determined by the Board. Repayment of loans in an amount of \$20,000.00 or less shall begin three (3) years from the date funds are initially issued to the borrower and shall be completed in not more than three (3) years. Repayment of loans in an amount over \$20,000.00 shall begin three (3) years from the date funds are initially issued to the borrower and shall be completed in not more than five (5) years. Loan repayments shall be in equal installments as specified in the loan contract.

(b) In the event the facility or project fails to succeed, the borrower may submit in writing, a petition to the Department to convert the balance from a loan to a grant. Petitions recommended for approval shall be submitted to the State Board of Agriculture for final determination.

(c) Grant funds for Farm Diversification, agritourism venue development and expansion, and Basic and Applied Research projects may be awarded in amounts up to but not exceeding \$10,000.

(1) Grants awarded for less than \$2,500 shall not be required to provide matching funds.

(2) Grants awarded for \$2,501 to \$5,000 shall require a matching contribution of funds or in-kind.

(3) Grants awarded in excess of \$5,001 shall require a dollar for dollar ratio of matching dollars.

(d) Grant funds for Agriculture events may be awarded in amounts up to but not exceeding ~~\$10,000~~ \$50,000.

(1) Grants awarded in the amount of \$2,500 or less shall have supporting documents projecting an economic impact up to \$5,000.

(2) Grants awarded in the amount of \$2,501 to \$5,000 shall have supporting documents projecting an economic impact of \$5,001 to \$75,000.

(3) Grants awarded in the amount of \$5,001 to ~~\$10,000~~ \$50,000 shall have supporting documents projecting an economic impact of more than \$75,000.

SUBCHAPTER 17. AGRITOURISM

35:40-17-1. Purpose

(a) The purpose of the Agritourism Program is to stimulate economic growth and viability in rural communities by promoting and fostering agritourism ventures within Oklahoma. The Oklahoma Department of Agriculture, Food, and Forestry shall operate the Agritourism program in a manner consistent with the provisions of 2 O.S. § 5-12.

(b) Persons enrolled in the Agritourism Program shall ensure that diversity and inclusion is encouraged at the venue and that bias, prejudice, racism, and hatred are not a part of the activities

at the venue. The diversity of agritourism customers is honored and valued. Approved Oklahoma Agritourism venues shall respect the diversity of all customers and shall honor and value the dignity of all individuals.

35:40-17-6. Additional requirements for winery and brewery facilities

In addition to the other eligibility requirements of this subchapter, wineries and breweries shall comply with Alcoholic Beverage Laws Enforcement Commission registration requirements, liquor license requirements, and have a tasting room for visitors to be registered as an agritourism activity.

the 'information' and 'communication' fields. The 'information' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'communication' field is defined as:

...the study of the processes of communication production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information science' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information studies' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information technology' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information systems' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information management' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information policy' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information law' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information ethics' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

The 'information education' field is defined as:

...the study of the processes of information production, distribution, access, use and evaluation, and the study of the social, cultural, economic and political contexts in which these processes take place. (p. 1)

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

(A) PURPOSE OF THE PROPOSED RULE:

The proposed rules amend the Agricultural Enhancement and Diversification Program to increase the amount of certain grants; require diversity and inclusion among participants in certain programs; and require breweries to meet certain requirements to register as an agritourism activity;

(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 rules primarily affect those persons participating in agriculture and livestock shows and events in Oklahoma.

(C) PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:

Persons who participate in agriculture and livestock shows and events shall benefit from the proposed rules.

(D) DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:

Grant amounts will be increased to ensure grants and shows are able to locate to Oklahoma, breweries will be able to participate as agritourism activities, .

(E) PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:

There is no increased cost to the agency.

(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 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:

No effect on the public health, safety, and environment will occur.

(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 rule amendments.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 29, 2020.

**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

When reference is made to 40 CFR it means, unless otherwise specified, Title 40 of the Code of Federal Regulations (~~2019~~ 2020 Revision).

SUBCHAPTER 3. PERMIT CONDITIONS AND REQUIREMENTS

35:44-3-3. Date of federal regulations incorporated

When reference is made to 40 CFR it means, unless otherwise specified, Title 40 of the Code of Federal Regulations (~~2019~~ 2020 Revision).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rules update citations to the Code of Federal Regulations.
- (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 rules affect persons regulated by the Department's Agriculture Pollutant Discharge Elimination System (AgPDES) program. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who rely on current citations for the Department's AgPDES program will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who rely on the Department's AgPDES program will be provided with current legal citations in the proposed rules.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (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 effect on any political subdivision is anticipated by the proposed rules.
- (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:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rules will not affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 23, 2020.

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY**

CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

SUBCHAPTER 3. STANDARDS OF CARE

35:55-3-1. Incorporation by reference

(a) The following provisions of Title 9 of the Code of Federal Regulations and the requirements contained therein pertaining to Animal Welfare, Part 3 (Standards) are, unless otherwise specified, adopted and incorporated by reference in their entirety:

- (1) 3.1 (housing facilities, general)
- (2) 3.2 (indoor housing facilities)
- (3) 3.3 (sheltered housing facilities)
- (4) 3.4 (outdoor housing facilities)
- (5) 3.5 (mobile or traveling housing facilities)
- (6) 3.6 (primary enclosures), except for 3.6 (c)(1)(ii) and (c)(2)
- (7) 3.7 (compatible grouping)
- (8) 3.8 (exercise for dogs)
- (9) 3.9 (feeding)
- (10) 3.11 (cleaning, sanitization, housekeeping, and pest control)
- (11) 3.12 (employees)
- (12) 3.13 (consignments to carriers and intermediate handlers)
- (13) 3.14 (primary enclosures used to transport live dogs and cats)
- (14) 3.15 (primary conveyances [motor vehicle, rail, air, and marine])
- (15) 3.16 (food and water requirements)
- (16) 3.17 (care in transit)
- (17) 3.18 (terminal facilities)
- (18) 3.19 (handling)

(b) When reference is made to a federal entity, it shall mean the state counterpart.

(c) When reference is made to 9 C.F.R. it means, unless otherwise specified, the volume of 9 C.F.R. as published on July 1 (~~2019~~ 2020).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed amendments update citations to the Code of Federal Regulations.
- (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 rules affect persons regulated by the Department's commercial pet breeders and animal shelter licensing program. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who rely on the Department's commercial pet breeders and animal shelter program will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who rely on the Department's commercial pet breeders and animal shelter program will be provided with current legal citations in the proposed rules.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (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 effect on any political subdivision is anticipated by the proposed rules.
- (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:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rules will not detrimentally affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 23, 2020.



Oklahoma Department of Agriculture, Food & Forestry

March 31, 2021 Board Report

Administrative Services – Monthly Update

Administrative Services – Investigative Services



| INVESTIGATIVE SERVICES ACTIVITIES FEBRUARY 2021 | | | | |
|---|----------|---|----------|--------------|
|  OKLAHOMA | |  | | |
| INVESTIGATIONS | | FEBRUARY | YTD | FYTD |
| LIVESTOCK | | 1 | 5 | 27 |
| FIRE | | 1 | 2 | 10 |
| PROPERTY | | 3 | 5 | 11 |
| TIMBER | | 0 | 1 | 2 |
| AGENCY ASSISTS | ODAFF | 0 | 0 | 0 |
| AGENCY ASSISTS | EXTERNAL | 0 | 0 | 0 |
| OTHER | | 0 | 1 | 16 |
| TOTAL INVESTIGATIONS OPENED | | 5 | 14 | 66 |
| CLOSED PENDING ADDITIONAL INFORMATION | | 3 | 3 | 25 |
| NO CRIME | | | 1 | 25 |
| NO PROSECUTION | | 0 | 0 | 1 |
| CLOSED - ASSIST CASE | | 1 | 2 | 2 |
| PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION | | | 1 | 13 |
| REFERRED FOR ADMINISTRATIVE ACTION | | | 0 | 3 |
| INVESTIGATIONS COMPLETED | | 4 | 7 | 69 |
| TOTAL CASES UPDATED | | 13 | 18 | 82 |
| COUNTS FILED | | | 1 | 21 |
| VALUE OF LOSSES - ALL CRIMES | | | \$24,575 | \$384,338.00 |
| RECOVERED LOSSES - ALL CRIMES | | | \$9,000 | \$430,370.00 |
| NUMBER OF CATTLE REPORTED STOLEN | | | 18 | 276 |
| NUMBER OF CATTLE RECOVERED | | | 1 | 130 |
| Reports not received to update data for these fields at this time. | | | | |

Administrative Services – Finance

- Finance & Accounting
 - Recently hired a full time Cash Receipts Clerk
 - We have two temps that we plan to fill with full-time positions in the future:
 - Accounts Payable Clerk
 - Administrative Assistant
 - Purchasing ten new vehicles to replace the highest mileage vehicles
 - Safer for employees
 - Lower maintenance costs

Administrative Services - Finance

- Cash balance as of 2/28/2021 was \$29.8 million compared to \$19.9 million as of 2/29/2020.
- Revenues (excluding appropriations) for July 2021 thru February 2021 totaled \$16.7 million.
 - This is an increase of \$5.8 million from the same period in the prior year.
 - Primarily attributed to \$4.1 million received by Forestry from Oklahoma Emergency Management in November 2020. This was for expenses incurred fighting the 2018 Oklahoma fires.
 - Federal Reimbursements are up by \$1.1 million

Administrative Services - Finance

- Expenses for July thru February 2021 totaled approximately \$36.6 million.
 - This is an increase of \$6.3 million when compared to the the same time period last fiscal year.
 - The increase was due to the \$10.25 million awarded in meat processing grants under the CARES Act.
 - Would have had a net decrease in expenses of approximately \$4 million for this period if we excluded the \$10.25 million awarded in meat processing grants.
 - The decreases included the following when compared to the year to date costs from the same point last year
 - Decrease in Professional Services of \$984,220
 - Decrease in Office Furniture/Equipment of \$1,878,205
 - Decrease in Salary Expenses of \$194,869
 - Decrease in Travel Expenses of \$148,527

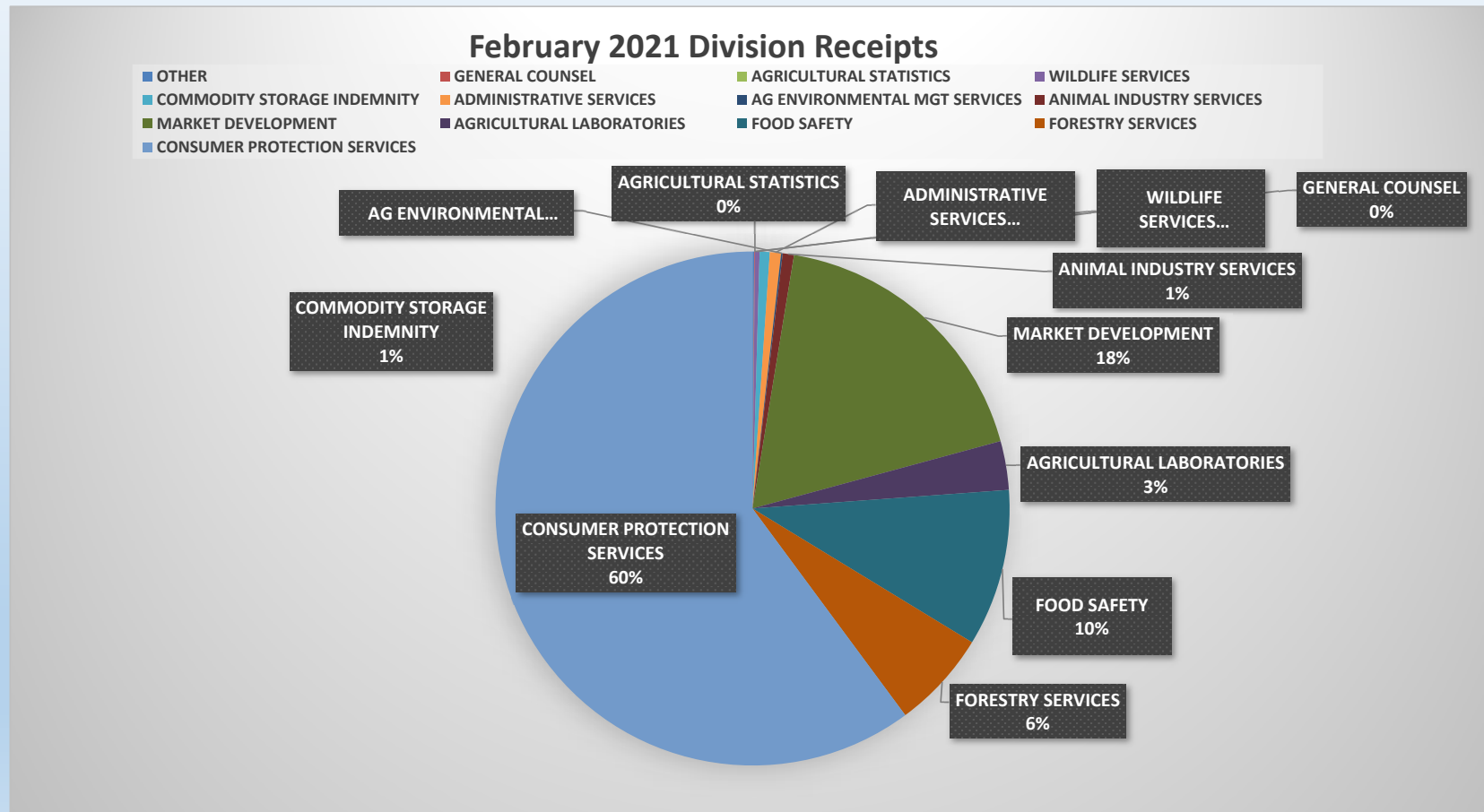
Administrative Svcs. – February 2021 Revenue



| OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY | | |
|---|---------------------|----------------------|
| PROGRAM REVENUE SUMMARY | | |
| February 2021 | | |
| DIVISION | PERIOD RECEIPTS | YEAR TO DATE REVENUE |
| ADMINISTRATIVE SERVICES | 15,746.22 | 148,474.57 |
| GENERAL COUNSEL | 1,075.00 | 28,900.00 |
| AG ENVIRONMENTAL MGT SERVICES | 2,102.00 | 156,580.66 |
| AGRICULTURAL STATISTICS | - | 60,422.00 |
| FORESTRY SERVICES | 136,635.50 | 5,635,367.00 |
| ANIMAL INDUSTRY SERVICES | 15,760.00 | 300,330.30 |
| MARKET DEVELOPMENT | 403,948.36 | 595,285.14 |
| CONSUMER PROTECTION SERVICES | 1,335,160.07 | 6,851,633.50 |
| WILDLIFE SERVICES | 6,514.00 | 100,044.00 |
| FOOD SAFETY | 219,205.91 | 2,041,650.96 |
| AGRICULTURAL LABORATORIES | 68,177.21 | 719,519.12 |
| COMMODITY STORAGE INDEMNITY | 13,928.21 | 144,939.09 |
| OTHER | 2,210.76 | (20,477.16) |
| DIVISION TOTAL (see division receipts graph below) | 2,220,463.24 | 16,762,669.18 |
| | | |
| APPROPRIATED FUNDS | 1,907,088.00 | 19,361,253.94 |
| AGENCY TOTAL | 4,127,551.24 | 36,123,923.12 |

Note: This slide Does not include CARES Act reimbursements or Meat Processing Grant funding

Administrative Svcs. – February 2021 Revenue



Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2021

As of February 28, 2021



Fiscal Year 2021 Annual Budget to Actuals for 2021 Budget Year thru February 28, 2021

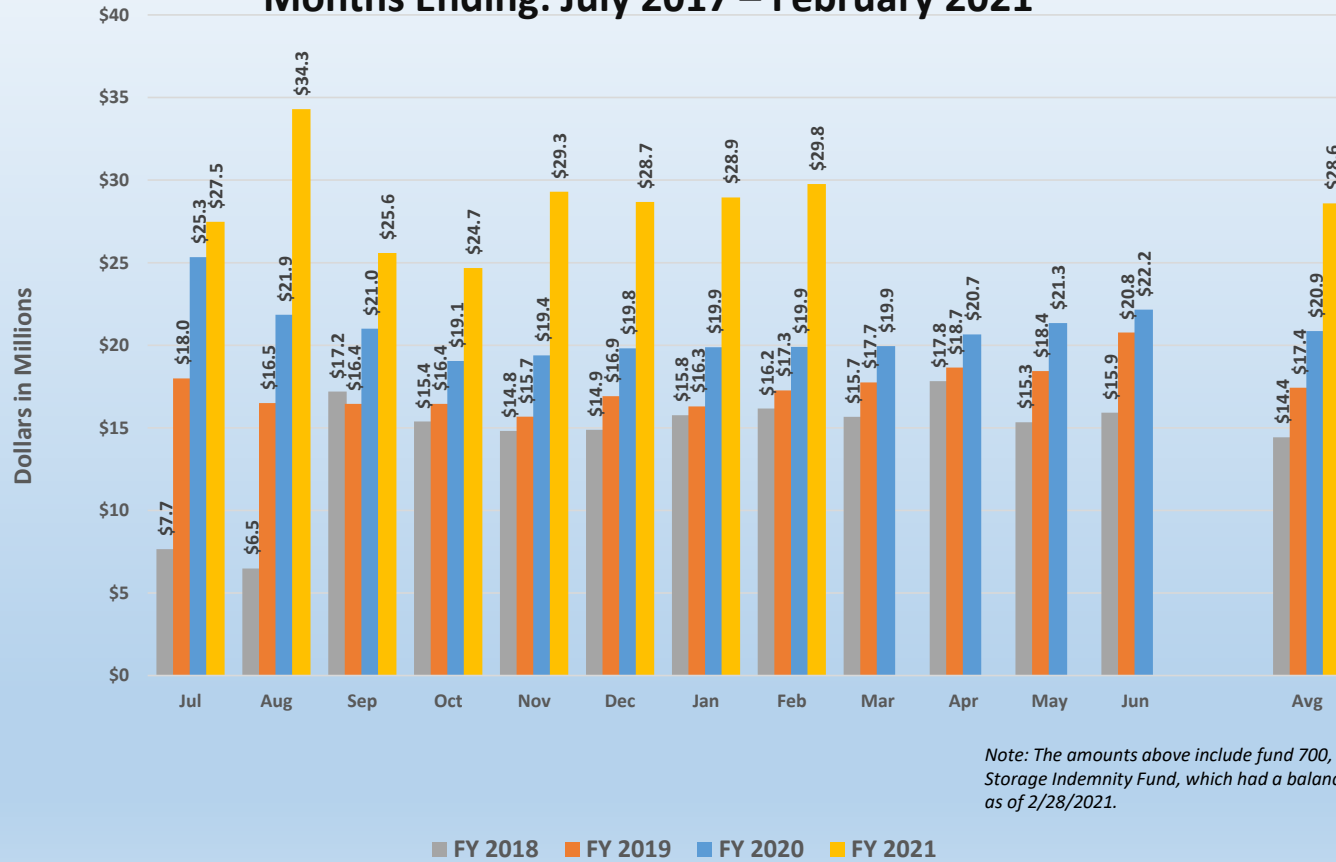
| Object Code | Account Description | Fiscal Year 2021 Budget | Fiscal Year 2021 Expenditures thru 2/28/2021 | Encumbrances & Pre Encumbrances | Available Budget |
|--------------------|--------------------------------|--------------------------------|---|--|-------------------------|
| 511 | Salary Expense | 17,167,962 | 9,698,795 | 11,224,794 | (3,755,627) |
| 512 | Insur.Prem-Hlth-Life,etc | 5,204,942 | 2,901,892 | 59,789 | 2,243,261 |
| 513 | FICA-Retirement Contributions | 3,784,189 | 2,312,555 | - | 1,471,634 |
| 515 | Professional Services | 7,254,219 | 979,164 | 1,051,522 | 5,223,533 |
| 519 | Inter/Intra Agy Pmt-Pers Svcs | - | 13,836 | 16,618 | (30,454) |
| 521 | Travel - Reimbursements | 306,519 | 59,662 | - | 246,857 |
| 522 | Travel - Agency Direct Pmts | 266,405 | 78,785 | - | 187,620 |
| 531 | Misc. Administrative Expenses | 892,493 | 364,340 | 167,227 | 360,926 |
| 532 | Rent Expense | 567,523 | 241,422 | 237,389 | 88,712 |
| 533 | Maintenance & Repair Expense | 973,508 | 327,258 | 276,800 | 369,450 |
| 534 | Specialized Sup & Mat.Expense | 1,186,900 | 229,628 | 747,039 | 210,233 |
| 535 | Production,Safety,Security Exp | 274,482 | 90,352 | - | 184,130 |
| 536 | General Operating Expenses | 158,845 | 24,838 | - | 134,007 |
| 537 | Shop Expense | 469,525 | 188,779 | 45,449 | 235,297 |
| 541 | Office Furniture & Equipment | 1,670,463 | 168,006 | 116,939 | 1,385,518 |
| 542 | Library Equipment-Resources | 765 | 1,892 | - | (1,127) |
| 543 | Lease Purchases | 1,687,584 | 1,126,014 | 561,570 | (0) |
| 546 | Buildings-Purch.,Constr,Renov. | - | 1,256 | - | (1,256) |
| 552 | Scholar.,Tuition,Incentive Pmt | 10,000,000 | 40 | - | 9,999,960 |
| 553 | Refunds,Idemnities,Restitution | 30,000 | - | - | 30,000 |
| 554 | Program Reimb,Litigation Costs | 8,270,014 | 14,807,678 | 1,014,828 | (7,552,492) |
| 555 | Pmts-Local Gov't,Non-Profits | 780,726 | 309,386 | 1,264,700 | (793,360) |
| 559 | Assistance Pymts to Agencies | 352,800 | - | - | 352,800 |
| 564 | Merchandise For Resale | 160,000 | - | - | 160,000 |
| 601 | AFP Encumbrances | - | - | 1,284,725 | (1,284,725) |
| 810 | Req Only | - | - | 477,479 | (477,479) |
| | Operating totals | 61,459,864 | 33,925,579 | 18,546,868 | 8,987,417 |

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2021
As of February 28, 2021

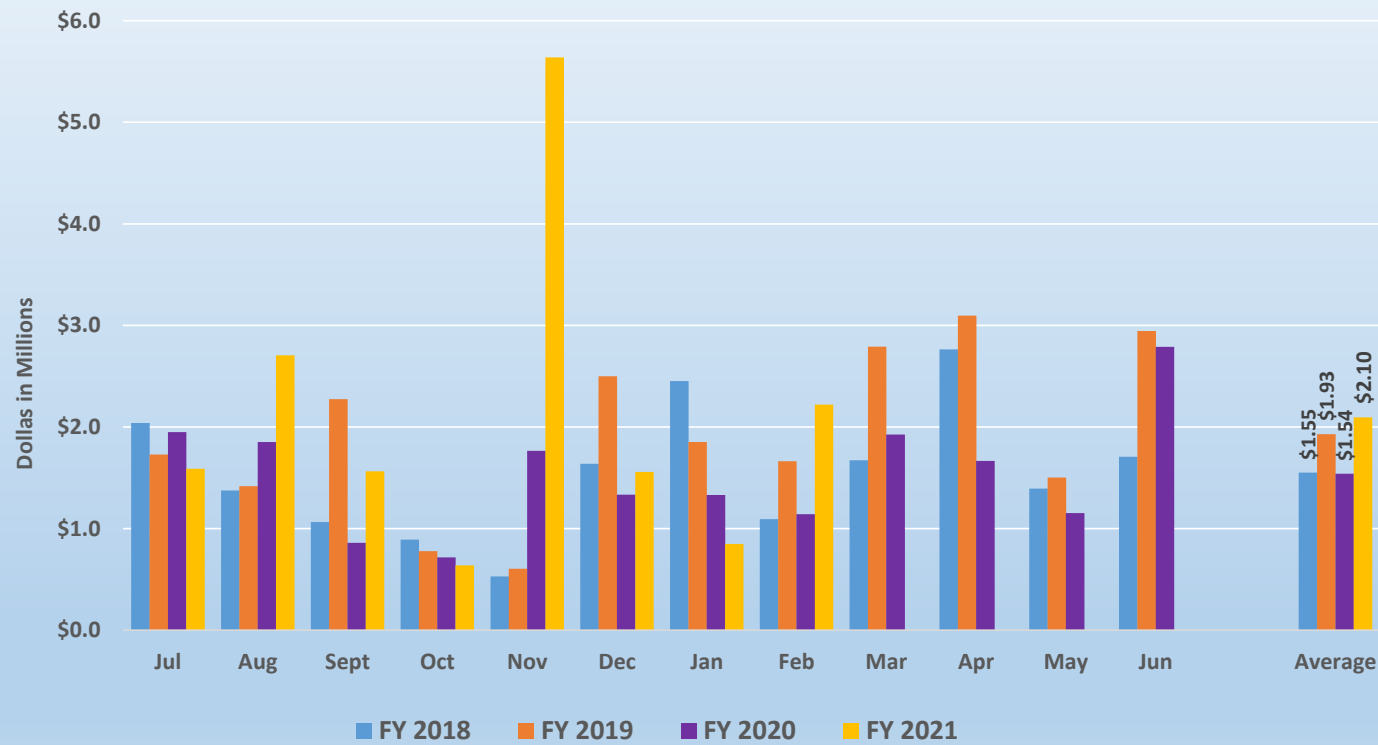
| Fiscal Year 2021 Annual Budget to Actuals for 2021 Budget Year thru February 28, 2021 | | | | | |
|--|---------------------------------|--------------------------------|---|--|-------------------------|
| Class Funding | Class Fund Description | Fiscal Year 2021 Budget | Fiscal Year 2021 Expenditures thru 2/28/2021 | Encumbrances & Pre Encumbrances | Available Budget |
| 19101 | GRF - Duties | 20,005,058 | 10,568,977 | 7,908,591 | 1,527,490 |
| 20500 | Rural Fire Defense Eqp Rev Fd | 190,000 | 24,529 | 15,971 | 149,500 |
| 21000 | Agriculture Revolving Fund | 23,001,259 | 8,197,658 | 9,143,662 | 5,659,939 |
| 22500 | Enhancement & Diversificatn Fnd | 354,000 | 24,372 | 97,170 | 232,457 |
| 23000 | Okla Pet Overpopulation Fund | 12,000 | 6,500 | 3,500 | 2,000 |
| 23500 | Animal Friendly Revolving Fund | 12,000 | 6,500 | 3,500 | 2,000 |
| 24000 | Unwanted Pesticide Disp Fund | 485,000 | - | 350,000 | 135,000 |
| 24500 | Rural Fire Revolving Fund | 400,000 | - | 173,286 | 226,714 |
| 25500 | Ag. Evidence Law Enforce Fund | 4,012 | - | - | 4,012 |
| 25600 | Ok Viticulture Enology Revl Fd | 350,000 | 993 | 113,473 | 235,534 |
| 26200 | Poultry Grading Revolving Fund | 961,544 | 572,648 | 319,135 | 69,761 |
| 28500 | Milk & Milk Prod Inspec Rev Fd | 260,200 | 101,180 | 146,411 | 12,609 |
| 28600 | Ag In The Classrm Educ Rvlv Fd | 24,000 | - | 10,000 | 14,000 |
| 28700 | Healthy Food Financing Revl Fd | 500,000 | - | - | 500,000 |
| 42000 | Specialty Crop Federal Funds | 530,000 | 262,928 | 262,169 | 4,903 |
| 48900 | CARES Urgent Response Grant | 10,266,242 | 10,250,000 | - | 16,242 |
| 57603 | Duties | 4,104,550 | 3,909,292 | - | 195,258 |
| | Total | 61,459,865 | 33,925,579 | 18,546,868 | 8,987,418 |

Available Cash at Month End per Allotment Budget & Available Cash Report

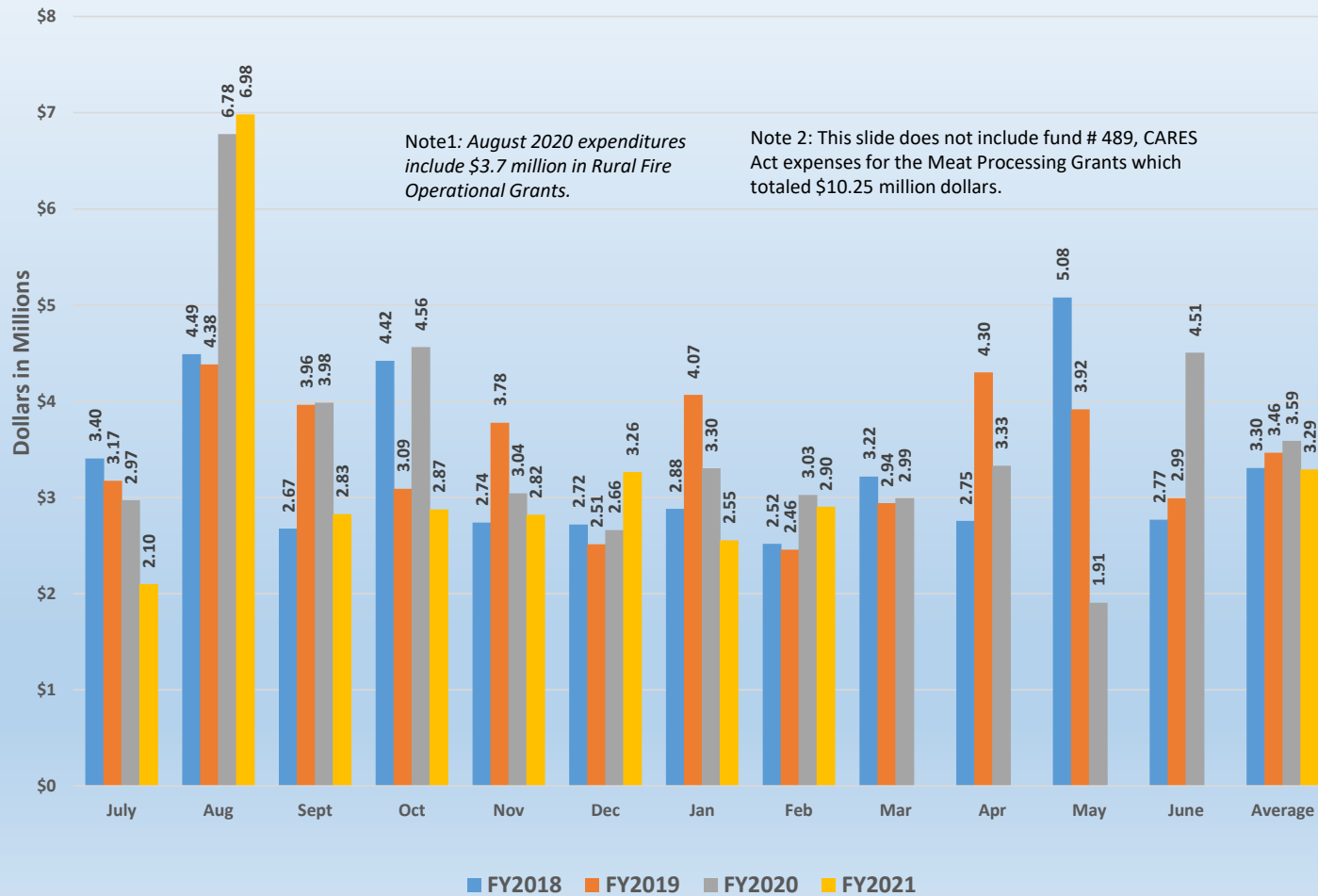
Months Ending: July 2017 – February 2021



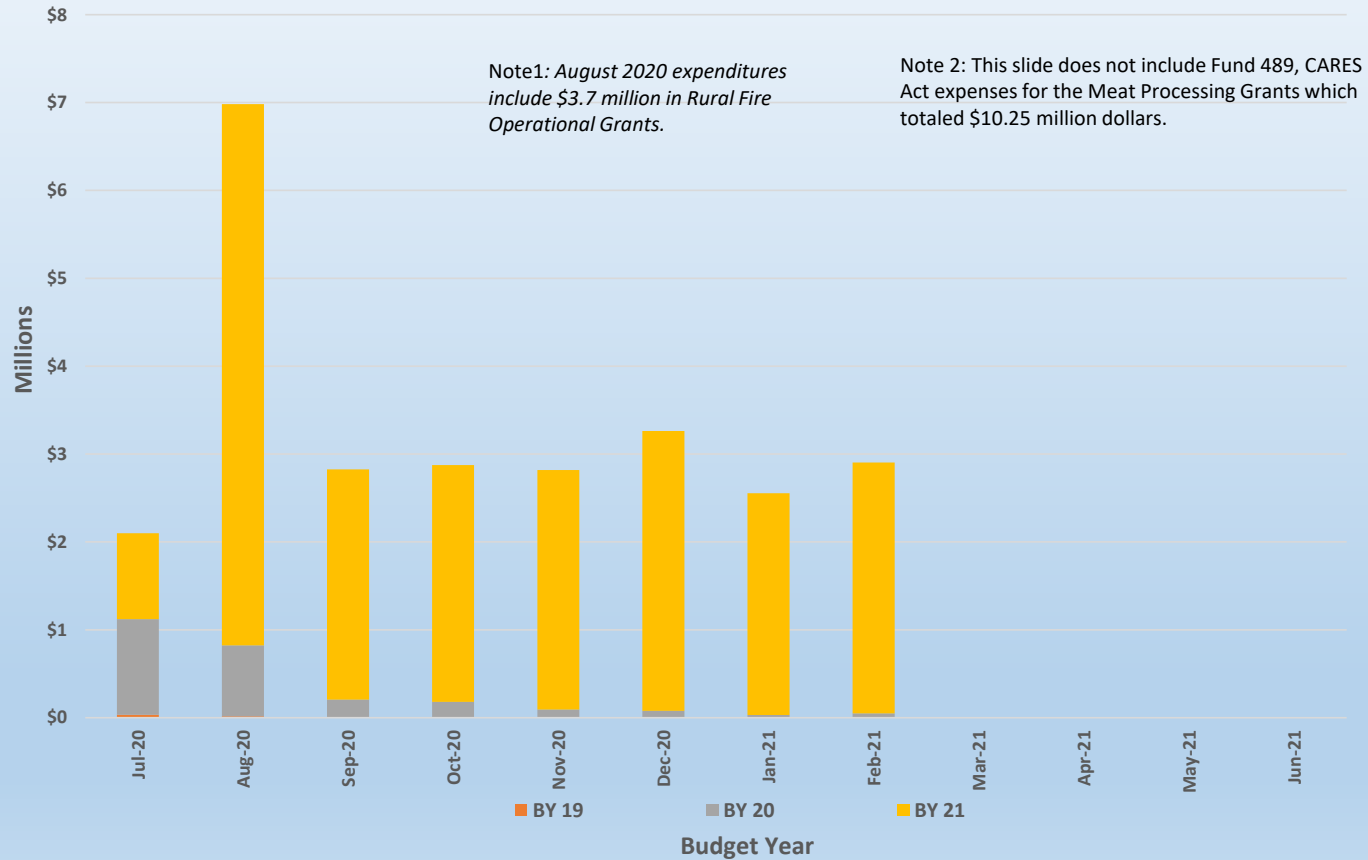
Total Revenue by Month July 2017 – February 2021



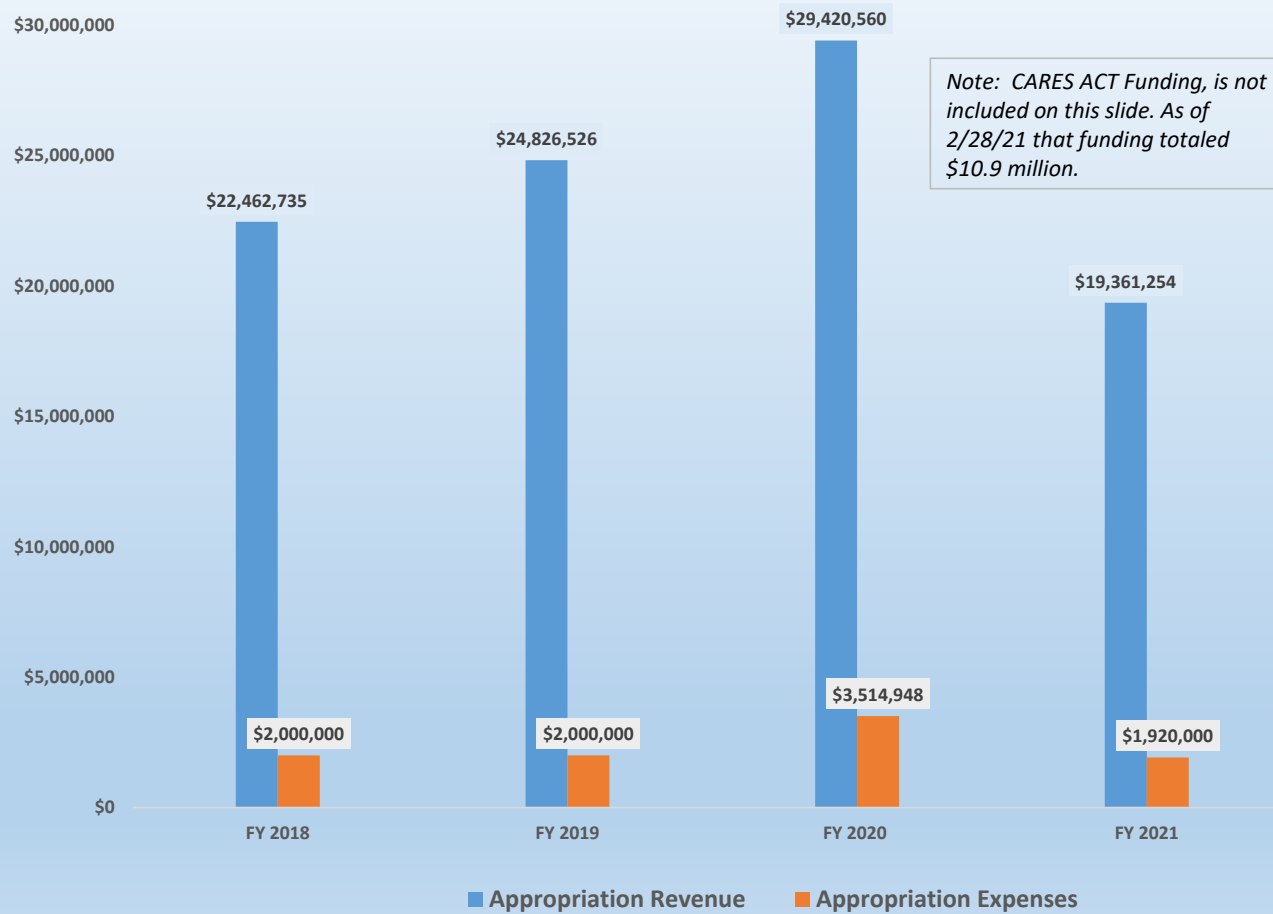
Total Expenses by Month July 2017 – February 2021



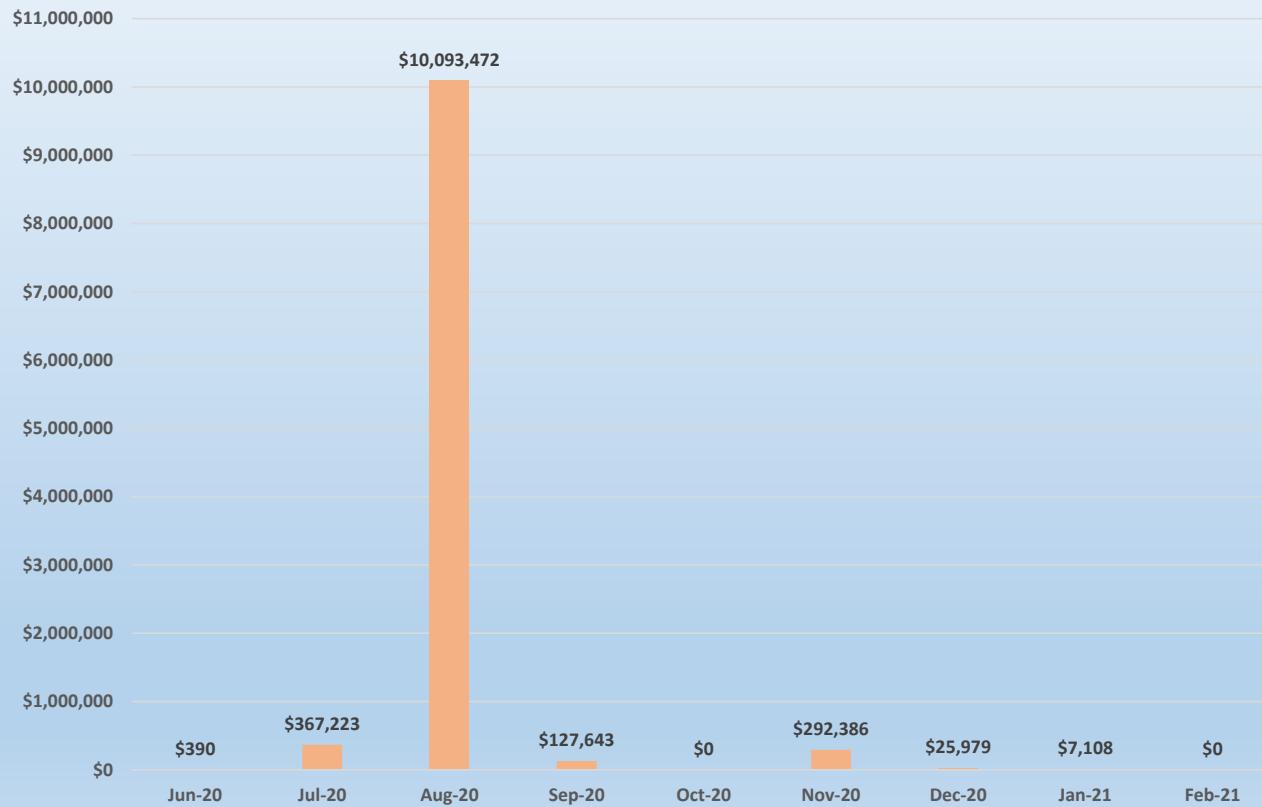
FY 2021 Total Expenses by Month with Budget Year



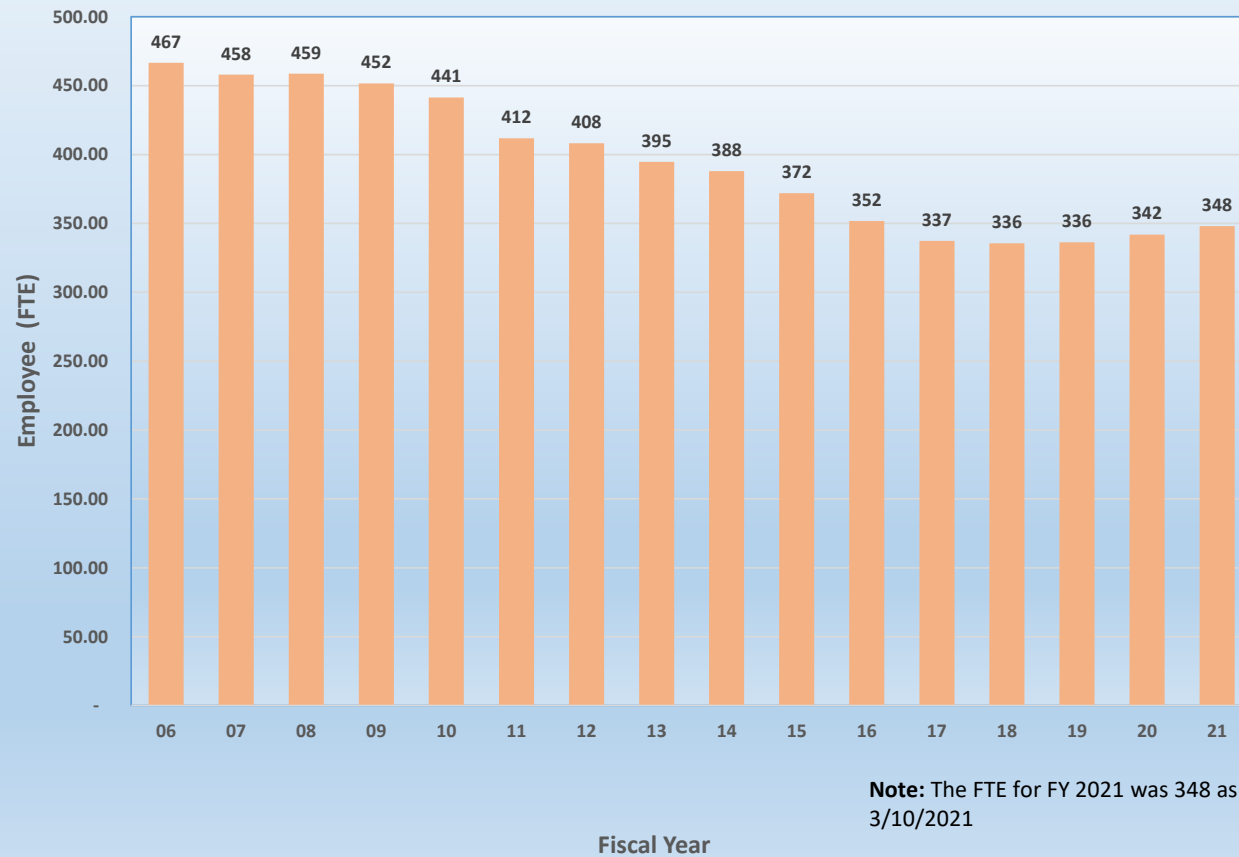
Appropriations Transfers FY 2018 - thru February 2021



CARES Act Reimbursements June 2020 – February 2021



Employee FTE Totals Fiscal Year FY 2006 – February 2021



Administrative Services – Commodity Storage Indemnity



COMMODITY STORAGE INDEMNITY INVESTMENT REPORT AS OF FEBRUARY 28, 2021

Investments with Office of State Treasurer:
Cash Management Account:

11,070,388.64

FY-2021 RECEIPTS

| | CURRENT MONTH | YTD |
|--------------------------|---------------|--------------|
| | ----- | ----- |
| NEW | - | - |
| INTEREST | 13,928.21 | 134,939.09 |
| REINSURANCE | - | 10,000.00 |
| RECOVERED COSTS | - | - |
| ELEVATOR SALVAGE | - | - |
| MATURED LONG TERM INVEST | - | - |
| | ----- | ----- |
| TOTALS | \$13,928.21 | \$144,939.09 |
| | ===== | ===== |

MARCH 2021 BOARD REPORT

AGRICULTURE LABORATORY SERVICES

(January and February 2021 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 January and February 2021:

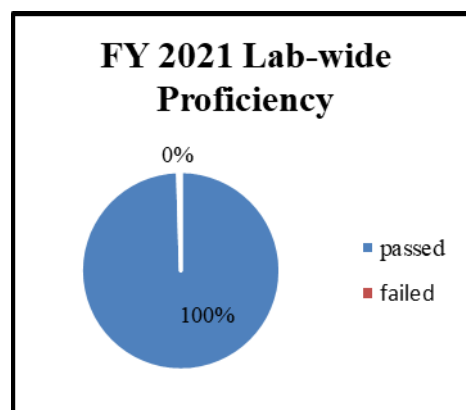
| General Chemistry | |
|-----------------------------|----|
| PT Samples Received | 3 |
| Number of Analytes | 18 |
| PT Samples Reported | 7 |
| Number of Analytes Reported | 44 |
| Completed PT Reports | 4 |
| Number of Analytes Passed | 40 |

| Pesticides | |
|-----------------------------|---|
| PT Samples Received | 3 |
| Number of Analytes | 4 |
| PT Samples Reported | 3 |
| Number of Analytes Reported | 4 |

| Food and Dairy | |
|---------------------|-----|
| PT Samples Received | 15 |
| Number of Analytes | 114 |

| Inorganic | |
|---------------------|---|
| PT Samples Received | 1 |
| Number of Analytes | 4 |

Laboratory-wide PT Performance to Date:



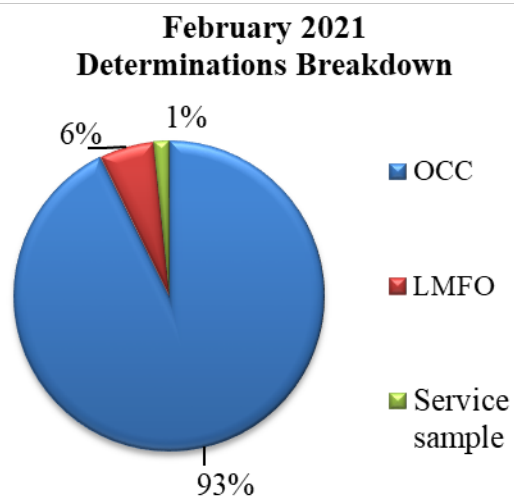
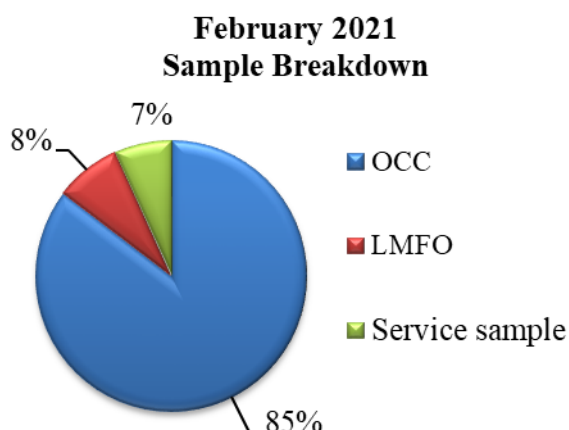
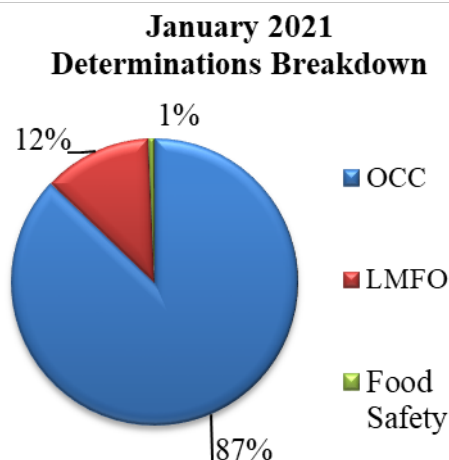
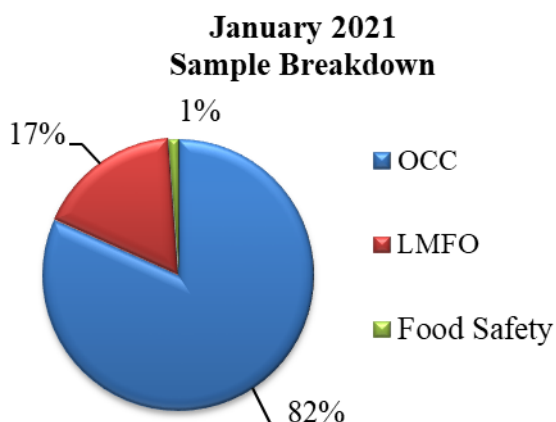
- ❖ Annual ethics and quarterly safety training for laboratory staff was completed.
- ❖ The annual internal audit of the Food and Dairy Section was carried out.
- ❖ The QA Manager applied and was accepted into the Certified Public Manager Program through OMES.
- ❖ Work to update the Inorganic Section Quality Manual and management system to ISO 17025:2017 specifications was continued.

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

The Section participated in emergency testing for the Norman Hiland Plant investigation.

Interviews to fill the chemist position left vacant are in process and will be completed in early March. An offer will likely be extended by mid-March.

There was some water damage to a wall after a pipe burst from the freezing temperatures. OMES personnel are still working to repair the wall.



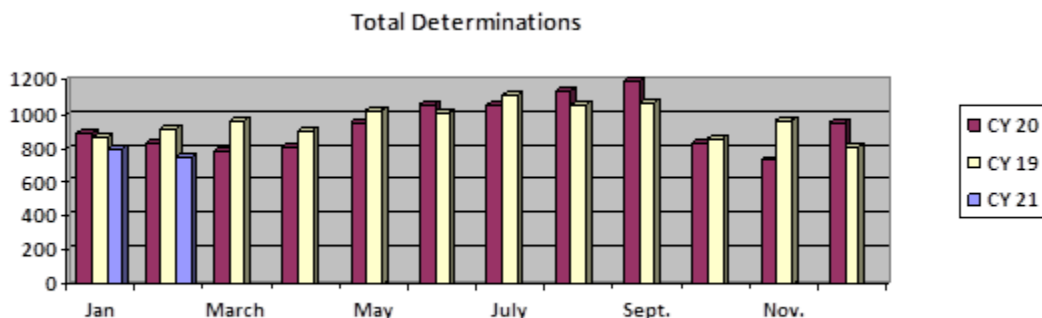
Inorganic Sample Breakdown

| Customer | Samples | Determinations |
|-----------------|------------|----------------|
| OCC | 290 | 2,610 |
| LMFO | 43 | 258 |
| Food Safety | 2 | 10 |
| Service Samples | 12 | 24 |
| Total | 347 | 2,902 |

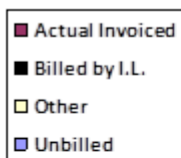
DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The Section completed routine dairy analysis to satisfy the four antibiotic tests required within a six month period by the FDA for in-state dairies.

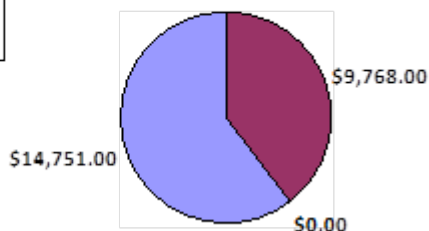
As a result of the freezing weather, the Section had significant water damage to a wall where a pipe had burst in the Inorganic Section. OMES was fast to repair the damage, considering the work performed in that area could be impacted by bacterial growth in the walls and ceilings.



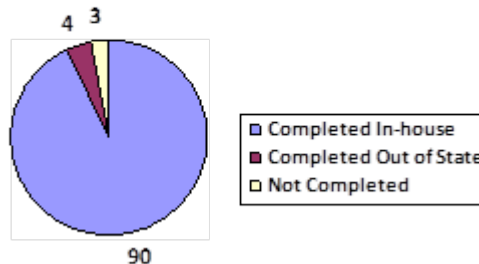
January



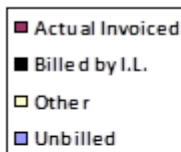
Revenue Breakdown



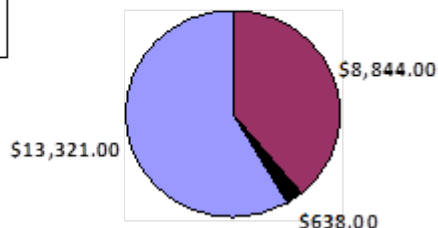
Dairy Farms



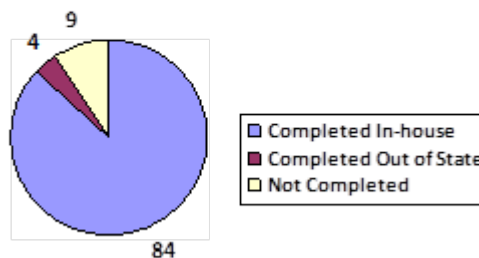
February



Revenue Breakdown



Dairy Farms



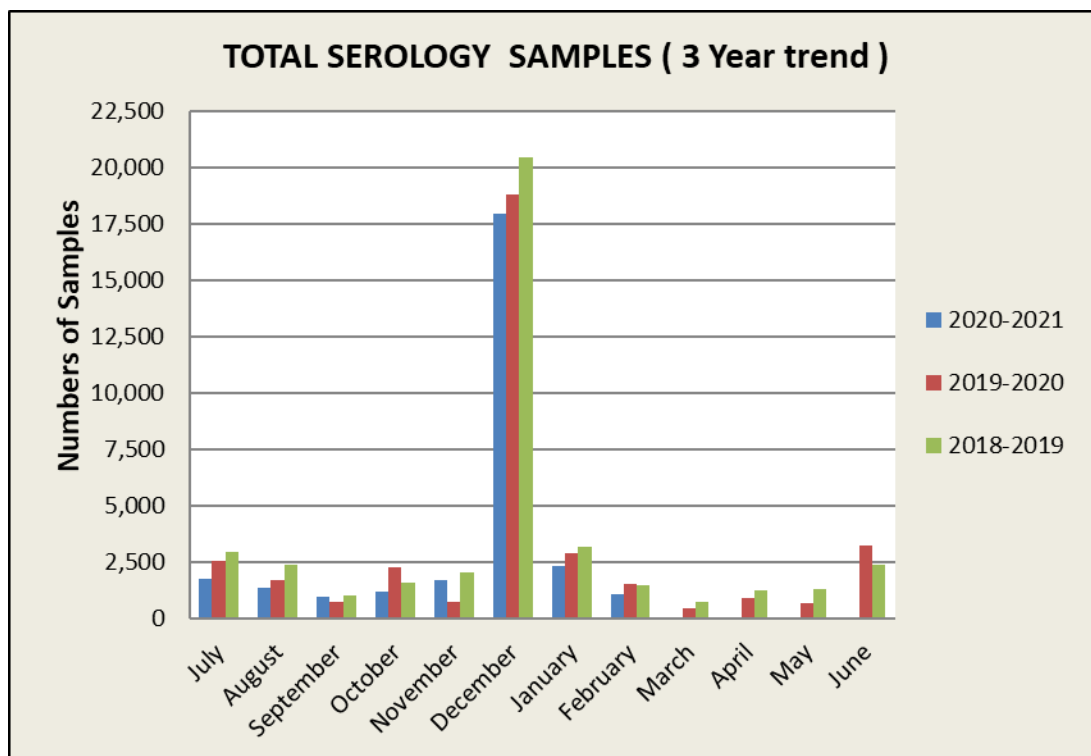
SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

January sample numbers for the Seed Program were slightly below average when compared to years past. A total of 93 seed samples were received for both purity and germination analysis. Seed facilities have just begun building their inventories for the upcoming spring months and total numbers are expected to increase as planting season grows nearer. Sixty-four percent of all samples received were official regulatory samples taken by CPS field inspectors consisting primarily of cool season grasses and oats. The remaining service work consisted of mostly native type grasses, carryover alfalfa, and hybrid sorghum seed.

Inventories of seed products are actively increasing throughout the state. Records for February show that a total of 128 seed samples were received for analysis. Many of the crops tested include native grass, soybeans, hybrid corn, and hybrid grain and forage sorghum. As of now there are no reports that indicate a seed shortage for any crops for the upcoming spring planting season. Poor weather conditions during the middle of the month slowed down sample collection, and caused many samples to require retesting, which hindered getting test results sent out in a timely manner. The Section did manage to get caught up, however, and turnaround times are now back to normal.

The Board of Directors of the Oklahoma Crop Improvement Association (OCIA) held their quarterly meeting via zoom on February 11th. Crop updates reported at the meeting indicated that certified wheat continues to look mostly good to fair condition. There is some concern among growers regarding the winter storm that brought extremely low temperatures throughout the state. The crop took damage in many areas and significantly slowed down winter grazing. Its recovery now depends on future weather and moisture conditions in the weeks ahead.

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



| 3-year Summary of Samples Analyzed | | | | | | | |
|------------------------------------|-------------|--------------|--------|----------|-------------|--------------|--------|
| January | | | | February | | | |
| Year | Brucellosis | Pseudorabies | E.I.A. | Year | Brucellosis | Pseudorabies | E.I.A. |
| 2021 | 1,319 | 1,109 | 3 | 2021 | 677 | 405 | 6 |
| 2020 | 1,615 | 1,287 | 1 | 2020 | 880 | 673 | 2 |
| 2019 | 1,773 | 1,379 | 13 | 2019 | 1,015 | 472 | 7 |

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

| January | Feed | Fertilizer | Lime | Total |
|-------------------|-------|------------|-------|-------|
| Samples Received | 311 | 20 | 5 | 336 |
| Samples Completed | 246 | 18 | 0 | 264 |
| Determinations | 943 | 54 | 0 | 997 |
| Violations | 78 | 11 | 0 | 89 |
| Violation % | 8.27% | 20.37% | 0.00% | 8.93% |

| February | Feed | Fertilizer | Lime | Total |
|-------------------|-------|------------|--------|-------|
| Samples Received | 138 | 19 | 8 | 165 |
| Samples Completed | 106 | 14 | 5 | 125 |
| Determinations | 397 | 34 | 30 | 461 |
| Violations | 26 | 3 | 5 | 34 |
| Violation % | 6.55% | 8.82% | 16.67% | 7.38% |

There are two acid fume hoods in the Section that OMES is working to replace as they have become less reliable over time and the manufacturer will not work with them to resolve issues. One hood is completely non-operational because the controller on it has failed. The controller has been replaced before but is not solving all the issues with this equipment.

PESTICIDE SECTION: (Usha Pandey-Kadel, Section Supervisor)

Pesticide Section by the numbers:

| January | Number | Test | Det | Average TAT (days) |
|--------------|--------|------|-----|--------------------|
| Organic Act | 8 | 8 | 8 | 54 |
| Residue Soil | 10 | 12 | 28 | 55 |
| Residue Veg | 4 | 8 | 64 | 48 |
| Residue Swab | 2 | 4 | 20 | 41 |

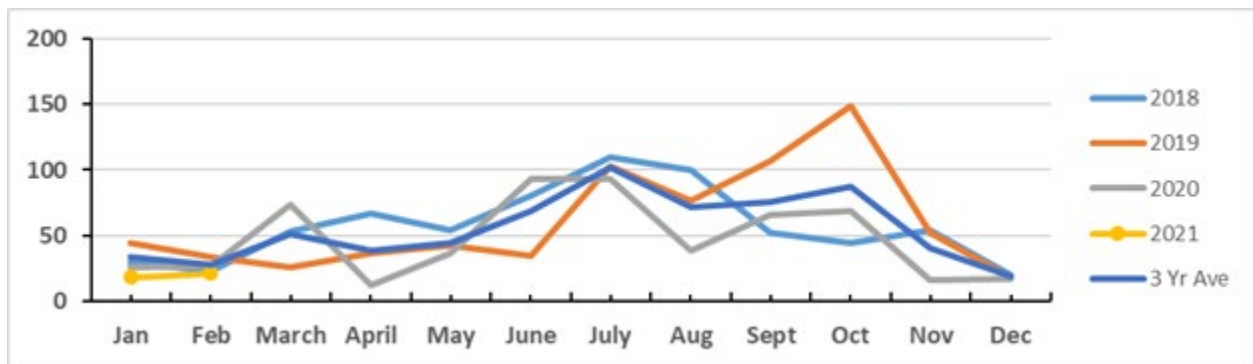
Average Residue TAT: 54

| February | Number | Test | Det | Average TAT (days) |
|------------------|--------|------|-----|--------------------|
| Hemp | 1 | 1 | 1 | 3 |
| Residue Swab | 5 | 5 | 29 | 84 |
| Proficiency Test | 3 | 3 | 4 | 16 |

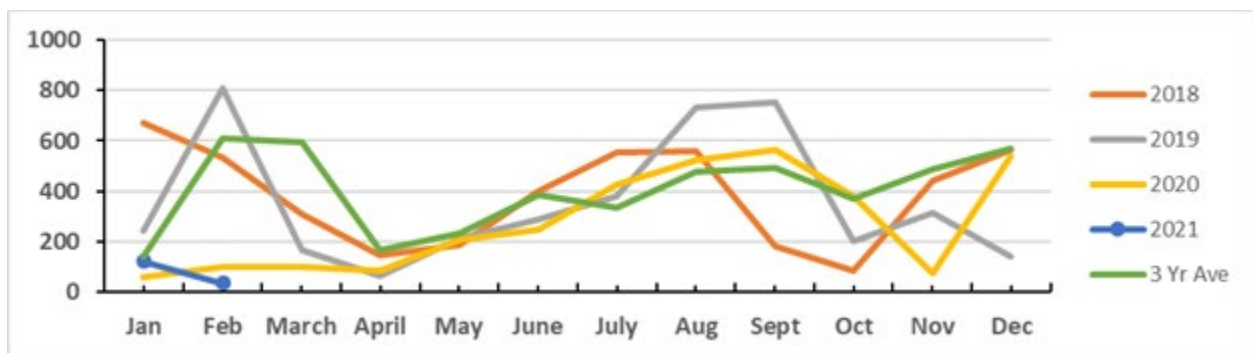
Average Residue TAT: 84
Average Form TAT: 16
Average Hemp TAT: 3

| Totals | | | |
|----------|--------------|------------|---------------------|
| Month | # of Samples | # of Tests | # of Determinations |
| January | 24 | 32 | 1202 |
| February | 9 | 9 | 34 |

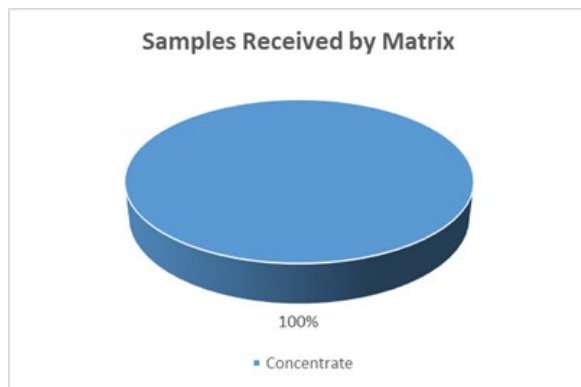
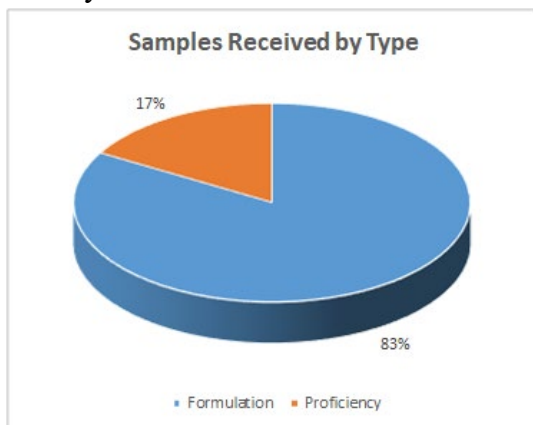
Determinations the Section completed by month:



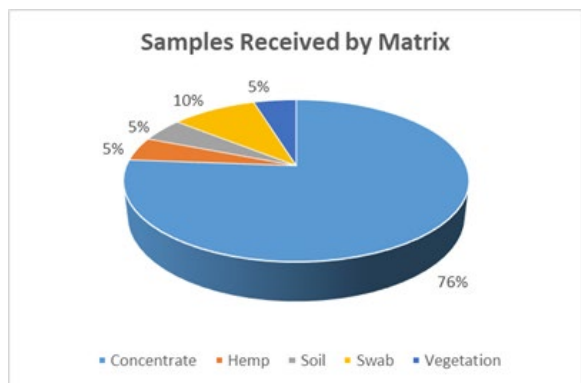
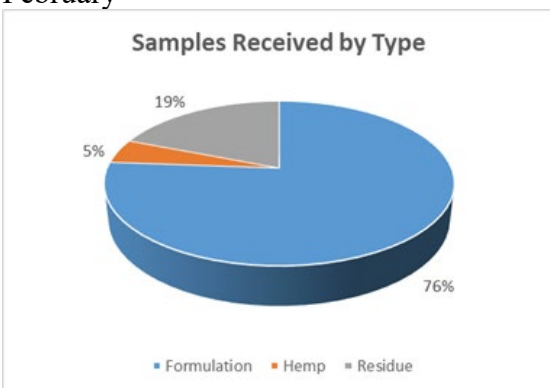
Samples the Section received by month:



January



February



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

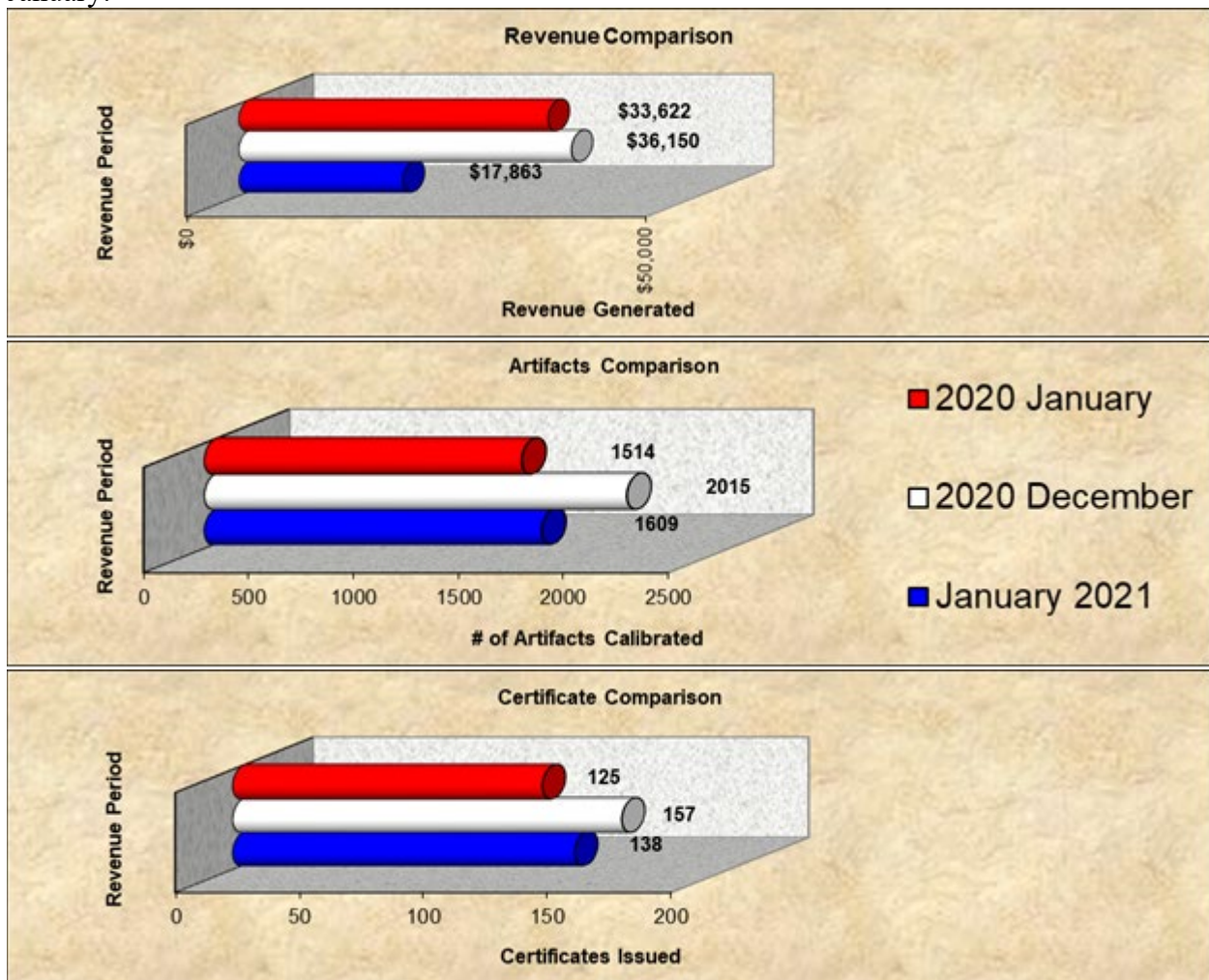
In January, the Bureau participated in a 5-gallon volume transfer proficiency test. All preliminary data submitted by the Bureau passes all the required statistical guidelines.

In February, the Bureau completed the annual internal standard calibrations and process updates.

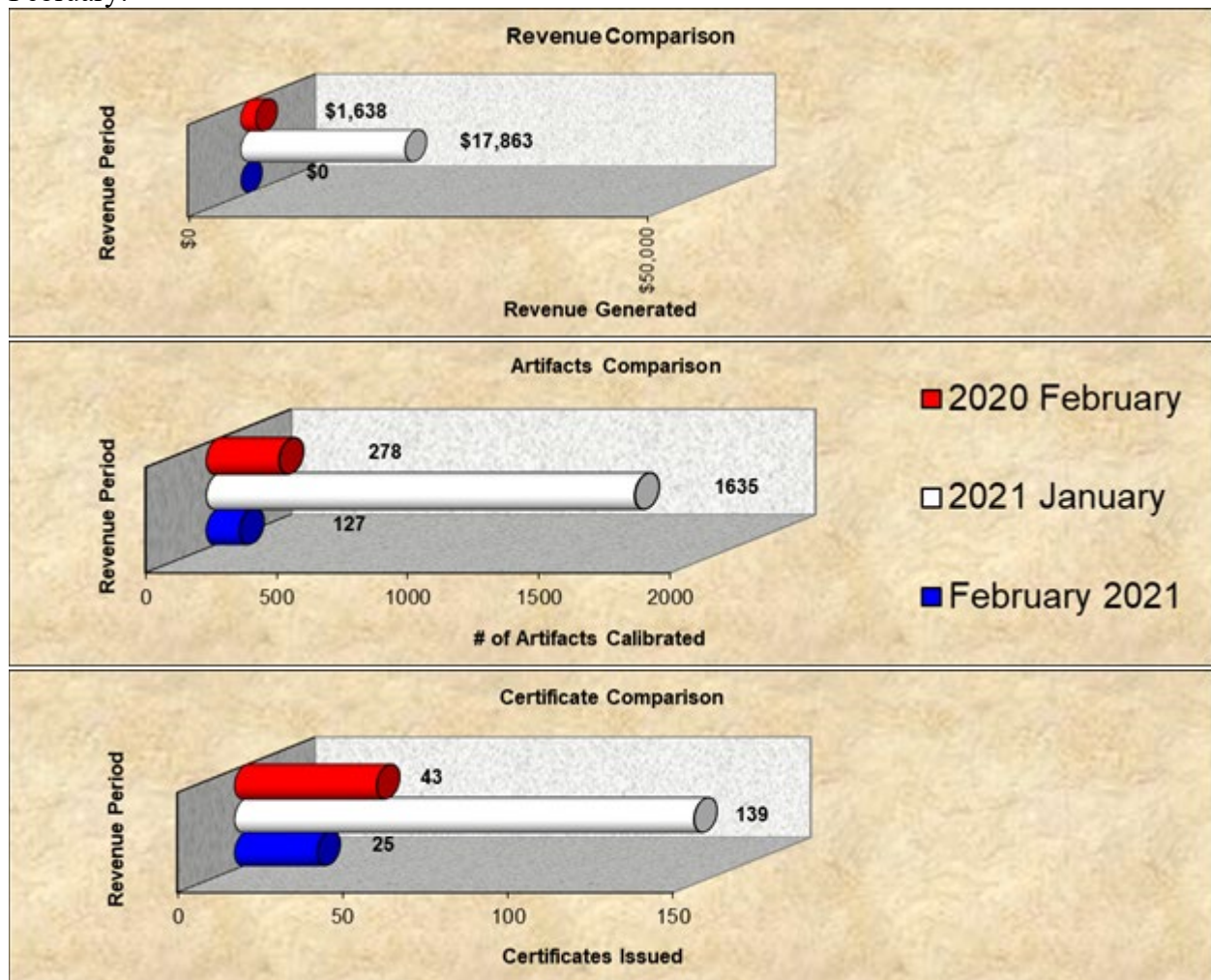
Summary of work completed:

| January | # | Fees | % of Fees | # Standards | % of Standards |
|------------------------|---|-------------|-----------|-------------|----------------|
| Out-of-State Customers | 1 | \$396.00 | 2% | 8 | 0.5% |
| In-State Customers | 7 | \$17,467 | 98% | 1601 | 99.5% |
| Totals | 8 | \$17,863.00 | | 1609 | |

January:



February:



Respectfully Submitted,

Tanna Hartington

Tanna Hartington
Director, Laboratory Services Division

**BOARD REPORT
LABORATORY SERVICES DIVISION
JANUARY 2021 ACTIVITIES**

| | |
|--|-----------------|
| FEED SAMPLES | 246 |
| FEED DETERMINATIONS | 943 |
| POSSIBLE VIOLATIONS | 78 |
| FERTILIZER SAMPLES | 18 |
| FERTILIZER DETERMINATIONS | 54 |
| POSSIBLE VIOLATIONS | 11 |
| LIME SAMPLES | 0 |
| LIME DETERMINATIONS | 0 |
| POSSIBLE VIOLATIONS | 0 |
| PESTICIDE SAMPLES | 24 |
| PESTICIDE DETERMINATIONS | 1202 |
| INORGANIC LAB SAMPLES | 169 |
| DETERMINATIONS | 1426 |
| STATE-FEDERAL VET. LAB. SAMPLES | 2341 |
| STATE-FEDERAL VET. LAB. DETERMINATIONS | 2822 |
| NUMBER POSITIVES | 0 |
| SEED SAMPLES | 63 |
| SEED DETERMINATIONS | 75 |
| POSSIBLE VIOLATIONS | 0 |
| BUREAU OF STANDARDS CERTIFICATES | 138 |
| NUMBER OF STANDARDS CALIBRATED | 1609 |
| FEE CHARGES | \$17,863.00 |
| DAIRY AND FOOD SAFETY SAMPLES | 318 |
| DAIRY AND FOOD SAFETY DETERMINATIONS | 803 |
| POSSIBLE VIOLATIONS | 13 |
| TOTAL SAMPLES | 3317 |
| TOTAL DETERMINATIONS | 8934 |
| TOTAL POSSIBLE VIOLATIONS | 102 |

**BOARD REPORT
LABORATORY SERVICES DIVISION
FEBRUARY 2021 ACTIVITIES**

| | |
|--|-----------------|
| FEED SAMPLES | 106 |
| FEED DETERMINATIONS | 397 |
| POSSIBLE VIOLATIONS | 26 |
| FERTILIZER SAMPLES | 14 |
| FERTILIZER DETERMINATIONS | 34 |
| POSSIBLE VIOLATIONS | 3 |
| LIME SAMPLES | 5 |
| LIME DETERMINATIONS | 30 |
| POSSIBLE VIOLATIONS | 5 |
| PESTICIDE SAMPLES | 9 |
| PESTICIDE DETERMINATIONS | 34 |
| INORGANIC LAB SAMPLES | 178 |
| DETERMINATIONS | 1476 |
| STATE-FEDERAL VET. LAB. SAMPLES | 1088 |
| STATE-FEDERAL VET. LAB. DETERMINATIONS | 1405 |
| NUMBER POSITIVES | 0 |
| SEED SAMPLES | 127 |
| SEED DETERMINATIONS | 130 |
| POSSIBLE VIOLATIONS | 1 |
| BUREAU OF STANDARDS CERTIFICATES | 25 |
| NUMBER OF STANDARDS CALIBRATED | 127 |
| FEE CHARGES | \$0.00 |
| DAIRY AND FOOD SAFETY SAMPLES | 305 |
| DAIRY AND FOOD SAFETY DETERMINATIONS | 752 |
| POSSIBLE VIOLATIONS | 13 |
| TOTAL SAMPLES | 1857 |
| TOTAL DETERMINATIONS | 4385 |
| TOTAL POSSIBLE VIOLATIONS | 48 |



MARCH 2021

OKLAHOMA FORESTRY SERVICES BOARD REPORT

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

Our board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which includes Resilient Landscapes, Fire Adapted Communities and Wildfire Response.

FEBRUARY/MARCH HIGHLIGHT

OFS Celebrates Arbor Week

Oklahoma's Arbor Week is celebrated the last week of March each year. OFS kicks off the celebration by recognizing communities, schools, military bases and utility companies that have been recognized nationally by the Arbor Day Foundation with what is typically a half-day conference, tree planting and awards luncheon in Oklahoma City. This year due to the pandemic the kickoff celebration was held virtually on March 11th.

On March 8th OFS held a special tree planting event in Pauls Valley to commemorate its 40th year as a Tree City USA community. Coincidentally Pauls Valley is the community with the longest history of holding the designation in Oklahoma. Mark Goeller, Mark Bays, Scott Huff and Riley Coy joined members of Pauls Valley's volunteer citizen Tree Board (including some original members), who oversee the Tree City USA program, and city officials to plant a native Powder Keg® Caddo Sugar Maple tree in Wacker Park.

OFS Foresters will participate in Arbor Week celebrations in communities across the state throughout March, including the one at Scissortail Park in Oklahoma City on March 27th.



Pauls Valley Tree Planting Celebration



State Forester Mark Goeller and Forester Mark Bays preparing the ground

RESILIENT LANDSCAPES



Forestry Field Day

More than a dozen OFS Foresters and other staff from across the state gathered on March 4th in Broken Bow for a field day to conduct a timber stand inventory on 240 acres that is leased to OFS. The process, known in forestry as cruising timber, is conducted to determine stand characteristics, including average tree sizes, volume, age and quality. The information will be utilized to update the forest management plan for the area, which is primarily used for research and demonstration purposes. The group was divided into teams including Service Foresters, OFS Forest Inventory & Analysis Foresters and Staff Foresters. They completed the entire project in six hours.

URBAN & COMMUNITY FORESTRY

Homeowner Association Woodlands Restoration

Service Forester Riley Coy and Community Forester Mark Bays met with Scott Leuschen with St. James Point Homeowners Association in SW Oklahoma City on January 19th. A newly opened section of the John Kirkpatrick Turnpike is adjacent to their property that includes woodlands, a creek and a common area pond. Riley and Mark will provide guidance with the Association's goals of re-establishing forest cover near the pond, improving the health of existing woodlands and creating a tree covered buffer between the turnpike and their property.



Altus AFB Tree Health – Riley Coy and Mark Bays met with representatives of the Altus Air Force Base Environmental Department to discuss tree health issues on recent planting projects on the base on January 21st. Riley and Mark also talked with them about becoming recertified as a Tree City USA. Tinker AFB and Vance AFB are currently the only military installations with this Arbor Day Foundation designation.

Oklahoma Gardening TV Show Segments – On February 23rd Mark Bays met with the film crew from Oklahoma Gardening to record segments relating to the tree preservation activities during the construction of the new state capitol visitors center and the walnut conference room table constructed for the Parks Department of Oklahoma City. Segments for each are scheduled to air later this year.



Macomb Elementary Peace Garden

Mark Bays met with approximately thirty 5th graders under the Oklahoma City Survivor Tree on February 24th to talk about how this special tree came to be known as the Survivor Tree and the efforts that have gone into its preservation and care. On March 25th OFS and others will visit the school and help with the designing of a Peace Garden that will incorporate a seedling from the tree. OFS Education Coordinator Mo Rice will help teachers develop classroom curriculum.

FOREST REGENERATION CENTER (FRC) & FOREST TREE IMPROVEMENT CENTER (FTIC)

AmeriCorps Volunteers - The 10-person AmeriCorps NCCC team assigned to the Forest Regeneration and Forest Tree Improvement Centers continues to provide invaluable manpower at an extremely busy time. The team is harvesting and processing seedlings for landowners across the state and country, planting seedlings for reforestation projects, interacting with the public at events promoting conservation education and taking on special projects as needed. OFS is grateful to have this dedicated and hardworking crew.



Oklahoma Wildlife Services USDA APHIS – Thanks to Justin Cooper and Mark Forman from Wildlife Services and USDA APHIS for their support in surveying and managing the deer population at the Forest Regeneration Center in Goldsby for the second year in a row. The hardwood crop was being negatively affected by deer overpopulation and the decision was made to remove a few of the deer to prevent further crop damage and improve the overall health of the deer population in the area.

FOREST INVENTORY AND ANALYSIS (FIA) UPDATE

Forest Inventory and Analysis has gone west! After completing many months of survey in the densely forested eastern third of the state, the FIA Foresters traveled to Ardmore, Oklahoma City, and then Duncan in just six weeks. While forest industry is less prominent in this area, the importance of proper forest management may be even greater. FIA data is used to assess water quality metrics, wildlife habitat, wildfire risk, woody encroachment, and disturbance effects.

FROM THE AREA OFFICES

Northeast Area

- **Landowner Assists** – The NE Area Foresters assisted 17 land owners with a variety of topics, including tree health, ID, disease problems and other forest management concerns. Forester Evan Long completed one Forest Stewardship Plan for a 73 acre property in Mayes County. This plan focuses on forest health and wildlife habitat enhancement.
- **Turkey Mountain Prescribed Burn** - Drew Daily, Dieter Rudolph and NE Area Forester Craig Longshore met with representatives from Turkey Mountain Urban Wilderness Area in Tulsa to assess their property for a potential prescribed burning project.

East Central Area

- **Stewardship Plans** - EC Area foresters completed three new forest stewardship plans on a total of 2,660 acres in Latimer and LeFlore counties since the Board Report.
- **Practice Plan** - One practice plan was written for a 100-acre property in Payne County. Practice plans are written for forested properties that fall in the medium and low value forest designations. The plans are prepared to guide a landowner in completing practices that will help him meet his forest management objectives.
- **Forestry Internship Update** - Two summer interns and one winter intern have accepted positions with OFS. Ryan Craw, OSU forestry student, will be our “wintern.” Kelli Fontenot, OSU forestry student, and Jacob Nicholson, also OSU but this one is Ohio State University, will start with OFS in May. East Central Area Forester Craig Marquardt overs the program, from recruiting to creating the intern’s schedules to mentoring them and ensuring that each intern has a varied and interesting experience.

Southeast Area

- **Landowner Assists** – SE Area Foresters made contact with 22 landowners in January and February in an effort to increase acres under active conservation management. Additionally, the Foresters provided 13 landowner assists and are working on six Stewardship Plans.
- **Seedlings** – 22,000 seedlings were sold/distributed and eight acres were planted in McCurtain County.
- **Broken Bow Communication Tower Update** - The concrete pad and supports for the tower have been poured with concrete. AEP/PSO made a site visit to get the electric service established to the tower site and Pine Telephone is currently working on getting fiber optics to the tower site. Work has also begun on the site for the building that will house the repeater and other equipment.

WILDFIRE RESPONSE – Fire Staff Board Report as of 03/04/21

Fire Operations - Oklahoma Forestry Services responded to, suppressed and/or assisted on 56 wildfire incidents burning 3,566 acres during February. Additionally 7 prescribed fires were completed treating 875 acres. Wildfire statistics remain below average despite the warmer/drier expectation early in the year. Fortunately, a historic cold snap and snow event occurred in February setting back building fire danger concerns.

Wildfire Outlook Executive Summary - The winter season to date has not presented the troublesome La Niña expectations of warmer and drier conditions identified in previous outlooks. Some timely wetting events, and the general absence of fire-effective weather patterns have tempered the build-up of composite fuel dryness and fire danger overall up to this point.

The month of March begins a six week (+/-) period in which the highest number of wildfires and most acres burned typically occurs in Oklahoma. The late February historic cold spell reduced dormant fire season concerns even though the dry snow had little effect on overall fuel moisture. The current evaluation of the fire environment including weather forecast/outlook elements and fuels analysis indicate the potential for increasing wildland fire occurrence and wildfire severity across Oklahoma during the spring months. Large fires (>100 ac. Timber / >300 ac. Grass) will become more frequent in the March and early April time period with significant large fire occurrence potential (>5,000 acres/notable structure loss and/or casualties).

| February 2021 Fire Response | Fires | Acres |
|---|--------------|--------------|
| 2021 Wildfires Year-to-Date | 118 | 5,077 |
| OFS Protection Area - Month | 49 | 1,405 |
| 5-Year Average | 96 | 6,940 |
| 10-Year Average | 126 | 9,046 |
| Protection Area YTD | 105 | 2,505 |
| OFS Response Outside Protection Area | 4 | 1,449 |
| OFS Response Outside Protection Area YTD | 5 | 1,860 |
| Fire Department Reports | 3 | 313 |
| Fire Department Reports YTD | 8 | 712 |
| Prescribed Fire - SE | 3 | 618 |
| Prescribed Fire - EC | 3 | 182 |
| Prescribed Fire - NE | 1 | 75 |
| Prescribed Fire - OKOKS | 0 | 0 |
| Prescribed Burns - YTD | 7 | 875 |

Operational Indicators/Implications and Associated Response Actions with Oklahoma Forestry Services Wildfire Preparedness Levels are displayed in the graphic below. The current expectation is for the Preparedness Level to gradually increase entering into spring. Transition from Preparedness Level 2 (PL2) to PL3 is expected in the latter half of March. In the previous outlooks, the consensus indicated hitting PL4 in the latter part of the dormant season, and although we have downgraded to a PL3 expectation overall, we may very likely observe some of the Operational Indicators and Associate Response Actions consistent with PL4.

A projection of categorical Preparedness Level through the dormant season is indicated immediately below:

| February | March | April | May |
|--------------------|--|--|------|
| PL 1 | PL 2 PL 3 | | PL 1 |
| Preparedness Level | Operational Indicators | Associated Response Actions | |
| 1 | <ul style="list-style-type: none"> Fires are generally contained during initial attack Large Fire occurrence absent or infrequent OFS Resources assigned within Protection Area Aviation Resources generally not required | <ul style="list-style-type: none"> Wildfire Situation Reports issued weekly or as needed Generally no County Burn Bans in place No Governor's Burn Ban in place | |
| 2 | <ul style="list-style-type: none"> Most fires contained during initial attack Large fires occurring infrequently OFS Resources assigned outside of Protection Area as needed Aviation Resources required infrequently | <ul style="list-style-type: none"> Wildfire Situation Reports issued daily or as needed County Burn Bans are possible No Governor's Burn Ban in place | |
| 3 | <ul style="list-style-type: none"> Most fires are contained during initial attack Large fires becoming more frequent Significant Fire occurrence is infrequent OFS resources mobilized as needed outside of Protection Area Aviation Resources required as needed OFS Type 3 Team/Organization prepared for mobilization OFS State Command mobilization evaluated OEM Coordination daily | <ul style="list-style-type: none"> Situation Reports issued daily. County Burn Bans begin to be issued Assessment of Governor's Burn Ban criteria completed weekly Assessment of opening the Southeastern/South-Central Compact Potential for some interagency resources to be ordered Potential for Fire Management Assistance Grant requests | |
| 4 | <ul style="list-style-type: none"> Fires regularly require multiple operational periods to contain Large Fire occurrence is regular Significant Fire occurrence is more frequent/potential is present OFS Resources required regularly outside of Protection Area Aviation Resources required during initial/extended attack OFS Type 3 Team / Organization mobilized OFS State Command activated / OEM Activated in support of ESF4 Type 1/2 Incident Management Teams may be ordered | <ul style="list-style-type: none"> Wildfire Situation Report issued 7 days/week Numerous County Burn Bans in place Governor's Burn Ban likely Southeastern/South-Central Compact opened Interagency resources likely Potential for State Emergency Declaration Potential for Fire Management Assistance Grant requests | |
| 5 | <ul style="list-style-type: none"> Fires regularly require multiple operational periods to contain Large Fire occurrence is frequent Significant Fire occurrence is frequent or potential is present OFS Resources required outside of Protection Area Aviation Resources required during initial/extended attack OFS Type 3 Team / Organization mobilized OFS State Command activated / OEM Activated in support of ESF4 Type 1/2 Incident Management Teams mobilization likely | <ul style="list-style-type: none"> Wildfire Situation Report issued 7 days/week Numerous County Burn Bans in place Governor's Burn Ban in place Southeastern/South-Central Compact opened Interagency resources ordered Potential for State Emergency Declaration Potential for Federal Emergency Declaration Fire Management Assistance Grant requests likely | |



Wildfire Outlook Background - Drought indications persist across a sizeable portion of western Oklahoma and the western half of the Oklahoma Panhandle where extreme drought indices are in place. Categorical drought in southeastern/south-central Oklahoma has also expanded and intensified. La Niña conditions (trending warmer and drier than normal) are now more favored to transition to neutral conditions progressing into late spring. Intermittent wet and cold episodes have stalled development of concerning composite fuel moisture which has reduced wildfire resistance to control at this point in time. Resistance to control, or difficulty in suppression, is expected to increase moving into late March. Fuel loading is classified as normal to locally above normal across much of the state providing ample fuels to support fire activity with the exception of those areas where drought impacts during the growing season limited herbaceous growth.

Fire Environment - Fire behavior is the outcome of the fire environment inputs of fuels, weather and topography. There are multiple contributions integral to each of those broader categories. For example, the fuels component has input from both live and dead fuel moisture, fuel size class, fuel type, fuel arrangement, etc. Additional inputs are also determined by the combined influence of weather and topographic influence. Observed fire behavior is the outcome of these inputs expressed as: *Fire Behavior = Fuels + Weather + Topography*

The narrative and supporting information below serves to capture a snapshot of these combined inputs utilized to develop the Wildfire Outlook:

FUELS

Fuel loading is variable across Oklahoma and strongly correlated to the amount, duration and timing of rainfall during the growing season. Persistent drought limited herbaceous growth in parts of the west and Panhandle while other areas benefitted from timely rains during the growing season. Ongoing grazing, where present, has also reduced fuel loading. As a result, some areas within the counties depicted in the map below have localized above-normal grass loading where haying and grazing were absent.

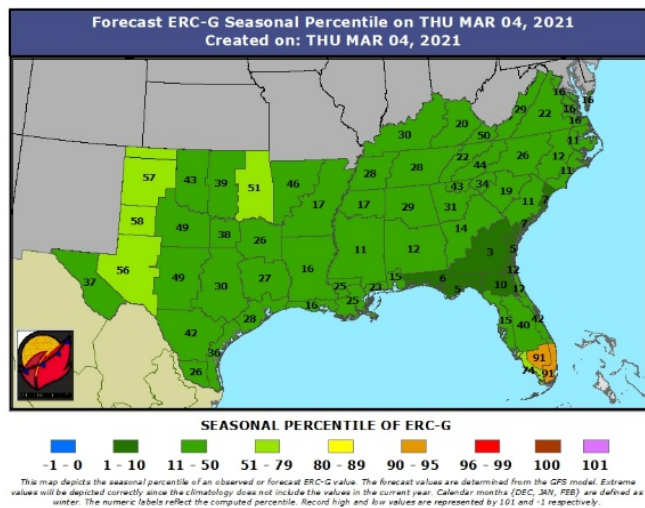
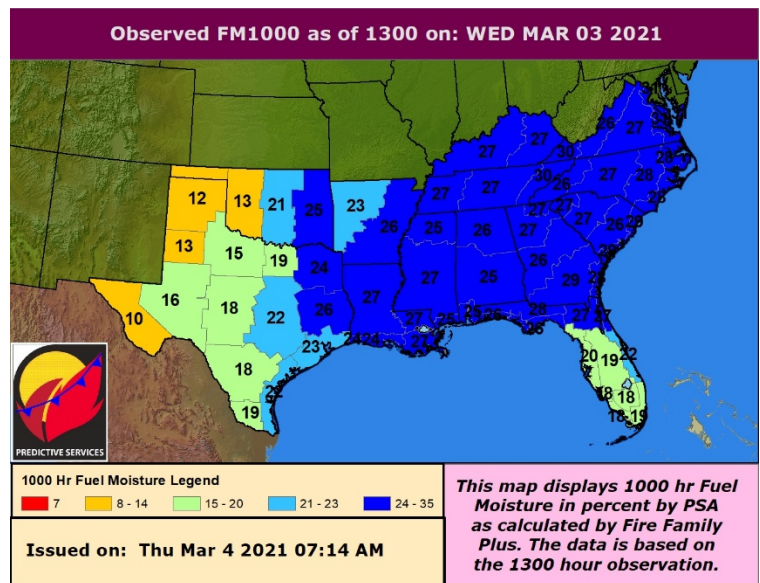
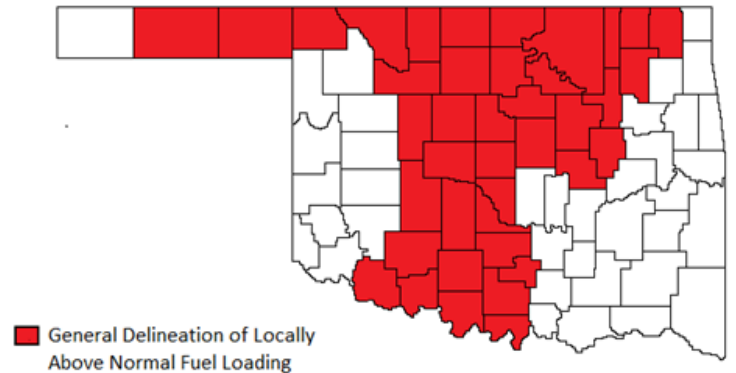
Fuels during dormancy require little time separation from a wetting precipitation event and much less influence from warm/dry conditions to become both available and receptive to burning. Fireline intensity, rate of fire spread and flame length contribute to the level of fire suppression difficulty or resistance to control. Additionally, when composite fuel moisture values begin to express dryness, resistance to control increases. Composite fuel moisture is best reflected by Energy Release Component (ERC). ERC values >70th percentile equate to challenging fire suppression difficulty requiring additional resources including heavy equipment and fire suppression aircraft.

ERC values have fluctuated to some extent lately given weather conditions and fuel dryness although cumulative drying of fuels indicated by increasing ERC values is anticipated. Additionally, rising resistance to control resulting in heavier resource commitment is highly probable.

Another fuel indicator that has correlation to both fire severity as well as mop-up requirements and difficulty in achieving control is 1,000 hour fuel moisture. 1,000 hour fuels are dead fuels in the 3"-8" size class and require approximately 1,000 hours to meet equilibrium moisture content with the given atmospheric conditions. Low 1,000 hr. fuel moisture values are indicative of persistent drying and values less than 15% translate to increased resource commitment during the mop-up phase of a wildfire. Persistent drought west has led to observations <15% consistently and expanding drought south-central and southeast will trend toward that value. **It is expected to see 1,000 hr. fuel moisture dip below 15% across western and central Oklahoma into the late spring timeframe contributing to increasing wildfire control challenges.**

Fuels indicators to be monitored:

- **ERC Values Increasing** – A steady rise in ERC coupled with a dry forecast increases the probability of fire occurrence and large fire potential.
- **Accelerated Drying** – Periods where day time drying conditions are strong and overnight moisture recovery is poor resulting in an acceleration of composite fuel moisture drying.
- **1,000 hr. Fuel Moisture <15%** - Indicative of persistent drying and associated with increased resistance to control, heavier firefighting resource commitment and longer duration required to achieve containment.

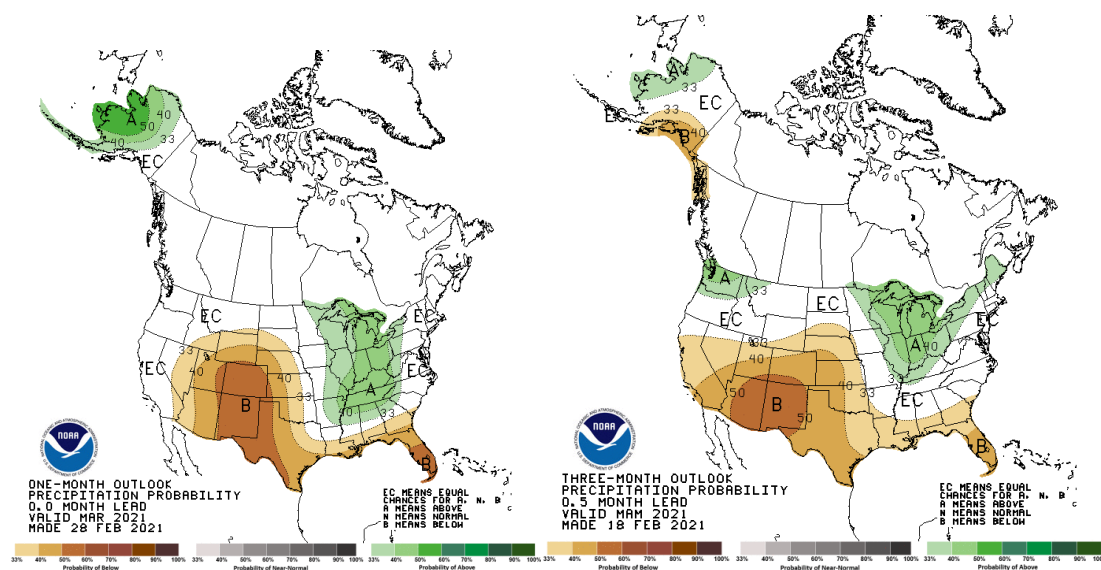
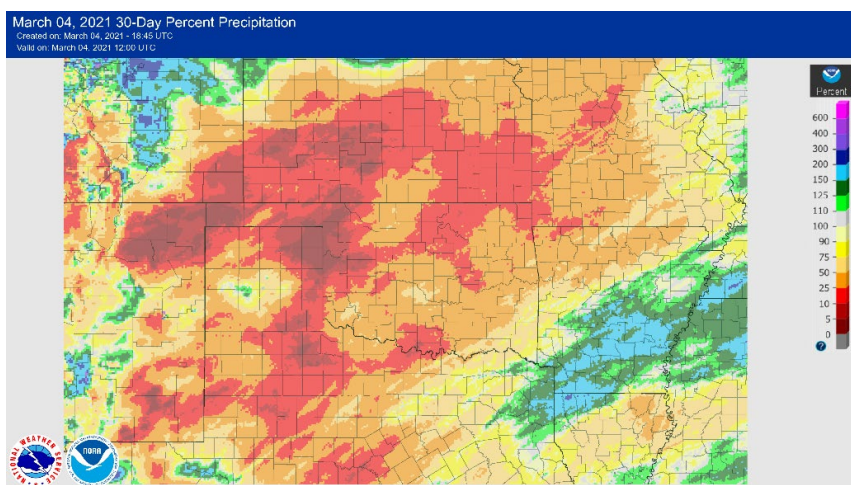


Drought indices have been persistent across portions of western Oklahoma and the western Oklahoma Panhandle where extreme drought is currently reported. Additionally, expansion and intensification of drought indices in south-central/southeastern Oklahoma is cause for attention. La Niña conditions favoring a troublesome environment have been muted with a few timely rains, an historic cold snap with snow and the absence of frequent fire-effective weather. Transitioning into the late dormant season brings increased likelihood of frequent fire-effective weather systems with warmer temperatures and active weather patterns. The next six (+/-) weeks is a period where wildfire frequency and number of acres burned is highest requiring very careful discernment of the weather systems in relationship to wildland fuels. Of note, any episode where dryline intrusion is coupled with a dry cold front will have potential for supporting large and/or significant fire occurrence.

The current ENSO Discussion is favoring transition from La Niña conditions to ENSO neutral. While this may downplay the expectation of warmer/drier than normal trends, the strength of the seasonal expectations cannot be ignored especially when considered with the underlying dryness that has been masked by cooler temperatures and timely precipitation. Fuels will continue to require less influence from daily fire weather to generate problematic fire and extreme fire behavior potential during a fire-effective weather pattern. **Critical fire weather has a strong tendency to produce significant fire occurrence during the March-April time frame.**

A historic cold spell coupled with some impressive snow amounts in February served to mute building fire danger concern although the moisture equivalent in that snow was minimal. Below average rainfall across the state has resulted in the underlying fuel dryness. Concern increases with potential for more frequent fire-effective weather patterns typical in March and April. Several locations across northern and western Oklahoma have not received a wetting event in excess of thirty days. And, areas in the Oklahoma Panhandle are now registering in excess of 100 days separation.

The One-Month and Three-Month Precipitation Outlooks (below) hold little promise of reversing the dry trend overall. As was mentioned previously, the La Niña conditions have been tempered or muted by timely precipitation and some cooler temperatures. Both the current dryness and outlook are poised to present concern given any fire-effective weather pattern.



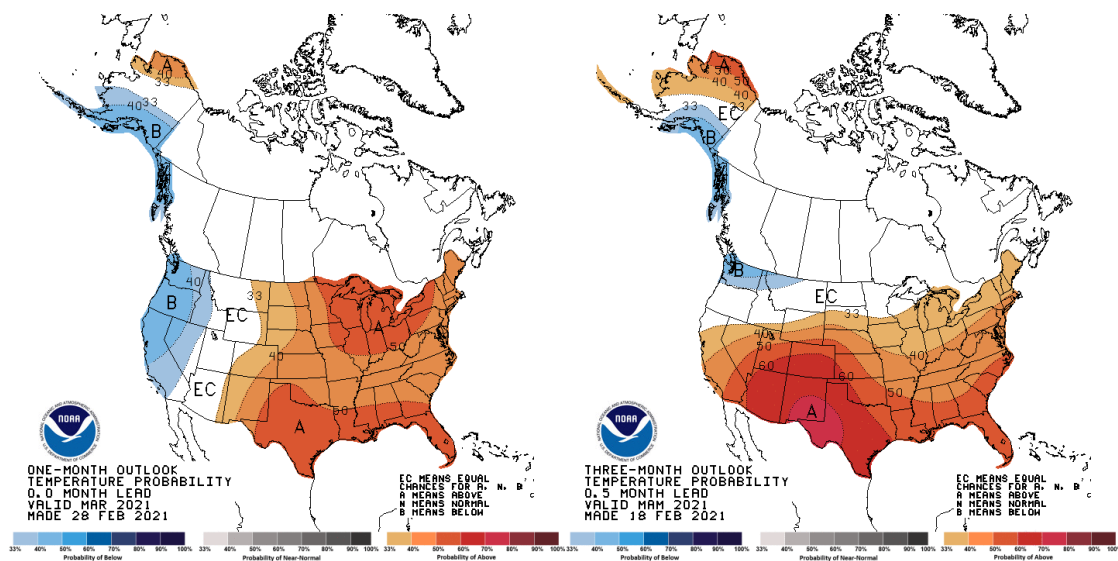
Precipitation indicators to be monitored:

- **Days Since Wetting Rain** – Dormant herbaceous fuels subjected to short term drying periods of 2-5 days will support increasing initial attack activity given average fire weather. The strength of the fire weather inputs significantly contribute

to fire behavior. Generally speaking a 5-10 day dry period translates to receptive fine fuels with light-to-moderate initial attack wildfire activity in the absence of critical fire weather. Periods exceeding 10 days exhibit moderate-to-heavy initial attack and emergence of large fire occurrence (>100 acres timber/>300 acres grass). Periods in excess of 20 days support a noticeable increase in initial attack and large fire occurrence.

- **Soil Moisture** – As soil moisture dwindles, an increasing amount of the wildland fuels accumulated above the soil surface become available to burn. During periods of extreme-to-exceptional drought the entire surface fuel complex may be consumed during a wildfire. This results in increased wildfire intensity, strong resistance to control, and increased suppression resource commitment. On the flipside of that scale, saturated soils restrict access of firefighting equipment. Soil moisture will be monitored throughout the dormant season in order to anticipate the need for additional wildfire suppression resource capability.

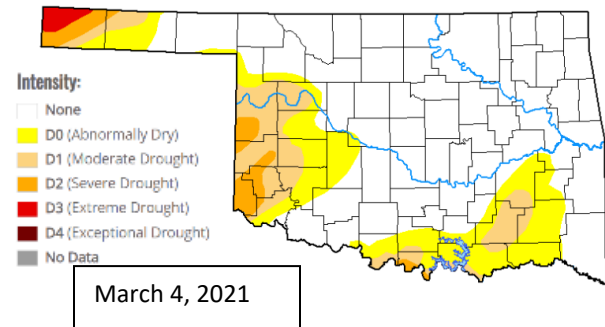
Above normal temperature outlooks through the spring months are reflected in the current One-Month and Three-Month outlooks (below). Temperature affects wildland fuels in multiple ways including efficiency of drying, raising fuels nearer to temperature of combustion, etc. **Above normal temperatures during the dormant season are closely associated with past impactful wildfire events of historic reference.**



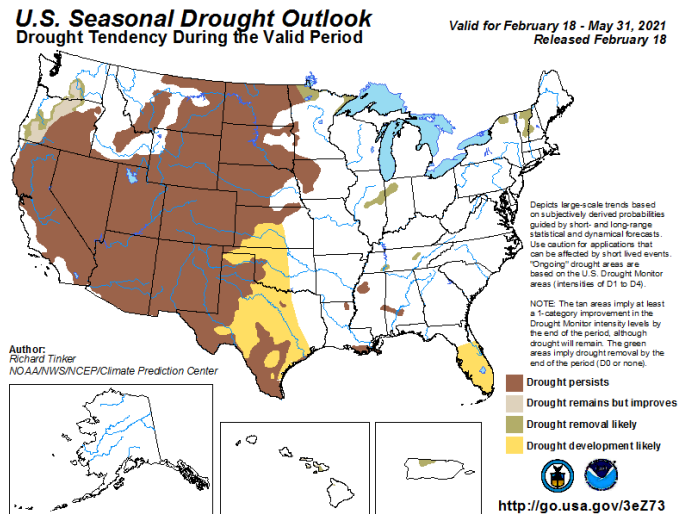
Temperature indicators to be monitored:

- **Anomalous High Temperature** - Significant fire occurrence is strongly correlated to the presence of anomalous high temperatures coupled with dry and windy conditions.
- **Duration of Above Normal Temperature** – Significant fire probability increases when the number of days with above normal temperatures is coupled with typical winter-time dew points.

The Drought Monitor expressed impacts throughout the entirety of the 2020 calendar year continuing well into 2021. While the classification and spatial coverage has fluctuated through the year, drought has been persistent. The greatest intensity has been focused in the Oklahoma Panhandle Counties and southwestern Oklahoma. The current Drought Monitor continues to express slow expansion and intensification that has redeveloped in recent weeks.



The current U.S. Seasonal Drought Outlook again points to drought persistence in the currently affected areas. Expansion of impacts associated with drought are expected to develop across western and central Oklahoma through the dormant season. Given drought development, lagging rainfall totals and separation from wetting rains; ERC values will rise and difficulty in containing wildfires will increase. The expected timing is coincident with a period of more frequent fire-effective weather driving potential for significant fire occurrence.



Potential Implications Based on Wildfire Outlook Summary:

The following are anticipated impacts to Oklahoma as increasing fire occurrence, frequent large fires and potential for significant large wildfires are likely to occur.

| February | March | April | May |
|------------|----------------|-------|------------|
| PL1 | PL2 PL3 | | PL1 |

Socioeconomic:

- Structure loss
- Civilian casualties
- Loss/damage to agricultural infrastructure and livestock
- Negative impacts to transportation and utility infrastructure (utilities, bridges, oil and gas)
- Increased costs associated with suppression efforts based upon resource requirements, length of incident commitment and severity/frequency of events

Operational:

- Heavy commitment of OFS resources across the State
- Frequent mobilization of County Wildland Task Forces
- Mobilization of Compact and Federal firefighting resources
- Utilization of both fixed-wing and rotor-wing aircraft
- OFS Incident Management Team mobilization
- High potential for mobilization of Interagency Incident Management Teams

Administrative:

- Requests for financial assistance from the State Emergency Fund are likely due to extraordinary wildfire suppression costs
- County Burn Bans increasing in coverage
- High likelihood of the implementation of a Governor's Burn Ban
- Emergency declarations likely, possibly including State and Presidential
- Fire Management Assistance Grants are likely
- Prevention messaging will be communicated to reduce the direct human-caused fire ignitions
- Predictive service products including Oklahoma Wildfire Situation Reports, Southern Great Plains Wildfire Outbreak, Firefighter Safety Messages, and burn ban analyses will be frequent

This Wildfire Outlook Summary will be reviewed monthly through the dormant season to accurately reflect wildfire potential and severity through the dormant season.

COMMUNITY OUTREACH & COMMUNICATIONS

FOREST HERITAGE CENTER

Museum visitation was 2,717 for the month of January and 1,608 for the month of February, with one guided tour for two people.

EXHIBITS AND EVENTS

- **Master Woodworking Artist of the Year Competition and Exhibit** - The Master Woodworking Artist of the Year Competition and Exhibit is set to open on Sunday, March 7th at the Forest Heritage Center and will remain open until May 9th. The award winners will be announced in a virtual presentation on March 7th. The exhibit is free to the public. Hours are 10 am – 4 pm on Wednesday through Saturday and 1 pm – 4 pm on Sunday.
- **Beginning Woodturning Classes** - Beginning Woodturning classes are in progress at Broken Bow High School's carpentry shop. Instructors are teaching the fundamentals of woodturning for two weeks at Broken Bow before moving to Wright City High School for two weeks. Classes begin with a day of safety orientation to learn tool control before students get hands-on experience. Students will complete a spindle turning, pen, and bowl before moving on to independent projects. A focus in this year's class is to have students involved in every step of the process of their projects, giving them the knowledge and skills that they need to complete projects on their own after the classes have ended. Prior instruction in the woodshop included processing discarded trees. Students started with a tree, used a sawmill to saw the lumber, planed the wood and are now using some of the wood in their woodturning projects. The Beginning Woodturning classes are a partnership of the Oklahoma Arts Council, Southeast Oklahoma Woodturners and Forest Heritage Center.
- **Camp Discover Plans** - Camp Discover is scheduled for July 6th-8th. No applications will be available for camp until April or May, when staff has a better idea of how COVID restrictions will apply. Camp Discover is a 3-day, day camp at the Forest Heritage Center with a limit of 20 children ages 9-11.



PROGRAMS & PROJECTS

- **FHC Gift Shop Update** - A remodel and expansion is underway at the Forest Heritage Center gift shop. The previous operator announced her retirement late in 2020, effective December 31, 2020. The new gift shop operator will be the Hochatime Hideaway. Hochatime is Hochatown-original brand that is well known for its "Living on Hochatime" vibe and fresh vintage look. The new operators, Kim Kennedy and Jessica Alkirwi, plan to feature products from three primary categories: Beavers Bend State Park, Hochatime Hideaway, and Hochatime. A new customer entrance and fire exit will be added as part of the remodel and 520 square feet expansion. The shop will have a rustic look

and will be an extension of the museum. The operators plan to use Tree Bear and his message, “Good things come from trees,” to aid in sharing the message of sustainable forestry.

- **Scholarship Deadline Approaching** - In an effort to reach out to the young men and women who are the future of forestry, the Forest Heritage Center Board of Directors will offer scholarships to college students and graduating high school seniors, as well as stipends for educators who wish to include forestry education as part of their program. Applications were due at the Forest Heritage Center by March 9, 2021

OFS EDUCATION OUTREACH

Tree Planting

Forester Riley Coy and Education Coordinator Mo Rice were invited to a special tree planting at the Lakeview Intermediate School in Yukon on January 29th. The school lost a beloved tree during the historic ice storm in October. Three trees were planted during the school’s live morning show, Lakeview Liftoff, so that the entire school could be part of the special event, virtually.



EVENTS

- **Arbor Week Kickoff Goes Virtual** - March 11th - OFS and the Community Forestry Council will co-host a virtual kickoff for Arbor Week in Oklahoma celebrating all the cities, Air Force Bases, college campuses and utility companies recognized by the National Arbor Day Foundation for their good practices in tree care and planting.
- **Seedlings Save Lives** – March 11th & 12th – OFS is providing seedlings for Oklahoma Blood Institute blood donors in the annual “Renew Life” promotion. The seedlings have been a big hit with donors in past years and help increase the blood supply before Spring Break.
- **OKC Arbor Day Celebration** – March 27th - OFS will participate in the OKC Arbor Week Celebration at Scissortail Park with Seedling giveaways and educational activities for kids.

EVENTS CANCELLED DUE TO COVID-19

- **OFS’s annual Youth Forestry Camp** - has been cancelled for the 2021 summer season.
- **ScienceFest** – This annual hands-on science festival for 4th and 5th graders that OFS participates in has been cancelled for May 2021.

MEDIA

- January 21 – Mark Bays was interviewed by KOCO-TV about storm damaged trees.
- February 22 – Drew Daily was interviewed by KOCO-TV about the winter storm impacts on fire weather for spring.
- February 23 – Mark Bays was interviewed for upcoming segments on OETA-TV’s Oklahoma Gardening show.
- March 9 – Mark Bays was interviewed by KFOR-TV about storm damaged trees.

STATE FORESTER ACTIVITIES - FEBRUARY/MARCH ACTIVITIES (Thru March 12th)

- Attended weekly ODAFF Director’s Meetings

- Attended a virtual meeting sponsored by the National Association of State Foresters. The meeting content centered on performance measures and reporting.
- Attended the new State Forester's Orientation sponsored by the US Forest Service's Regional Office Staff
- Attended a meeting with the Kansas Forest Service Fire Management Staff to discuss the upcoming Spring fire season and how OFS & KFS would coordinate efforts for wildfires threatening to or crossing the state line
- Conducted a meeting with the Southern Group of State Foresters' Executive Board to discuss the postponement of the annual meeting of the Southern Group of State Foresters and their staff
- Participated in a Northern Rockies Type 1 Incident Management Team pre-deployment coordination call
- Attended a FEMA "Mega-Pod" planning call with the Oklahoma State Department of Health
- Participated in a conference call with USDA APHIS to discuss Veterinarian support for COVID-19 vaccination efforts
- Attended the virtual meeting of the NWCG Annual "All-Chairs" Meeting
- Participated in three virtual meetings of the NWCG Medical and Public Health Advisory Team
- Participated in a virtual meeting with OFS HQ and Area Administrative Assistants, Assistant Directors, and ODAFF Finance Staff to discuss proper time card coding to account for USFS Grant Funds
- Participated in a meeting with FEMA and the NASF Wildland Fire Committee to discuss and potentially improve the ability for states to access FEMA Hazard Mitigation funds for wildland fire mitigation projects
- Participated in a ODAFF Finance/Admin Question & Answer Session
- Conducted a presentation on Forestry Services duties and programs to the FFA State Officers
- Participated in a Long-term Compensation Reform meeting with ODAFF Directors
- Participated in a virtual meeting with the NWCG Incident Positions & Standards Committee Chair and Risk Management Committee members to discuss fireline overhead safety concerns
- Participated in a meeting to discuss potential organizational changes in the NWCG 6 Minutes for Safety Subcommittee.
- Participated in a meeting with Secretary Arthur and John Collison regarding new safety technology for trailer wheel security
- Conducted a call with NWCG Executive leadership to discuss the Risk Management Committee's new Executive Secretary roles and responsibilities
- Attended virtual meetings with the NWCG Executive Board and the Equipment Technology Committee to make final recommendations on changes and improvements to the Safety Alert System
- Attended training on Wildfire Analyst, Forestry Services' new fire modeling software
- Participated in a meeting with the US Forest Service, National Park Service, NWCG Preparedness Branch Coordinator, and Risk Management Committee leadership to discuss Agency Liaison's to the 6 Minutes for Safety Subcommittee
- Attended a Steering Committee meeting for the S-520 Advanced Incident Management Course
- Conducted the February and March NWCG Risk Management Committee Conference Calls via MS-Teams
- Participated in the March conference call of the NWCG Mental Health Subcommittee
- Provided assistance to the Oklahoma State Department of Health as a Subject Matter Expert for the COVID-19 Vaccine Distribution planning effort. This assistance began on 12/16/2020 and continues through the date of this report. Participated in daily COVID-19 Vaccine Distribution Planning Calls with Regional Area Directors, Project Manager, and OSDH Leadership. In addition, Goeller has been serving as the Liaison between USDA APHIS and OSDH to coordinate the deployment of veterinarians to serve as vaccinators at points of dispensing.

Respectfully Submitted,

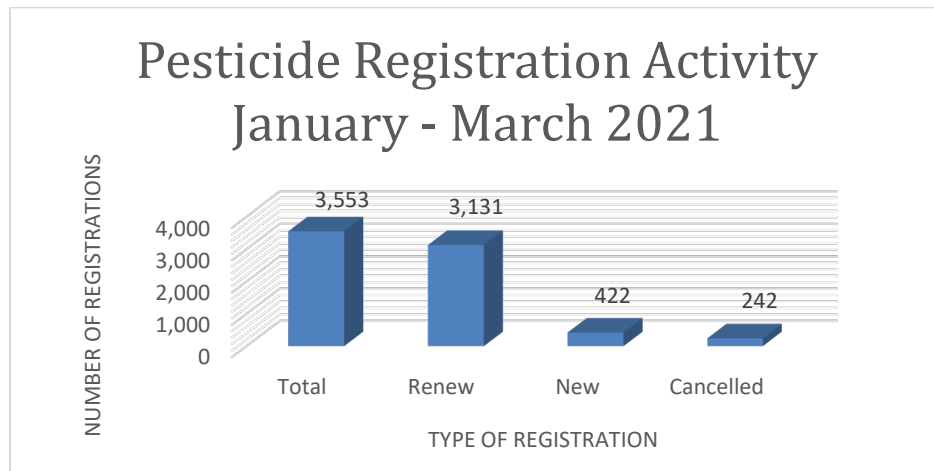
Mark E. Goeller
Director/State Forester

MARCH 31, 2021 BOARD MEETING
CONSUMER PROTECTION SERVICES DIVISION
REPORT FOR JANUARY/FEBRUARY 2021

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for January 1st to March 8th, 2021 are presented in the following chart. A total of 3553 products were registered, of the products registered 3131 were renewals and 422 were new. There were 242 products cancelled.



Pesticide Samples

Pesticide samples taken December 2020-February 2021 are presented in the following chart.

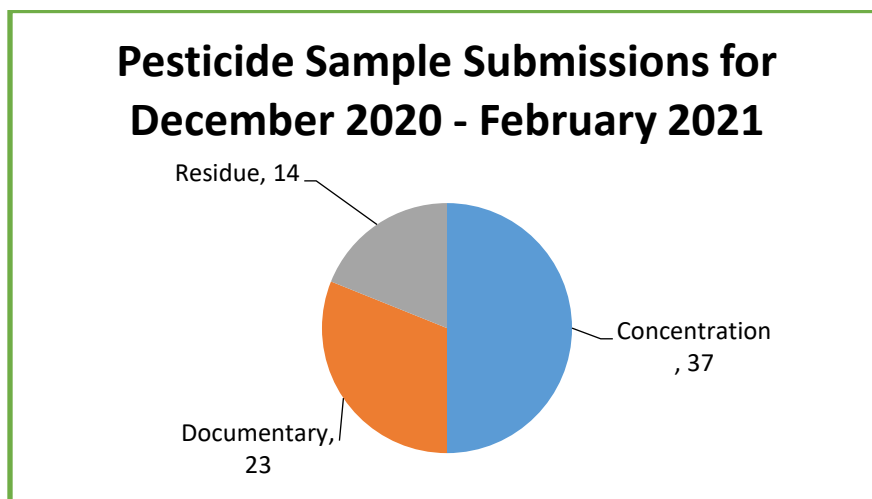


Table 1. Inspection Count for December 2020 - February 2021*

| Inspection Type | Number of Inspections | | | |
|----------------------------------|-----------------------|-------------|-------------|-------------------|
| | December | January | February | Three Month Total |
| Experimental Use Permit | 0 | 0 | 0 | 0 |
| Marketplace | 49 | 34 | 23 | 106 |
| Pesticide Applicator Facility | 42 | 21 | 8 | 71 |
| Pesticide Service Inspection | 0 | 0 | 0 | 0 |
| Restricted Use Pesticide Dealer | 26 | 20 | 8 | 54 |
| Container Containment Inspection | 0 | 0 | 0 | 0 |
| Producer Establishment | 0 | 5 | 3 | 8 |
| Use | 92 | 52 | 18 | 162 |
| Termite | 0 | 1 | 0 | 1 |
| Wood | 0 | 1 | 0 | 1 |
| Pre-treat | 2 | 0 | 0 | 2 |
| Drift Investigation | 0 | 0 | 0 | 0 |
| Pesticide Label | 3178 | 2334 | 1677 | 7189 |
| Worker Protection | 0 | 0 | 0 | 0 |
| Total | 3389 | 2468 | 1737 | 7594 |

* 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 18 non agriculture use samples, 13 agriculture use samples, 24 producer establishment samples and 19 market samples for a total of 74 samples. These samples consist of 14 residue samples, 37 concentrate samples, and 23 documentary sample.

Pesticide Testing & Updates

PSI Testing:

All locations are continuing to work at 50% capacity. Many locations have started to provide more testing days (2-5 days) and time slots.

COVID-19 Adjusted Requirements:

Pesticide Categories – Due to COVID-19, the applicators with pesticide categories expiring at the end of 2020 (4-Seed Treatment, 5-Aquatic, and 7C-Fumigation) were allowed to retest starting July 1, 2020 rather than in September. The deadline for collecting CEUs was also extended to February 28, 2021. CEU letters have been sent out for those that have enough CEUs to recertify.

Recertification by Exam:

Seed Treatment (4) – 7

Aquatic (5) – 24

Fumigation (7C) – 45

Stop Work Orders:

Approximately 400 went out due to non-renewal. 1,781 companies are currently licensed.

Pesticide Complaints

| PESTICIDE COMPLAINTS | January 20, 2021 – March 8, 2021 | | | |
|------------------------|----------------------------------|--------|-----------------|-----------|
| | RECEIVED | CLOSED | WARNINGS ISSUED | NO ACTION |
| CONSUMER GENERATED | 5 | 10 | 7 | 10 |
| MUSK THISTLE | 0 | 0 | 0 | |
| CASES REFERRED TO OGC: | 7 | | | |

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Nursery Licensing

Grower

Nursery Grower licensing renewal is in its final phases. In the last board report in February, there were 395 licenses that are expired and were placed on stop sale. As of March 8, 2021, there are now only 152 expired Grower licenses. In 2020, there was over 2,400 Grower licenses in Oklahoma.

Dealer

Nursery Dealer licensing is in its final phases. In the last board report in February, we had 795 expired licenses. As of March 8, 2021, we now have 276 expired licenses. In 2020, there was over 2499 Dealer licenses in Oklahoma.

Landscaper

Landscaper licensing is in its final phases. As of the last board report in February, we had 36 expired licenses. As of March 8, we have 14 expired licenses left, down from 122 expiring licenses in November.

Compliance Agreements

In 2021, we have 31 nurseries in Oklahoma that require compliance agreements when shipping out of state. Contact has been made with all these nurseries and 28 of the nurseries are completed. There are 3 nurseries left that have not returned their signed agreement to ODAFF.

We have also worked with the California Department of Agriculture to certify 3 firms in Oklahoma, free from Cotton Boll Weevil to be able to ship cotton seed to California without a pesticide treatment. The permit from California has been obtained, agreements have been signed by the producers, and shipping certificates have been issued for each firm.

SANC

On February 2, John and Kaci completed the annual SANC systems audit for Greenleaf Nursery, the only SANC-certified nursery in Oklahoma. The audit went well and no violations were found. A report was written to document the visit and distributed to all participants. Greenleaf will maintain their production manual and will continue to perform systems audits 3-4 times per year for the program.

Phytosanitary Certificates

Mary and I are currently working with the new Kelly Registration phytosanitary system to work out any problems before going live with the new software, which should happen in the summer of 2021. This new system will save us both time in issuing phytosanitary certificates and keeping track of billing.

Federal Phytosanitary Certificates Issued from February 1, 2021 – February 28, 2021

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

19 Federal Phytosanitary certificates issued @ \$106.00 each

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

1 Federal Phytosanitary Certificates issued @ \$61.00 each

| <u>Federal Phytosanitary Certificates (February 1, 2021 - February 28, 2021)</u> | | | |
|--|--------------------|---------------------|---------------|
| Country | Product | Quantity | Phytos Issued |
| Australia | Bermuda Grass Seed | 24 Rhizomes | 1 |
| China | Red Cedar | | 1 |
| Japan | Sesame Seed | 43,800 lbs | 1 |
| Mexico | Sesame Seed | 508,351 lbs | 12 |
| Republic of Korea | Black Walnut Logs | 15.435 Cubic Meters | 1 |
| Switzerland | Sesame Seed | 100 lbs | 1 |
| Thailand | Miscanthus Seed | 264,552 lbs | 3 |

State Phytosanitary Certificates Issued from February 1, 2021 – February 28, 2021

70 Phytosanitary Certificates issued @ \$20 each

| <u>State Phytosanitary Certificates (February 1 - 2021 - February 28, 2021)</u> | | |
|---|----------------------|---------------------|
| State | Product | Certificates Issued |
| Arizona | Nursery Plants/Parts | 2 |
| California | Nursery Plants/Parts | 32 |
| Colorado | Nursery Plants/Parts | 23 |
| Georgia | Sesame Seed | 1 |
| Idaho | Nursery Plants/Parts | 2 |
| Oregon | Nursery Plants/Parts | 2 |
| Tennessee | Nursery Plants/Parts | 3 |
| Washington | Nursery Plants/Parts | 5 |

Industrial Hemp Program

Hemp

| Hemp Growers | Hemp Acres | Hemp Sq. Ft |
|--------------|------------|-------------|
| 12 | 114 | 13,666 |

We have 4 licensed hemp processors/handlers.

Caroline Nelson, Hemp Program Administrator gave a presentation for the group Native Health Matters. She has reached out to the Pawnee College after they had some questions about our hemp program.

Apiary

We have 85 licensed beekeepers in Oklahoma. I have been told by the Central Oklahoma Beekeepers Association that many farmers markets are encouraging beekeepers to get their voluntary beekeepers certificate so they can prove they are from Oklahoma.

Environmental Program

In February 2021, ODAFF environmental program received the remediation progress report for the Consolidate Grain and Barge at Fargo, Oklahoma. The initial investigation of soil and groundwater was conducted in January 2020. There were excessive amounts of nitrate-N in soil identified up to 24 feet below ground surface at several direct-push borings, one of the groundwater samples tested with 2250 ppm of nitrate-N at approximately 21 feet below ground surface sample. ODAFF approved the Fargo locations first remediation action plan: excavation of unsaturated shallow contaminated soil and immediate post-excavation injection of Emulsified Lecithin Substrate (ELS) mixture for treatment of nitrate-N contaminated subsurface soil and groundwater. In the most recent report, nitrate-N in groundwater was detected with 343 ppm as the highest level in eight newly-installed monitoring wells on the site. This over 80% nitrate reduction was directly contributed from the post-excavation injection activity last October. Additional monitoring well injections and sampling are expected in future reports.

AGRICULTURE RESOURCE SECTION

Feed Program

Program Performance

During this reporting period there were a total of 106 official feed samples analyzed, with 379 feed determinations made from these samples. These determinations resulted in the issuance of 18 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. Two stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. These stops sales were issued for products deficient in Crude Fat.

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 2021 – February 2021

| Nutritional Guarantee | Number of Label Violations | | |
|-----------------------|----------------------------|-----------------------|-----------------|
| | January ¹ | February ² | Two Month Total |
| Crude Protein | 6 | 4 | 10 |
| Non-protein Nitrogen | 0 | 0 | 0 |
| Crude Fat | 1 | 0 | 1 |
| Crude Fiber | 0 | 0 | 0 |
| Calcium | 0 | 0 | 0 |
| Phosphorus | 0 | 0 | 0 |
| Salt | 0 | 0 | 0 |
| Manganese | 0 | 0 | 0 |
| Potassium | 0 | 0 | 0 |
| Copper | 1 | 0 | 1 |
| Iron | 0 | 0 | 0 |
| Zinc | 0 | 0 | 0 |
| Vitamin A | 0 | 0 | 0 |
| Medicated Feed | 0 | 0 | 0 |
| Total | 8 | 4 | 12 |

¹ 246 feed samples analyzed with 918 determinations; ² 138 feed samples analyzed with 379 determinations

Table 2. Feed Stop Sale Summary January 2021 – February 2021

| Nutritional Guarantee | Number of Stop Sales | | |
|-----------------------|----------------------|-----------------------|-----------------|
| | January ¹ | February ² | Two Month Total |
| Crude Protein | 2 | 0 | 2 |
| Non-protein Nitrogen | 0 | 0 | 0 |
| Crude Fat | 0 | 2 | 2 |
| Crude Fiber | 0 | 0 | 0 |
| Calcium | 0 | 0 | 0 |
| Phosphorus | 0 | 0 | 0 |
| Salt | 0 | 0 | 0 |
| Manganese | 0 | 0 | 0 |
| Potassium | 0 | 0 | 0 |
| Copper | 0 | 0 | 0 |
| Zinc | 0 | 0 | 0 |
| Vitamin A | 0 | 0 | 0 |
| Medicated Feed | 0 | 0 | 0 |
| Total | 2 | 2 | 4 |

¹ 246 feed samples analyzed with 918 determinations; ² 138 feed samples analyzed with 379 determinations

Weights & Measures Program

The large capacity scale technicians inspected 128 vehicle scales and 2 ranch scales, 15 of the vehicle scales were rejected for repairs.

We have started ranch scale testing. The fee to test a ranch scale is \$200. Call the Weights & Measures office at 405/522-5968 or email Gary Smith at gary.smith@ag.ok.gov to request a scale test.

CPS inspectors checked a total of 2,118 small scales and 39 platform scales during this period, 48 scales were rejected. There were 40 random pack inspections and 100 standard pack inspections conducted that resulted in 3 stop sale orders and 9 companies receiving letters of warning. Additionally, 223 price verification inspections were conducted at various retailers, with 13 companies received a letter of warning. A total of six letters of warnings were sent to scale companies for not properly servicing scales. One scale company was found operating without a license and received a Stop Work Order.

Fertilizer Program

Program Performance

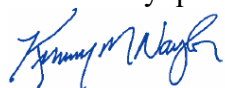
Joshua Maples, Fertilizer Program Administrator, attended the virtual Winter Annual AAPFCO Meeting which took place February 15-17. He represented the Oklahoma at the AAPFCO business and committee sessions. He engaged with other state control officials and industry professionals in the ongoing objective of creating more uniformity in regulating agricultural lime, fertilizers and soil amendments across the all states.

Below you will find the performance numbers for the Fertilizer and Agricultural Lime Programs.

| Type of Sample | Samples Taken |
|-----------------------|----------------------|
| Fertilizer | 33 |
| Lime | 3 |

| Type of Investigation | Number |
|---------------------------------|----------------------|
| Dry Fertilizer Facility | 10 |
| Liquid Fertilizer Facility | 4 |
| Pre-Site Facility | 20 |
| Anhydrous Ammonia Storage Tanks | 19 (23 Total Tanks) |
| Anhydrous Ammonia Nurse Tanks | 19 (394 Total Tanks) |

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
March 31, 2021
Activities January 16, 2021 – March 12, 2021

Animal Disease Traceability:

On February 5 I assisted the Texas Animal Health Commission in finding the purchaser of some dairy calves that were illegally disposed of after death. The calves' ID were from Oklahoma. With the help of our ADT database and records the producer had we were able to get the information to TAHC within 30 minutes.

On March 4-5, Dr. Gorczyca completed the required 8 National Priority Traces initiated by USDA. Each trace was completed successfully and within the appropriate timeframe.

During this timeframe, an IES investigation was initiated due to lack of official identification in a steer for interstate movement for exhibition purposes.

We are in the process of spending the supplemental cooperative agreement funds received from USDA to support ADT activities by purchasing RFID wands and tag applicators. With the funds, we will be able to purchase 15 RFID wands to provide to the livestock markets. This will increase the total number of wands that we have purchased with supplemental funds for the livestock markets to 35. In addition to supply the livestock markets with equipment, we will also be purchasing a RFID wand to provide to the OSU teaching hospital in order for veterinary students to become familiar with RFID tags and equipment prior to graduation. We will also be purchasing EID tag applicators with the intention of distributing these to extension offices and to colleges that have agricultural programs. We are also working with OSU extension in hopes of collaborating with local and regional offices to distribute the free EID tags that we receive from USDA. This conversation is currently ongoing and updates will be provided in the future.

Aquaculture:

During this time period, Aquaculture Renewal License renewals were completed. Currently, there are 20 licensed aquaculture facilities in the state.

During this time period, we were made aware of a new regulation from the Arkansas Game and Fish Commission that requires fish that are sold in Arkansas to originate from a "Certified Disease-free Facility". We currently do not have a program in place to certify the aquaculture facilities as disease free. Dr. Gorczyca reached out to Kelly Winningham, Fisheries Biologist for the AGFC for clarification. In order for a facility to be classified as "disease-free" an American Fisheries Society trained inspector would need to conduct an investigation and collect samples to be tested for warm water fish diseases. Once the test results were confirmed negative, the facility would then be classified as "disease-free" and could sell fish into AR unrestricted for 1 year from test date. Dr. Gorczyca has reached out to Langston University to determine if they would have interest in assisting with inspections and sample collections. We are also surveying current aquaculture

facilities to determine how many sell to AR to determine if there is a true need to assist these producers.

Biologics:

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

Cattle Programs:

Brucellosis:

We have no active bovine Brucellosis cases currently.

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:

The beef herd in Cimarron County has 10 bulls that have not had their second test so the quarantine on that herd is still in effect. They plan to get the bulls up to fertility and Trichomoniasis test them in March or April, so we will TB test them at that time. We're confident those tests will be negative and then we'll be able to release their quarantine. An assurance test will be required on this herd in the fall.

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

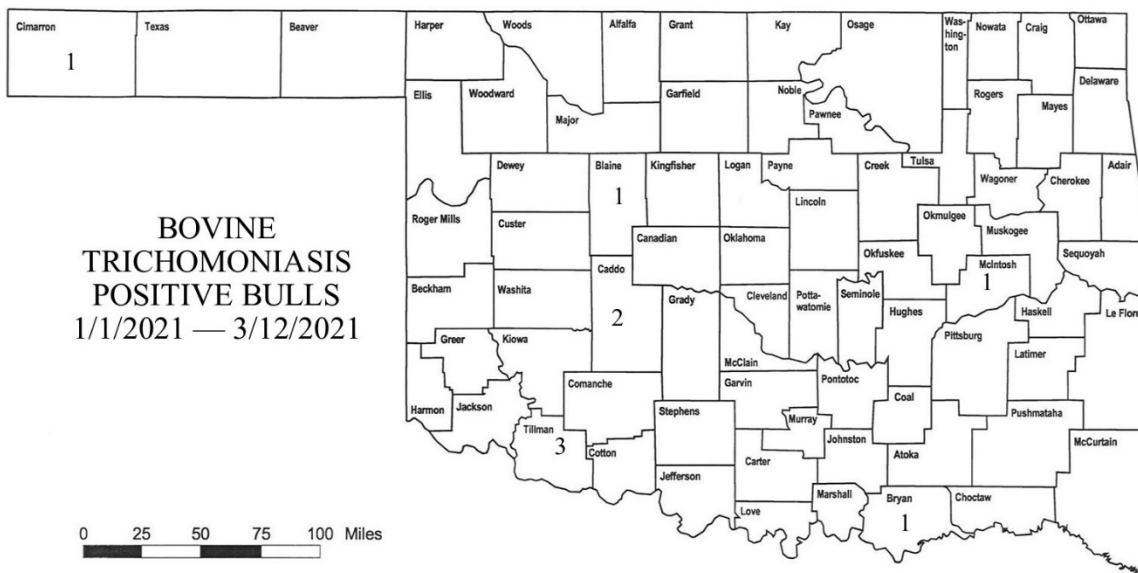
Johne's Disease:

For the reporting period in both 2020 and 2021 we received 10 positive Johne's reports. The difference is that 2020 had 5 new premises and 2021 had 8 new premises. This is probably within the expected variation for the small sample size and will moderate as the year progresses.

Dr. Stone visits with veterinarians and producers to help with testing strategy, husbandry practices, risk and education.

Trichomoniasis:

From January 1 through March 12, 3,558 Oklahoma bulls were tested and 9 positive bulls were discovered. Dr. Proctor contacts the owners of positive bulls and their veterinarians to follow up and offer advice about control and eradication of the disease, and to answer questions about the disease and our regulations.



3,558 bulls tested / 9 positive = 0.25% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, and 0.35% in 2020.

Emergency Management:

Dr. Gorczyca participated in a FAD SAFE planning call on January 24 and on February 22.

Dr. Gorczyca participated on the Secure Beef Supply permitting drill planning call on February 9.

On February 26, Dr. Gorczyca and Dr. Hall met with the commercial swine veterinarians and Nikki Snider, OK Pork, to update the group on ASF emergency response activities and to determine the next steps forward in continuing regional ASF response plan efforts.

On February 25, Dr. Gorczyca gave a presentation over companion animal emergency sheltering to the Oklahoma Animal Control Officers Association during their boot camp for new officers.

On March 5, Dr. Gorczyca met with Cindy Brown and Holly Jacobson with ODEMHS to provide guidance on how to handle the agriculture damage assessments that the agency received during the severe arctic weather in February.

During this time period, Dr. Gorczyca has been working with the National Pork Board and AgView to understand its role during an ASF outbreak and how the platform can be used to assist with permitting. Oklahoma currently has access to the program and we will have the ability to request movement data from commercial swine companies located within a control area to help determine the extent of disease spread. Dr. Gorczyca is also working with Acclaim to determine how data from AgView and USAHerds could be shared across the individual platforms.

Equine Programs:

There are no new cases of EIA in Oklahoma.

There are no new cases and no active trace backs for Piroplasmosis in Oklahoma.

There are no new cases or quarantines for CEM in Oklahoma.

We are currently working with several other states to develop uniform protocols for slaughter horse buyers who are moving large numbers of horses between states. By allowing these slaughter horse traders to bring horses into the state and complete EIA testing upon arrival rather than having it completed at the sale of origin, we believe we will get better compliance and reporting while allowing them to have a more efficient system for continuity of business. We have gotten a positive response from one of the slaughter horse buyers/sellers in Oklahoma in developing an MOU and asking them to record important information that would assist us in a disease investigation and trace back, should it be needed.

There is a significant outbreak of Equine Herpes Virus (EHV-1) in Europe. This outbreak started at a large equine event in Valencia, Spain and has subsequently spread to 8 other countries and resulted in equine events being cancelled in 10 European countries. This strain of EHV-1 appears to be more contagious than what has been observed in previous outbreaks. The USDA has increased their monitoring for disease symptoms at the ports and many brokers and haulers are requiring EHV-1 testing of horses prior to moving animals from the port of entry. There have been several confirmed cases of EHV-1 in the United States but none of these trace back to the European outbreak. We have worked on educating Oklahoma horse owners and event managers on the importance of vaccination, increased biosecurity, and awareness of the symptoms of illness so that any suspect horse can be quickly isolated.

Farmed Cervidae Programs:

Dr. Stone and I attended a virtual CWD Stakeholder Meeting Feb 23-25. This meeting covered the research projects funded by USDA in 2019-2020. Many of the projects were surveillance but two of the projects were live animal testing using easily accessible tissues and early detection. We will have to wait for confirmation of the validity and acceptance, but these may have merit.

Feral Swine:

No significant changes in this program during this time period.

Foreign Animal Disease:

We continue to be part of three separate working groups that are planning to respond to African Swine Fever in case the disease makes it to the USA.

Rabbit Hemorrhagic Disease continues to be a concern and risk in the United States. Since the last board report, Montana reported their first confirmed cases and additional cases have been reported in California, Colorado, Arizona, and Utah. While this disease seems to be moving north, we are continuing to monitor and assess the risk for Oklahoma rabbit populations. The public is encouraged to report any dead wild rabbits and rabbit owners and accredited veterinarians should report any suspicious cases to our division. We have not had any investigations for RHD, in Oklahoma, since the last board report.

ODAFF and APHIS personnel performed one FAD investigation during this time frame. It involved a chicken with neurologic symptoms that potentially could have been Newcastle Disease. Thankfully it was not a FAD.

Livestock Market Audits:

During this period, staff has approved the application for Rose's Goat & Sheep Auction. The new facility is located six miles south of Stillwater will host their sale the 1st and 3rd Tuesdays of each month. In addition to this new market, two other markets have notified this department that they are changing hands. John Logsdon of Fittstown has begun paperwork for his new market in Vinita. Mr. Logsdon is in the process of purchasing the Farmers & Ranchers Livestock Sale that has been operated by the Carroll family. Also changing operators soon will be the salebarn in Okmulgee. Bo Bookout and Monty Baker have leased the market and plan to have their first sale March 25. Also during this period, a number of livestock market custodial account audits were performed with no violations discovered.

Livestock Auction Market Activities

| | |
|--|---|
| Auction market licenses issued | 1 |
| Auction market licenses pending | 2 |
| Market custodial audits completed | 8 |
| Auction market complaints investigated | 0 |
| Fines collected | 0 |
| Livestock Markets with Legal Action | 0 |
| Special Audits (Market Development) | 0 |

Outreach:

On January 20 we hosted our monthly virtual meeting of veterinarians from ODAFF, USDA, and Extension in Oklahoma and Arkansas.

On January 21 Dr. Gorczyca-Southerland and I accompanied other ODAFF personnel to the ribbon cutting for the Oklahoma Pandemic Center for Innovation and Excellence in Stillwater. We also were able to tour the new facility.

On January 28 we hosted a full day of virtual Continuing Education for over 300 veterinarians covering regulatory topics in conjunction with the annual Oklahoma Veterinary Medical Association Conference.

On February 8 we had a virtual Field Staff Meeting where we discussed upcoming events we will check livestock at, updates on livestock markets, updates on backyard poultry sales, and others.

On February 8 AIS veterinarians attended a virtual meeting of the Southern Animal Health Association. SAHA is a regional association of U.S. Animal Health Association that Oklahoma is a part of.

On February 11 I did an interview with Erin Christy of KTUL about the effect of the severe weather on Oklahoma livestock.

On February 17 we hosted our monthly virtual meeting of veterinarians from ODAFF, USDA, and Extension in Oklahoma and Arkansas.

Due to the severe cold weather and snow from February 8 – 19 electricity and natural gas supplies were low and some areas experienced blackouts and shortages or outages of natural gas. This was a very precarious time for some poultry hatcheries, feed mills, and other agricultural businesses. We tried to stay in contact with facilities that we knew were in danger and Secretary Arthur made calls to some energy providers to emphasize the importance of the facilities to the food supply. Thankfully all the Oklahoma facilities we are aware of weathered the storm without severe lasting impact.

On February 20 Dr. Gorczyca-Southerland and I worked with USDA personnel and OSU Extension personnel to virtually meet with fourth year veterinary students to instruct them on their duties and responsibilities of becoming accredited veterinarians and performing regulatory work after their graduation.

On February 25 Secretary Arthur and a few of we Directors visited with the State FFA Officers to educate them on ODAFF and answer questions they had.

ODAFF Field and Office staff, as well as APHIS staff were on hand at Oklahoma Youth Expo to check health requirements and identification of animals attending OYE. This year we worked to educate the exhibitors about biosecurity, answering questions, reminding them to think and practice clean and help us help you.

Poultry Programs:

There were 16 birds submitted under the sick/dead bird program and two were found to have Infectious Laryngotracheitis. To date, there have been 17 total cases submitted for 2021.

Dr Ruby attending the Live Bird Market System Virtual Conference in February. State and Federal Animal Health Officials discussed the live bird market system in the United States and abroad and the risks factors for these markets being a means for spread of poultry diseases. Individual states gave an overview of their live bird markets and changes that were made to these markets during the pandemic.

Europe and Asia continue to see an increased spread of Avian Influenza (AI). The current spread in Europe and Asia as well as climactic changes are similar to those seen prior to the 2015 incursion in the United States. USDA is encouraging states to increase their surveillance and to respond quickly to any suspicious symptoms in commercial or backyard poultry. Our sick/dead bird program continues to be an effective means of surveillance of backyard flocks for any illness that resembles AI.

Commercial poultry farms in Arkansas, Missouri, and Oklahoma are experiencing an outbreak of Infectious Laryngotracheitis (ILT) in broiler chickens. This virus is highly contagious and can spread easily from farm to farm. It is not an uncommon illness to see in chickens. This virus poses no threat to human health or the safe consumption of chicken products but it can cause high mortality in flocks, therefore having a significant economic impact on companies and growers. There has been a shortage of vaccine which has allowed significant spread of this virus. Affected companies in Oklahoma have been able to get vaccine and will begin vaccination of Oklahoma flocks the week of March 15th. We hope the ability to begin vaccinating flocks will bring this cycle of infection to a close. We continue to be in close communication with our commercial companies to assist in disease mitigation.

Rabies in Livestock:

Since the last board report, there has been one confirmed positive case of rabies in a horse and a second confirmed positive case in a heifer. We continue to partner with the Oklahoma Department of Health on these cases to educate owners/producers on how to appropriately handle exposed livestock.

Sheep and Goat Programs:

There were no significant activities in Sheep/Goat programs.

Swine Programs:

We began to receive reports of show pigs with symptoms of Porcine Epidemic Diarrhea February 10. We contacted several veterinarians who do show pig work and they all confirmed they were getting calls from clients who had been to recent shows and had sick pigs. With County, District, Regional Shows and Oklahoma Youth Expo beginning in the next five weeks we made the decision to require all pigs going to exhibitions to have a Certificate of Veterinary Inspection within 72 hours of arriving at the exhibition. The

CVI had to have a statement from a veterinarian that the premises the pig(s) came from had been free of PED symptoms for at least 10 days.

We worked with OYE, CareerTech, and OSU Extension to push educational material to show pig stakeholders regarding the disease, biosecurity, cleaning and disinfection to help exhibitors and exhibition venues slow the spread of the disease down. We answered many phone call and email and email questions. At this time, it is too early to know if we slowed the disease down enough to allow OYE to continue.

On February 26, Drs. Gorczyca-Southerland, Stone, Ruby, and I participated in a virtual meeting organized by Oklahoma Pork Council with the veterinarians for several of the commercial swine companies that operate in Oklahoma. We discussed Foreign Animal Disease preparedness and answered questions. We also had a presentation about a program that North Carolina State University has offered to assist our swine producers in completing and improving their Secure Pork Supply plans. This will allow us to permit movement of swine more quickly in case of a FAD outbreak if their farms are in a control area.

Miscellaneous:

The end of January I contacted several veterinarians in Congressional District 2 to gauge their interest in applying to be appointed to the Oklahoma Board of Veterinary Medical Examiners and sent links to the application to those who were interested.

Dalton Newell, a fourth year student at OSU College of Veterinary Medicine began a three week externship with us on March 8.

Respectfully,

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

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for February 2021 Activities

Introduction

Wildlife Services (WS) responds to damage complaints caused by wildlife to resources or property throughout Oklahoma. WS Specialists conduct operational damage management programs for many of the complaints they receive to resolve these wildlife damage problems. During this period, these projects were conducted on 477 properties with an estimated 2,438,256 acres of land under agreement. Additionally, WS helped 120 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 \$285,510 during this period. Beaver damages accounted for losses totaling \$96,085. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$47,920. Feral swine damages accounted for losses totaling \$135,456, while other species of wildlife were responsible for \$6049 in damages to property, agriculture, and livestock.

Providing Wildlife Services

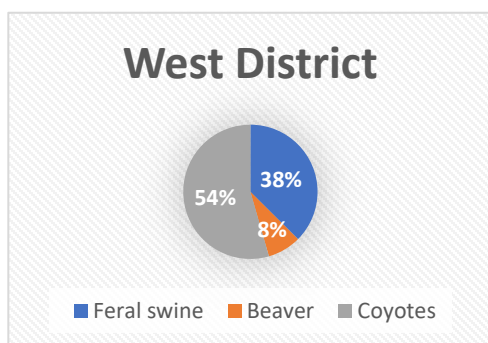


Figure 1: Percent of Species Removed in West District, February 2021

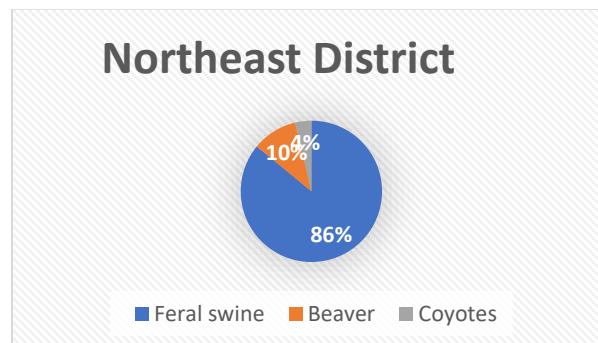


Figure 2: Percent of Species Removed in the Northeast District, February 2021

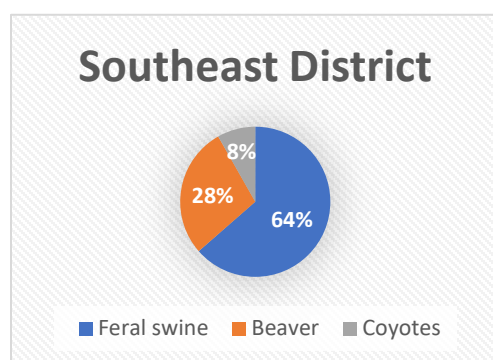


Figure 3: Percent of Species Removed in the Southeast District, February 2021

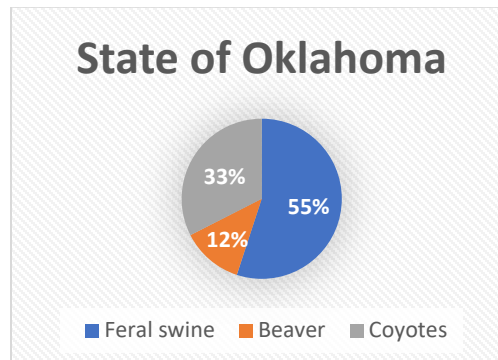


Figure 4: Percent of Species Removed in the State, February 2021

Coyote Damage Management

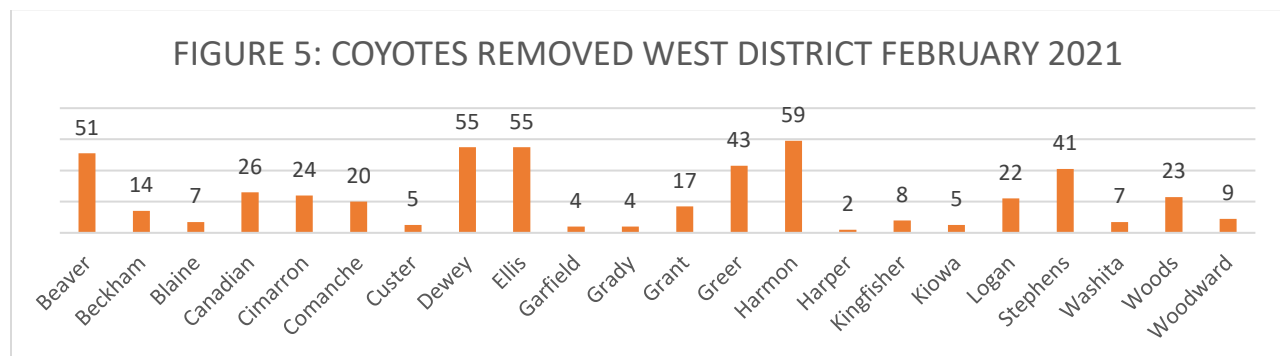
On February 4th, a Beaver County livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed three calves valued at \$4,000. The Wildlife Specialist assigned to Beaver County examined the carcass and verified that coyotes were responsible for the loss of the calf valued at \$1,000. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. The Specialist used M-44 sodium cyanide and call/shooting methods to alleviate the losses. Work on this property continues.

On February 5th, a Greer County rancher contacted WS for assistance with coyote damage management. The rancher reported coyotes were responsible for the loss of one calf valued at \$1,100 and the Wildlife Specialist assigned to Greer County responded and verified the loss. Control efforts were successful in removing 21 coyotes from the immediate area with no further losses reported to date.

On February 8th, a Beaver County livestock producer requested assistance with coyotes depredating on calves. The rancher reported coyotes were responsible for the loss of three calves valued at \$3,300 and the Specialist for Beaver County responded and verified the loss. The Specialist utilized M-44 cyanide devices to remove four coyotes. Work is ongoing currently.

On February 10th, a Kingfisher County landowner requested assistance with coyotes depredating on calves. The landowner routinely has problems with coyotes depredating on calves. The Specialist for Kingfisher County responded to the request and utilized M-44 cyanide devices and call/shooting methods to remove five coyotes from the area. The Specialist continues to monitor the area and work is ongoing currently.

On February 10th, a Murray County rancher contacted WS for assistance with coyote control. The rancher reported coyotes were responsible for killing three calves valued at \$2,400. The Wildlife Specialist for Murray County responded to the request and verified coyotes were responsible for the predation. Management efforts were successful in quickly removing six coyotes from the immediate area. No further losses have been reported to date.



Feral Swine Damage Management

On February 1st, a Jackson County landowner requested assistance with feral swine rooting in his pastures. The Wildlife Specialist assigned to Jackson County responded to the request and verified feral swine were responsible for \$20,700 in damage to the landowner's pastures. The Specialist utilized a live trap to remove 80 feral swine. Activity is being monitored to determine if further management is needed

On February 2nd, a Johnston County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. The Wildlife Specialist for Johnston County responded to the request and confirmed feral swine were responsible for an estimated \$3,000 in damages to the property. Remote camera traps were utilized to remove 19 feral swine from the immediate area. No further losses have been reported to date.

On February 2nd, WS received a call from an Okmulgee County landowner with a complaint that feral swine were rooting up his pasture. After investigating the property, abundant damage was verified. After utilizing a live trap, WS removed 25 feral swine from the property. Work is continuing at this time and the property owner was advised of environmental changes that could help prevent future problems.

On February 2nd, WS was contacted by a Kay County landowner. The landowner reported feral swine sightings and damages to a pasture and a soybean field. A WS Specialist responded to the call and verified the damage to the property. A live trap was placed on the property and work is continuing at this time. The property owner was advised of environmental changes that could help prevent future problems.

On February 3rd, the Wildlife Specialist for Roger Mills County received a request for assistance with feral swine. The rancher reported feral swine were responsible for \$20,000 in damages to his stored silage. The Specialist responded to the request and verified feral swine were responsible for damages by tearing into the plastic protector that keeps the silage dry to prevent molding. The Wildlife Specialist utilized a live trap to remove 24 feral swine from the area. Activity in this area is closely being monitored to determine if further management is needed.

On February 8th, a Cotton County landowner requested assistance with feral swine causing damage to his wheat fields. The Specialist responded to the request and verified feral swine were responsible for \$2,000 in damages to his fields. Live traps were utilized to remove 26 feral swine from the property. Work is ongoing currently to provide additional relief for the farmer.

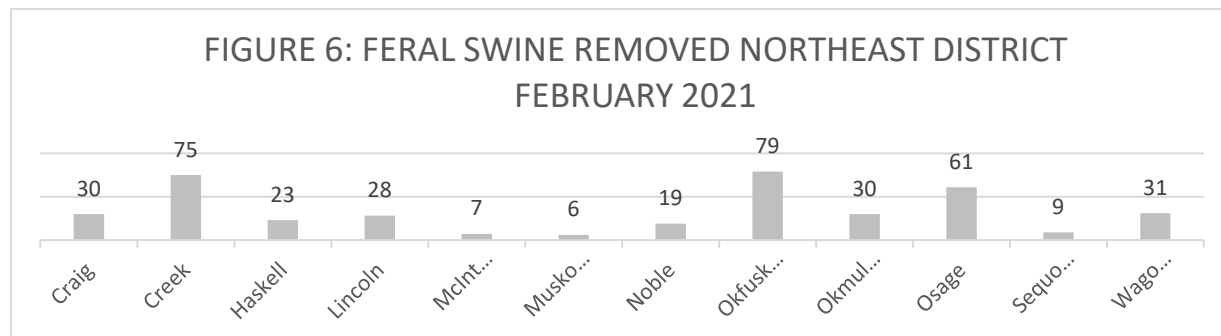


FIGURE 7: FERAL SWINE REMOVED SOUTHEAST DISTRICT
FEBRUARY 2021

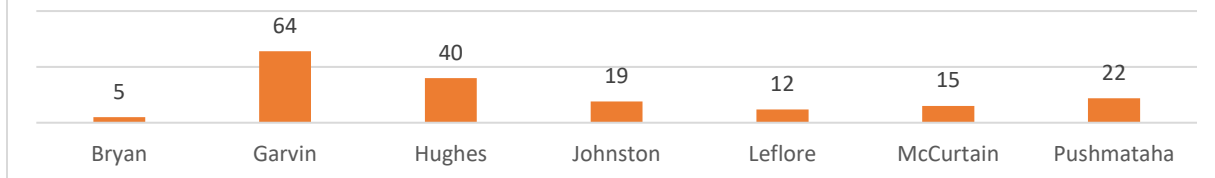
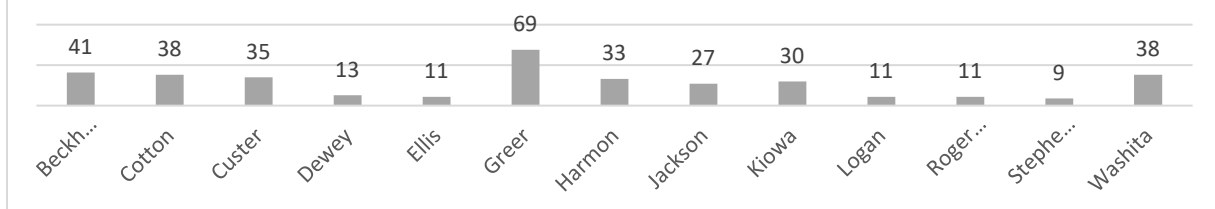


FIGURE 8: FERAL SWINE REMOVED WEST DISTRICT FEBRUARY
2021



Aerial Gunning Operations

On February 2nd, aerial operations were conducted in Love and Carter Counties. The area flown was to protect approximately 20,000 acres of land to mitigate damage being caused from feral swine. A total of 10 hours of flight time was utilized to remove 315 feral swine from the immediate area.

On February 25th, aerial operations were conducted in Custer and Blaine Counties. Feral swine were responsible for damages totaling \$41,000 to pastures and wheat fields in the area where operations were conducted. Aerial operations for the day resulted in the removal of 179 feral swine from five properties.

Beaver Damage Management

On February 1st, a Murray County landowner contacted WS for assistance with beaver damage management. The landowner reported beaver were causing damage to one of his pond dams. The Wildlife Specialist for Murray County responded to the request and confirmed beaver were responsible for an estimated \$2,000 in damages to the area. Management efforts were successful in quickly removing the beaver.

On February 4th, the Garfield County District 1 Road Commissioner contacted WS for assistance with beaver that were responsible to one of the road culverts. The Specialist for Garfield County responded and verified beaver were responsible for \$1,800 in damage to the road structure. The

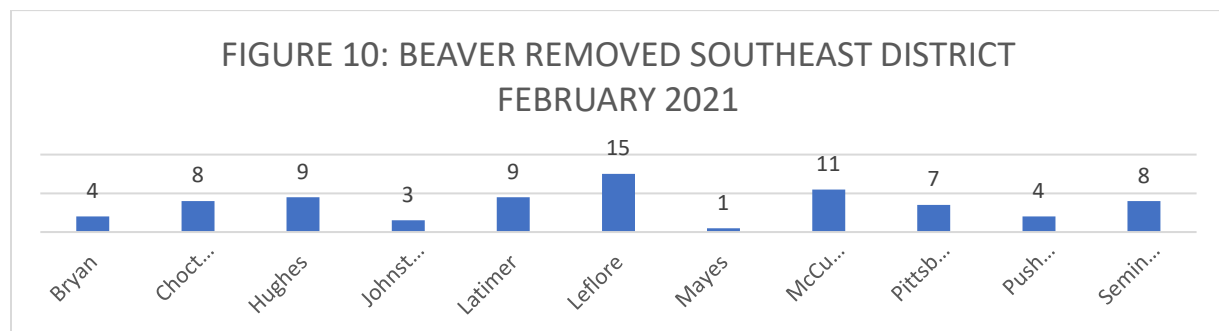
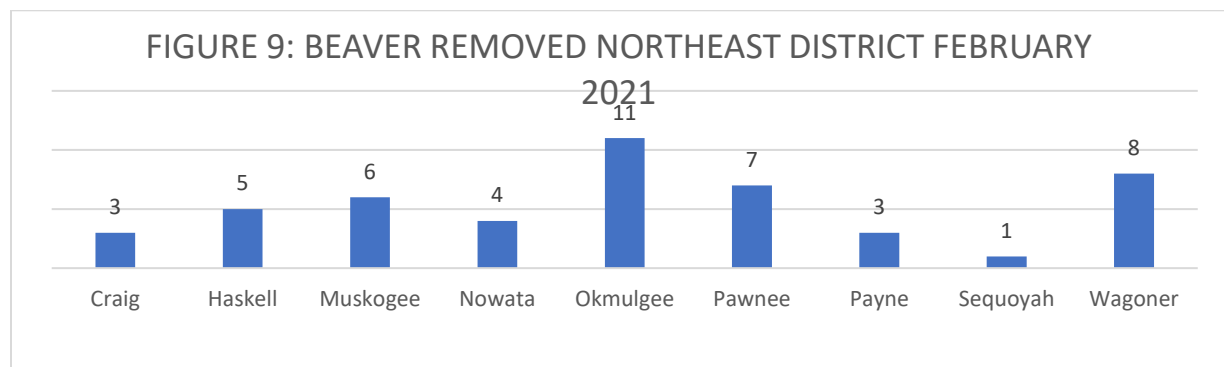
Specialist successfully utilized conibear traps and snares to remove four beaver from the adjacent creek. Control efforts are completed at this time.

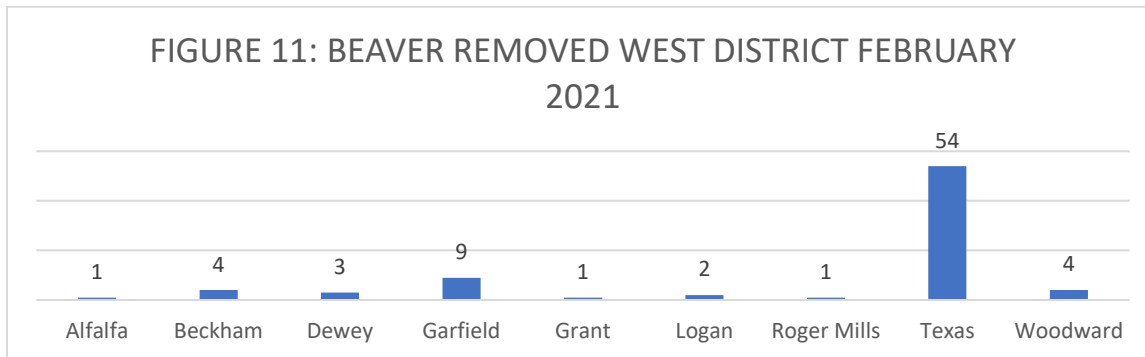
On February 5th, a Beckham County landowner requested assistance with beaver flooding his pasture next to a creek. The landowner reported that the beaver was responsible for \$3,000 in damages to his pasture. The Specialist for Beckham County responded to the request and verified beaver were responsible for the damage. Conibears were utilized to remove five beaver. No further damage has occurred and work is concluded.

On February 5th, a LeFlore County Commissioner contacted WS for assistance with beaver control. The Commissioner reported beavers were blocking culverts and flooding roadways at three different road sites. The Wildlife Specialist for LeFlore County responded to the request and confirmed beavers were responsible for an estimated \$2,500 in repair costs to the roadways. Management efforts were successful in quickly removing the beaver from the areas. No further losses have been reported to date.

On February 8th, WS was contacted by a Creek County Commissioner with Beaver damage concerns. The Commissioner reported that beaver were responsible for flooding a County roadway. The flooding damage estimated at \$1,200. The WS Specialist for Creek County responded to the request and verified that beaver were responsible for the damage. The Specialist utilized thermal vision to remove a total of four beaver. Work is continuing at this time.

On February 15th, a Sequoyah County farmer contacted WS regarding a beaver problem. The farmer reported that beavers had begun damming a ditch. The WS Troubleshooter visited the location and verified that beavers were responsible for the damage. Body-grip traps were used to remove three beavers from the property and work is ongoing. Cost to remove the beaver dams was estimated at \$750.





Black Vulture Damage Management

On February 1st, a Johnston County landowner contacted WS for assistance with Black vulture damage management. The landowner reported that vultures were responsible for killing beef calves valued at \$2,644. The Wildlife Specialist for Johnston County responded to the complaint and verified black vultures were responsible for the predation. Management efforts with cage traps were successful in quickly removing 61 Black vultures from the area. No further losses have been reported to date.

On February 23rd, a Mayes County rancher contacted WS with a complaint of black vultures causing depredation on his newborn calves. A WS Specialist visited that afternoon to verify the damage. Upon the visit there were three calves with injury/sign consistent of that caused by Black vultures. The Specialist witnessed approximately 50 vultures around the cattle and calving pens. Firearms were used to dispatch one black vulture and used it as an effigy all others dispersed with this action. Property visits will continue through the calving season with harassment being conducted when they are present. Estimated cost of loss was at \$2500.

Badger Damage Management

On February 11th, an Osage County rancher contacted WS requesting assistance with a wildlife problem. The rancher reported that an animal had dug a huge borrow hole against the foundation of his house and after heavy rainfalls was causing his basement to flood. A WS Specialist responded to the request and looked at the burrowing damage to the landowner's house. The Specialist verified a badger was responsible for the burrowing and flooding damages. A cage trap was utilized to remove the badger from the area. The Specialist gave technical assistance to the landowner on possible structural repairs to be done to the home.

Table 1: Beaver, Coyote, and Feral Swine removal in the State, February 2021

| County | Beaver | Coyote | Feral swine | District |
|---------|--------|--------|-------------|----------|
| Adair | | | | NE |
| Alfalfa | 1 | | | W |
| Atoka | | | | SE |

| | | | | |
|------------|----|----|----|----|
| Beaver | | 51 | | W |
| Beckham | 4 | 14 | 41 | W |
| Blaine | | 7 | | W |
| Bryan | 4 | | 5 | SE |
| Caddo | | | | W |
| Canadian | | 26 | | W |
| Carter | | | | SE |
| Cherokee | | | | NE |
| Choctaw | 8 | | | SE |
| Cimarron | | 24 | | W |
| Cleveland | 5 | | | C |
| Coal | | | | SE |
| Comanche | | 20 | | W |
| Cotton | | | 38 | W |
| Craig | 3 | | 30 | NE |
| Creek | | | 75 | NE |
| Custer | | 5 | 35 | W |
| Delaware | | | | NE |
| Dewey | 3 | 55 | 13 | W |
| Ellis | | 55 | 11 | W |
| Garfield | 9 | 4 | | W |
| Garvin | | 2 | 64 | SE |
| Grady | | 4 | | W |
| Grant | 1 | 17 | | W |
| Greer | | 43 | 69 | W |
| Harmon | | 59 | 33 | W |
| Harper | | 2 | | W |
| Haskell | 5 | | 23 | NE |
| Hughes | 9 | 3 | 40 | SE |
| Jackson | | | 27 | W |
| Jefferson | | | | SE |
| Johnston | 3 | | 19 | SE |
| Kay | | | | NE |
| Kingfisher | | 8 | | W |
| Kiowa | | 5 | 30 | W |
| Latimer | 9 | | | SE |
| Leflore | 15 | | 12 | SE |
| Lincoln | | | 28 | NE |
| Logan | 2 | 22 | 11 | W |
| Love | | 18 | | SE |
| Major | | | | W |
| Marshall | | | 1 | SE |
| Mayes | 1 | | | SE |

| | | | | |
|--------------|------------|------------|------------|----|
| McClain | | | | SE |
| McCurtain | 11 | | 15 | SE |
| McIntosh | | | 7 | NE |
| Murray | | | | SE |
| Muskogee | 6 | | 6 | NE |
| Noble | | | 19 | NE |
| Nowata | 4 | | | NE |
| Okfuskee | | | 79 | NE |
| Oklahoma | 9 | 2 | 30 | C |
| Okmulgee | 11 | | 30 | NE |
| Osage | | 16 | 61 | NE |
| Ottawa | | | | NE |
| Pawnee | 7 | | | NE |
| Payne | 3 | 1 | | NE |
| Pittsburg | 7 | | | SE |
| Pontotoc | | | | SE |
| Pottawatomie | | | | NE |
| Pushmataha | 4 | | 22 | SE |
| Roger Mills | 1 | 31 | 11 | W |
| Rogers | | | | NE |
| Seminole | 8 | | | SE |
| Sequoyah | 1 | | 9 | NE |
| Stephens | | 41 | 9 | W |
| Texas | 54 | | | W |
| Tillman | | | | W |
| Tulsa | | | | NE |
| Wagoner | 8 | | 31 | NE |
| Washita | | 7 | 38 | W |
| Woods | | 23 | | W |
| Woodward | 4 | 9 | | W |
| TOTAL | 220 | 574 | 972 | |

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

Wildlife Disease Sampling

During the month of February, the Wildlife Services Disease Biologist collected samples from 15 feral swine in 2 Counties; Johnston County and McCurtain County. The samples collected will be tested for classical swine fever, pseudorabies, swine brucellosis, and for genetics. All samples were opportunistically collected during feral swine direct control operations on properties that have requested Wildlife Services assistance with feral swine damage.

Feral swine samples collected are opportunistically taken during Direct Control projects where feral swine are being removed to alleviate property damage. Each feral swine is sampled for

Classical Swine Fever, Pseudo-rabies, Swine Brucellosis and a Genetic sample is collected. If available, extra serum vials are archived for future testing.

Table 2: February 2021 Feral Swine Sampling

| County | # of samples | # of locations |
|--------------------|------------------------|--------------------|
| Johnston | 10 | 1 |
| McCurtain | 5 | 1 |
| 2 Counties sampled | 15 Feral Swine sampled | 2 sample locations |

*To date, feral swine sample total for FY21 is 228 of the 368 quota

** Inclement weather reduced feral swine trapping and sampling opportunities during February

High Priority Counties are established by the National Feral Swine program. These counties have been placed as a “High Priority” due to a culmination of factors such as Commercial Pork production, Dairy Farms, Cattle production, Landfills, etc. At least 50% of FY21 samples must come from the following High Priority Counties. (Adair, Atoka, Bryan, Choctaw, Coal, Comanche, Haskell, Johnston, Le Flore, Logan, Love, Major, McCurtain, Muskogee, Payne, Pittsburg, Pontotoc, Pushmataha, and Sequoyah).

Table 3: High Priory Counties sampled

| County (# samples) (* = # incomplete) | Classical Swine Fever (CSF)+ | Pseudorabies (PRV)+ | Swine Brucellosis (SB)+ |
|---|---------------------------------|------------------------|----------------------------|
| Atoka (15) | 0 | 6+ | 12+ |
| Beckham (15) | 0 | 4+ | 0 |
| Bryan (40) | 0 | 22+ | 25+ |
| Carter (10) | 0 | 2+ | 0 |
| Coal (7) | 0 | 2+ | 5+ |
| Creek (9) | 0 | 0 | 0 |
| Johnston (23)(10*) | 0 | 3+ | 0 |
| Le Flore (3) | 0 | 0 | 1+ |
| Marshall (13) | 0 | 0 | 2+ |
| McCurtain (5)(5*) | 0 | 0 | 0 |
| Murray (28) | 0 | 7+ | 0 |
| Muskogee (8) | 0 | 1+ | 1+ |
| Pontotoc (13) | 0 | 1+ | 5+ |
| Pushmataha (24) | 0 | 9+ | 14+ |
| Sequoyah (15) | 0 | 1+ | 2+ |
| Total = 228 | 0% | 25.4% | 29.4% |

*some counties may have incomplete results

Aviation Safety

Altus Air Force Base (aAFB)

During February, efforts at AAFB were focused on wintering waterfowl and the hazard they present. Dispersal of waterfowl for the city of Altus continued at the reservoir to reduce damage to the waterbody and minimize threats of wildlife strikes on the airfield. Raptor trapping also was

featured as a prominent activity for the month, due to high presence. Dove banding for the associated project was also conducted. Documentation of damage to AAFB aircraft utilizing outlying airfields was conducted and presented on to AAFB officials, prompting an inquiry about expanding WS efforts to cover Clinton Sherman airfield. Additionally, this month began a new protocol requiring all SOFs (supervisors of flying) to be briefed on regional and local Bird Aircraft Strike Hazard (BASH) hazards.

Will Rogers World Airport (WRWA)

February's cold weather reduced wildlife activity at WRWA, as most species took shelter from the weather. Most of the wildlife seen at WRWA were waterfowl and gulls that stayed in condensed in areas that had maintained open water during the freezing temperatures. Canada geese and several species of ducks were observed on a regular basis at Peachy pond. Once the weather warmed, increased goose activity was noted at the pond, where geese have historically attempted to nest. Peachy pond will be monitored to prevent waterfowl from nesting. Pigeons were occasionally observed passing near the airport and were removed whenever possible. In the past, pigeons rarely attempted to utilize the hangars for loafing. However this month, they attempted to and WS was contacted to remove several pigeons from the Air Marshall's hangar. Beaver trapping continued through February with four more beavers removed and several dams being removed. Additionally, several striped skunks were observed foraging during daylight hours and were removed. Coyote behavior was minimal, with no coyotes being removed from the airfield.

Tinker Air Force Base (TAFB)

Bird activity remained relatively low due to the winter storms during February. However, as the spring migration starts, local populations of waterfowl and gulls in the TAFB vicinity will increase. WS responded to numerous calls of birds in hangars and warehouses and made suggestions to managers on how to prevent birds from entering the hangars in the future. WS conducted general surveys at various creeks and ponds and observed beaver activity. Although beaver are not a direct threat to aviation safety, their dam building activity can result in ponding creating a strong waterfowl attractant. Conibear traps were used to remove beaver that were responsible for cutting trees and damming up water control structures. Work orders were submitted to TAFB Roads & Grounds crews from WS to fill in gaps along airfield perimeter fence lines to discourage coyotes from gaining access on the airfield. Until the repairs could be made, snares were placed in these areas to trap coyotes trying to enter the airfield.

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

**February 2021 Activity Report
for
March 2021 Board Meeting

Agricultural Statistics Division**

General: For the **month of February**, rainfall totals averaged 0.54 of an inch throughout the state, with the Southeast district recording the highest precipitation at 1.04 inches and the Panhandle district recording the lowest at 0.17 of an inch. According to the February 16, US Drought Monitor Report, 27 percent of the state was in the moderate to exceptional drought categories, up 13 points from the previous year. Just 11 percent of the state was in the moderate to exceptional drought categories, compared to 5 percent from the previous year. Statewide temperatures averaged in the mid to high 20's, with the lowest recording of minus 22 degrees at Goodwell and Burbank on Wednesday, February 16th and the highest recording of 80 degrees at Goodwell on Wednesday, February 3rd. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Small Grains: Winter wheat grazed reached 48 percent, 7 points below the previous year. Rye grazed reached 22 percent, 8 points below the previous year. Oats grazed reached 36 percent, 4 points below the previous year.

Pasture and Livestock: Pasture and range condition was rated at 61 percent poor to fair. Livestock condition was rated at 78 percent good to fair.

Surveys: Surveys 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. Laptops have been issued to call center enumerators and are currently being used to collect data as well. | | |

Statistics:

The Farms and Land in Farms report published on February 19, 2021. Oklahoma farm numbers for 2020 remained unchanged at 77,300, Oklahoma land in farms remained unchanged at 34.4 million acres, and the average farm size remained unchanged at 445 acres per farm.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 27. In addition, our internet home page was hit 2,616 times in 2021, which is down slightly from 2020.

Releases for February:

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

Relating Dates:

February 1, 2021
 2020
 2020 year
 2020 year
 February 1, 2021
 February 15, 2021

Release Dates:

February 9, 2021
 February 11, 2021
 February 19, 2021
 February 25, 2021
 February 19, 2021
 February 26, 2021

Releases for March:

Crop Production
 Cattle on Feed
 Agricultural Prices
 Prospective Plantings
 Quarterly Grain Stocks

Relating Dates:

March 1, 2021
 March 1, 2021
 March 15, 2021
 March 1, 2021
 March 1, 2021

Release Dates:

March 9, 2021
 March 19, 2021
 March 31, 2021
 March 31, 2021
 March 31, 2021

Meetings and Events:

ARMS 3 NASDA Training Webinar February 8-12, 2021
 OTCAC Producer Webinar AM February 24, 2021
 OTCAC Producer Webinar PM February 24, 2021
 March NASDA Training Webinar February 24, 2021
 OTCAC Producer Webinar AM March 4, 2021
 OTCAC Producer Webinar PM March 4, 2021
 OTCAC Producer Webinar PM March 9, 2021
 OBHRPI Conference March 20, 2021
 SEB/FAC Meeting March 22, 2021
 NRCS State Technical Meeting March 22, 2021
 OTCAC Producer Webinar PM March 24, 2021
 OTCAC Producer Webinar AM March 25, 2021
 OTCAC Producer Webinar PM March 25, 2021

Date:**Location:**

Virtual
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Respectfully Submitted,

Troy Marshall

MARKET DEVELOPMENT SERVICES

March 31, 2021

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 301
- Total Number of Pre-Service Teachers Impacted: 28
- Total Number of Extension Educators Impacted: 35
- Total Number of Students Directly Impacted by Coordinators: 1,833
- Total Number of Resources Given: 8,612
- Total Number of Teachers/PreService Teachers Resources Given to: 195
- Total Number of PreK-12th Grade Students Resources Given to: 5,630

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

- The AITC website had 9,402 visits and 7,619 unique pageview visits.
- The AITC monthly email is delivered to 15,018 accounts.
- The AITC Facebook page now has 7,035 followers.
- The AITC Twitter page now has 574 followers.
- Oklahoma AITC Instagram account now has 554 followers.
- Oklahoma AITC Pinterest account now has 200 followers.
- The AITC YouTube channel now has 7,462 views.
- Kahoot: 124 Kahoot games with 2,916 plays.

Ag in the Classroom- Professional Development Workshops

| Number of Educators & Grade Level(s) | Location | Lessons/Activities Used | Resources Given |
|---|----------------------------|---|---|
| 35 Extension Educators (18 in person, 17 on zoom) | Stillwater | How Germs Spread lesson and activity | Oklahoma Ag on Rt 66 magazine, Upper level Engineering Process tear sheets |
| 11 Elementary Educators | Bryant Elementary in Moore | Soil lessons: Dirty Pictures, Let it Rain, and Soak it Up. Looked at soil colors and discussed erosion and gardening. | Red Dirt Symbols, Grow Garden Grow Student Readers, Strawberry and Tomato Activity Sheets, and either Careeropoly or Cropopoly Jr (their choice of 1) |
| OU/ECU partnership of Institute of Science | Zoom | Geothermal Energy - wind turbine demonstration | N/A |

| | | | |
|---|--|---|---|
| and Math Teachers - 10 teachers from various Schools and Universities | | | |
| OU/ECU partnership of Institute of Science and Math Teachers - 6 teachers from various Schools and Universities | Zoom | National AITC Lesson - Fueling up for a career in Biofuel and Lab Investigations in Biodiesel | N/A |
| 28 OSU Pre-Service Ag-Ed Student Teachers | World Harvest Church - Stillwater | Grape tower STEM challenge; At the Sale Barn; Journey 2050; Noble Research Institute Trunks | All upper level resources including Ag on Route 66 and Red Dirt Symbols with a barn |
| 7 teachers - NW Reading Council | NWOSU in Woodward | Painted strawberry rocks; New Speciality Crop Tear Sheets & Readers | Specialty Crop Tear sheets (1 of each) and 1 of each Reader |
| 1 Teacher - 2nd Grade | Zoom (Session made available for teachers needing training in order to apply for the Pork Council Grant) | AITC Website & Resources | N/A |
| 1 Participant - teacher at summer church program & master gardener | Zoom (Session made available for teachers needing training in order to apply for the Pork Council Grant) | AITC Website & Resources | N/A |

Ag in the Classroom- Student Events

| Number of Participants & Grade Level(s) | Location | Lessons/Activities Used | Resources Given |
|--|---|-------------------------|--|
| 20 students - Kindergarten and 1 teacher | Presenting AITC Coloring Contest Award to student at Elgin Elementary School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 15 students - Pre-K and 2 teachers | Presenting AITC Coloring Contest Award to student at Fairview Elementary School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 8 High | Presenting AITC Contest Award | N/A | Framed picture of their coloring |

| | | | |
|--|---|-----|--|
| school students and 1 teacher | to student at Lone Grove High School/Ag Education | | sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 25 2nd grade students and 1 teacher, 2 administrators | Presenting AITC Contest Award to student at Comanche Elementary School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 115 4th grade students and 6 teachers, 1 administrator | Presenting AITC Contest Award to student at Bridge Creek Intermediate School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 60 4th, 5th, & 6th grade students, 4 teachers, 1 administrator | Presenting AITC Contest Award to students at Maysville Elementary School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 80 students (Agricultural Education), 125 community members, 1 teacher | Presenting AITC Contest Award to students at Central High FFA Labor Auction | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 1 student, 1st grade, and 1 teacher | Presenting AITC Contest Award to student from Epic Charter School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 25 Kindergarteners, 25 PreK Students | AITC Coloring Contest Winner Presentation-Cushing Lower Elementary and at Cushing PreK Center | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 1 High School Student | AITC Award Presentation North Rock Creek | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 200 Elementary Students | AITC Contest Award Presentation Frederick Elementary--Presented over Zoom | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 15 4th Graders/Teachers--1 student 10 teachers | AITC Contest Award Presentation-Richmond Elementary--Stillwater Middle School | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 1100 Middle | AITC Award Presentation Whitter | N/A | Framed picture of their coloring |

| | | | |
|---|--|-----|--|
| School Kids | Middle School--Using the phone over the intercom | | sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 1 Students and 10 Noble Research Institute Staff | AITC Contest Award Presentation at Noble Research Institute | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 2 Middle School students and 1 teacher | AITC Contest award presentation at Porter | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 25 High School Students and 1 teacher | AITC Contest award presentation at Caney Valley | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 2 Middle School students and 2 teachers | AITC Contest award presentation at Keys JH in Park Hill | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 3 Elementary students and 1 teacher | AITC Contest award presentation at Dalonegah | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 75 6th-8th grade students and 7 teachers | AITC Contest award presentation at Woodland | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 2 Elementary students, 2 teachers, and 3 administrators | AITC Contest award presentation at Morrison which was broadcast live on Facebook | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 25 PreK students, 2 teachers, 4 administrators | AITC Contest award presentation at Downtown OKC YMCA | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |
| 22 High School students, 2 teachers, and a principal | AITC Contest award presentation at Mannford | N/A | Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative |

Ag in the Classroom- Resources Mailed or Delivered

| Location Resources Were Mailed Or Delivered |
|---|
|---|

| |
|-------------------------------------|
| Esperanza - Okc |
| Kay County |
| Tulsa County Osu Extension |
| Cushing Upper Elementary |
| Oaks Mission Elementary |
| Hayes |
| Kellyville Hs |
| Jefferson Early Learning Center |
| Maryetta |
| Orvis Risner Elementary |
| Newkirk Go Getters 4-h Club |
| Rosewood Elementary |
| Morrow Elementary |
| Kellyville Public Schools |
| Mark Twain Elementary |
| Rougher Alternative Academy |
| Sayre Elementary |
| Hennessey Middle School |
| Tushka Public Schools |
| Hennessey Middle School |
| Afton High School-special Education |
| Aline-cleo High School |
| Collinsville High School |
| Velma-alma Public School |
| Westville Elementary |
| Muldrow Middle School |

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|---|
| Maysville High School |
| Central Elementary School |
| Oklahoma Virtual Charter Academy At K12 |
| Bryan County Osu Extension Service |
| Kingsgate Elementary |
| Sequoyah Middle School |
| Collinsville Upper Elementary |
| Choctaw Nation Head Start |
| Pryor Junior High/High School |
| Collinsville Upper Elementary |
| Preston 4-h |
| Bridge Creek Intermediate |
| Ymca Child Development Center |
| Mark Twain Elementary |
| Harrah Middle School |
| Minco Elementary |
| Aline-cleo High School |
| Harmony Elementary |
| Kellyville Public Schools |
| Messiah Lutheran |
| Sand Springs Public Schools |
| Children Of Hope |
| Minco |
| Bridge Creek Early Childhood Center |
| Kingston Elementary School |

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|--|
| Duke Public Schools |
| Hubbard Elementary School |
| Osu Cooperative Extension Creek County |
| Hayes Elementary |
| Horace Mann Elementary |
| Allen Public School |
| Glencoe Public School |
| Muldrow Ffa |
| Kiefer Upper Elementary |
| Cameron University |
| Cherokee Nation Ecu |
| Mustang High School |
| Foyil Jr. High/High School |
| Kiefer Upper Elementary |
| Sayre Elementary |
| Cherokee Nation Ecu |
| Chickasha Homeschool Group |
| Shady Point Schools |
| Mark Twain Elementary |
| Clayton Public School |
| Lee Elementary |
| Durant Virtual School |
| Acorn Ridge Pre-k |
| Kinta Public School |
| Orvis Risner |
| Fairview Elementary |

| |
|----------------------------------|
| Cushing Upper Elementary |
| Dolores Huerta Elementary |
| Forgan Schools |
| Foyil Public Schools |
| Home School |
| Durant Public Schools |
| Esperanza Elementary |
| Western Heights Isd |
| Garfield Elementary |
| Southwest Covenant Schools |
| Broken Bow Schools |
| Creekwood Elementary |
| Bennett Elementary |
| Homeschool |
| Quinton Junior High/ High School |
| Perkins Tryon Elementary |
| Morrison Elementary |
| Maryetta |
| Drummond Public Schools |

| |
|---|
| Glenwood |
| Oklahoma Virtual Charter Academy At K12 |
| John D. Moeller Primary School |
| Little Axe Elementary |
| Bishop Public School |
| Townsend Elementary |
| Morrison Elementary School |
| Dove Science Academy |
| Bennett Elementary |
| Bridge Creek Intermediate |
| Haworth Elementary |
| Durant Virtual School |
| Oklahoma Virtual Charter Academy At K12 |
| Porter Consolidated |
| Orvis Risner Elementary |
| Washington Irving Elementary School |
| Northern Hills |
| Centennial Elementary |

| |
|---|
| Charles Haskell Elementary |
| Russell Dougherty |
| West Field Elementary School |
| Sunset - Edmond |
| Angie Debo Elem |
| Clegern Elementary |
| Ellen Ochoa |
| Frederick Elementary |
| Davis Elementary |
| Davis Elementary |
| Texas County Extension |
| Noble Research Institute |
| OSU County Extension Agents |
| Payne County Farm Bureau |
| Minco Agricultural Education |
| Mustang Agricultural Education |
| 3J Farms - Blanchard |
| Jacey Fye and 4 State FFA Officers visiting ODAFF |
| McKenzie (Ag Youth Council from Vinita FFA) |
| Lone Grove HS Ag - Ed |

Ag in the Classroom- Other Events

| Event | Highlights |
|---|---|
| Awarded the 2021 AITC Teacher of the Year | Oklahoma Ag in the Classroom (AITC) is excited to announce Ms. McCartney is the 2021 Oklahoma Ag in the Classroom Teacher of the Year. McCartney, who has taught at Ada Public Schools for 11 years, started participating in Ag in the Classroom workshops when she was a preservice teacher. Since then, she has attended "On the Road with Ag in the Classroom" road trips, attended and presented at the Oklahoma AITC State Summer Conferences, and attended National Ag in the Classroom Conferences. |

| | |
|---|---|
| Spring 2021 AITC Pork Council Grant recipients chosen | <p>Jessica Dunlap—Moore High School—Cooking and learning about the variety of pork products and different cultural meals. \$500</p> <p>Liz Nicholson—Kay County 4-H—Livestock Biosecurity. \$500</p> <p>Kylie Space—Tulsa County Extension—Afterschool program of Ag and STEM on Route 66. \$500</p> <p>Dusti McCartney—Willard Elementary, Ada (2021 AITC Teacher of the Year) Students will set up and maintain both a traditional compost and a vermicompost. \$419.04</p> <p>Traci Ellison—Mooreland Elementary School—Monthly hands on agriculture lessons involving food. \$500</p> <p>Denise Dunn—Central Intermediate School, Wagoner—A focus on monthly accurate agriculture books and engaging lessons and speakers to accompany the books. \$477</p> |
| Oklahoma State AITC Report | Oklahoma State AITC report was finished and submitted to National AITC |
| “Outstanding in Their Field” podcast featuring wheat in Oklahoma | Oklahoma AITC had the opportunity to be a part of the “Outstanding in Their Field” podcast created by the New York Agriculture in the Classroom and Iowa Agriculture Literacy Foundation. The podcast featured Oklahoma AITC Coordinator Audrey Harmon, Oklahoma 2020 AITC TOY Tammy Will, and 5th Generation Oklahoma farmer Marty Williams talking about wheat in Oklahoma. |
| 2021 National Excellence in Teaching about Agriculture Awards Announced | Oklahoma AITC found out that we have another National Excellence in Teaching about Agriculture Award recipient - Tammy Will, High School Science teacher in Morrison, OK. This is our 3rd consecutive win, with 5 national teacher awards in the last 6 years. |

AGRITOURISM

Agritourism - Site Visits

| Producer | Location | Category | Highlights |
|----------------------|-----------------|-----------------|--|
| Yarrowhead Farms | Wellston | Farm-to-table | Took AYC member, visited about upcoming OKLAS, visited about retail store and summer produce production. |
| Chester’s Party Barn | Piedmont | Pumpkin Patch | Took AYC member, visited about upcoming OKLAS, toured the farm. |

Agritourism - New Producers or Potential Producers

| Producer | Location | Category | Highlights |
|---------------------|-----------------|------------------------|--|
| Boo’s Pumpkin Patch | Guymon | Pumpkins | Site visit, Officially signed up and added to the program – 1 st pumpkin patch in the Panhandle |
| COOP | OKC | Breweries | Zoom meeting – discussed joining agritourism and craft beer trail |
| OK Cider Co. | OKC | Breweries and Wineries | Site visit, officially signed up |
| Elk Valley | OKC | Breweries | Site visit, officially signed up |
| Broke Brewing | OKC | Breweries | Site visit, Officially signed up |

| | | | |
|------------------------|--------------|----------------------------------|---|
| Core4 Brewing | OKC | Breweries | Site visit, officially signed up |
| Winery – Aaron Taylor | Grady County | Winery | Potential producer – wanting to open a winery, asked about grant funding – sent him to Jason |
| Twisted Spike | OKC | Breweries | Site visit, officially signed up |
| Grassroots Farms | Pauls Valley | Wedding, Alpacas, u-pick flowers | Site visit, officially signed up |
| Steve Jones | Rush Springs | Trail Riding | Potential producer – site visit w/ Jason Harvey – discussed grant opportunities |
| BIG Brewery | Norman | Breweries | Site visit, Officially signed up |
| Bison Ranch | Pawhuska | Farm and Ranch attractions | Phone consult w/ potential producer, scheduled site visit |
| Lost Bucks | Marietta | Hunting | Site visit, officially signed up |
| 7 Acres Farm | Tuttle | Farm to Table | Phone consult, commercial products – pickles, salsa, jellies, sent info about MIO, works w/ Growing Paynes |
| Crossed Cannons | Norman | Breweries | Site visit, officially signed up |
| Walnut Woods | Edmond | Pumpkins | Site visit, wanted to discuss layout, parking, other details, producers will be working all summer to be ready to open in fall 2021 |
| Vanessa House Beer Co | OKC | Brewery | Added to agritourism and craft beer trail of Oklahoma |
| Angry Scotsman Brewing | OKC | Brewery | Added to agritourism and craft beer trail of Oklahoma |
| Stonecloud Brewing Co | OKC | Brewery | Added to agritourism and craft beer trail of Oklahoma, intern took high quality images |
| The Big Friendly | OKC | Brewery | Added to agritourism and craft beer trail of Oklahoma, intern took high quality images |

Agritourism – Web and Social Traffic

Facebook: 17,344 page likes

Instagram: 1,633 followers

Loklahoma

Facebook: 3,002 page likes

Agritourism - Other Activities

- Oklahoma Local Ag Summit
- Coordinated with farmers market managers – received applications for 2021
 - Lawton FM, Joe’s Farm – Farm Hub, Muskogee FM, Bountiful Harvest – Farm Hub, Guymon FM, Lawton FM, OKC Farmers Public Market, Okmulgee FM, Stillwater FM, Tillman Co. FM, Wildhorse Gardens FM
- Phone or zoom consultations
 - Broken Arrow FM
 - Joe’s Farm
 - Growing Paynes
 - Wind Drift Orchards
 - Hillside FM
 - Scissortail Farmers Market
 - Quapaw Farmers Market

- Zoom meeting with Stacy Tomas, OSU researecher, about agritourism survey results and other agritourism ideas
- Attended virtual NAFDMA Conference
- Zoom meeting with Joel Harder and Moses from Uganda about visiting OK agritourism sites
- Zoom meeting with Fresh Rx considering collaborations
- Zoom meeting with OAA board members and Sec. Arthur
- Participated in OETA TV roundtable interview – discussed agritourism and what types of activities are available in OK
- Zoom meeting with Harvest Hosts – updates about their program, discussed ideas on how to work together and add more OK agritourism venues as a host

ECONOMIC DEVELOPMENT

| Activity | Action |
|---|--|
| Oklahoma Healthy Food Financing Program | The originally scheduled meeting of the selection committee had to be rescheduled to March 5 due to issues caused by the inclement weather. During the meeting 4 applicants presented proposals for a Healthy Food grant. The committee is recommending 2 of the proposals for funding. |
| Agriculture Enhancement & Diversification Program | The selection committee met on January 21 st and voted in favor of recommending 2 applications for a Farm Diversification for approval. |
| Agriculture Enhancement & Diversification Program | Consultation in Rush Springs, Steve Jones, about grant opportunities for agritourism operations. |
| 2021 SCBG application | <p>A Request For Applications was sent out on January 27th to 40+ individuals who have submitted a past application or inquired about the SCBG along with a press release sent to statewide media outlets. The deadline to have applications submitted to ODAFF will be March 17th.</p> <p>ODAFF has been informed by USDA-AMS that there will be additional money this year for the SCBG program through COVID-19 relief funds. USDA is still working on this program and States will more than likely be required to create an additional program and RFA for this set of money.</p> |
| Review and approve SCBG invoices | SCBG grant coordinator approved 10 invoices for payment after reviewing receipts and purchases to make sure they were within the terms of the contractual agreement with ODAFF. |

FARM TO SCHOOL

| ACTIVITY | ACTION |
|----------------------------------|--|
| SCBG Tasteful Harvest Poster Set | SCBG Tasteful Harvest Grant Resources Tasteful Harvest Posters and Connection Pages have been made public on the website and several orders have been received and sent out! All of these resources are free. |
| Tasteful Harvest Cookbook | Tasteful Harvest Cookbook The cookbook is complete and approved for printing. It is 56 pages and spiral bound. |
| Farm to School Conference | Farm to School Conference Farm to School Staff and Cooking for Kids staff visited one of farms for the virtual tour portion of the conference. We took pictures and videos. Greener Grounds is the first tour and then Eugene Fields Global Gardens is the other stop. |
| Specialty Crop Grant 2020 | Let's Get Growing with a School Garden Grant application process ended on March 1 st . There were a total of 90 applications. Reviews underway. Winning sites will be notified by the end of May. |

INTERNATIONAL

| Activity | Action | Location |
|--------------------------|--|----------|
| Certificate of Free Sale | Quality Supplement Manufacturing Lopez- Apostille | |
| Food Export | Virtual Member State Meeting- Dennis Lynch covered the state of the China FTA and where the 2020 exports stand. Briefing from Kathy Boyce, the in market rep for the EU and the UK and how Brexit and the UK FTA is developing in regards to food exports. Currently recruiting for Virtual Trade Mission to Mexico July 12-15 Food Show Plus (showcase) for SIAL China May 17-20 | |

| | | |
|----------------------------------|--|--|
| OSU/SBDC | <p>Met the new hire for the International Trade Specialist (replaced Tony Cambas). Alex has a very impressive back ground with international logistics and customs.</p> <p>ALEX M. EFIRD JR. INTERNATIONAL TRADE SPECIALIST Wes Watkins Center for International Trade Development O 405.744.7128 • M 404.304.7074 103 Wes Watkins Center • Stillwater, OK 74078 citd.okstate.edu</p> | |
| MIO Coalition | <p>Attended Meetings to update on the latest Food Export activities & the latest on STEP grant for travel.</p> <p>Companies considering utilizing the Food Export and STEP opportunities. Kize Shawnee Mills VAP Amelia's Yogurt</p> | |
| STEP | <p>Companies will be able to utilize up to \$1500 for travel to domestic shows to complement the Food Export cost share programs</p> <p>Shows approved are the following: Fancy Food Show Sept 27-29 Expo East Sept 22-25 Miami Food & Bev Show Sept 22-23</p> | |
| National Industrial Hemp Council | <p>Met with Kevin Latner and Patrick Ataqi with the NIHC to discuss the MAP funds granted to this organization and how they can benefit our producers in the OK.</p> | |
| Oklahoma Israel Exchange | <p>Possible mission with Governor Stitt tentative dates Oct 13-22nd.</p> <p>Leading a commerce project with General Lee Levy to connect OK and Israeli companies.</p> <p>Upcoming fundraisers: Looking at Blessing of the field in late July Table for Two- online cooking demo with Chef Black from Grey Sweater April 18</p> <p>Met with director to discuss possible program collaboration with the Dept of Ag, possible OK wine, FFA connecting youth, livestock genetics, packaging veggies.</p> | |
| NASBITE Exporter Summit | <p>Participated in NASBITE Exporter Summit – heard from several companies on case studies and best practices and virtual networking opportunities.</p> | |

MADE IN OKLAHOMA PROGRAM

| Meeting | Location | Details |
|------------------------|-----------------|---|
| Vanessa House Brewery | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Angry Scotsman Brewery | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Hansens Eggs | Virtual | Discussion with company looking to join the program and the coalition |
| Stonecloud Brewing | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| The Big Friendly | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| COOP Ale Works | Virtual | Meeting to add craft brewers to MIO Program and craft beer trail |
| Elk Valley Brewing | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Core4 Brewery | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| OK Cider Co | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Broke Brewing | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Twisted Spike | OKC | Meeting to add craft brewers to MIO Program and craft beer trail |
| Discover Oklahoma | Virtual | Discussion about getting our commercial aired on Discover Oklahoma |
| BiG Brewing Co. | Norman | Meeting to add craft brewers to MIO Program and craft beer trail |

| Event Name | Date | Location |
|-----------------------------------|-------------|-----------------------|
| Tulsa Home and Garden Show | March 11-14 | Expo Square (Tulsa) |
| A Little Taste of Stockyards City | March 13 | Stockyards City (OKC) |

New Producers:

- Finn Knows Soap
- Unique Store By Lynn
- Brenda Hamilton
- Hansen's Eggs
- Pops & Didi
- Aroma Herbal Oils
- Legacy Tarps, Inc.
- Graeber Design
- Toni's Leather Shop
- West Point Beef and Cattle, LLC
- Nine Finger's Design LLC
- Jack and Lynne Gossett Designs

New Retailers:

- Reeder's Fresh to Convenience
- Stompin' Grounds Market
- West Point Beef and Cattle
- Keys Feed Store and Market
(getting MIO products)
- Bluestone Steakhouse and Seafood
(getting MIO products)

- BoVeq – Round Bale Saver
- Spunky Beauty Co.
- Tee’s Trees
- Cocco Amore
- Country Girl Gifts
- Rock Creek Distillery
- VeRajArt
- Hide Junkie
- Kommando Kilts
- Custom Manufacturing, Inc.

Other Made in Oklahoma Activities:

- Managed payments on MIO Store through PayPal, automated feature is not working correctly so waiting on this issue to get resolved and, in the meantime, manually paying producers through MIO PayPal account.
- Managing E-Commerce site; tagging and re-tagging products correctly, adjusting Producer names so everything is the same, adjusting categories, etc.
- Launched MIO Commercial, several discussions with Discover Oklahoma to get commercial on their programming statewide
- Planned Tulsa Home and Garden Show (March event)
- Began planning A Little Taste of Stockyards City
- Wrapped up segments on Fox 25 Living Oklahoma

MIO COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

| Type | \$ Spent | Highlights |
|---|--|---|
| Digital Billboard Advertising | \$1,600-\$1,900/month | Features company branded ads in OKC & Tulsa Markets |
| 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. Concluded on January 31 st . |
| Marketing, Consulting and Graphics Retainer with Boiling Point Media | \$4,000 | 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 and Channel 4, 5 & 9 in OKC | OKC – 8 appearances in January 8 appearances in February 2 appearances in March Tulsa – 2 appearances in January/February | Natalie Mikels & David Brooks, MIO TV Personalities filmed remote cooking segments for the months of November-January |
| Restaurants of the Month | | January: The Hutch, OKC February: The Springs at the Artesian, Sulphur March: Savoy Restaurant, Tulsa, OK |

| | | |
|-------------------------------|--------------|---|
| Discover Oklahoma Commercials | \$5,200 | Yearlong contract with Discover Oklahoma kicked off in August with Statewide spots airing through July 2021 |
| MIO Monthly Newsletter | | Featured Companies: January: Ben Jack Larado February: Sweet Spirit Foods March: Roark Acres Honey |
| Social Media Stats | BPM retainer | Twitter: 5,500+ Instagram: 3,000+ Facebook: 16,500+ |
| | | |

Made in Oklahoma Coalition – Other Activities

| Activity | Information |
|--|--|
| Top 3 Interviews and final determination for new Agency of Record: Krush was chosen as new agency of record | Top 3: <ul style="list-style-type: none"> • Freestyle • Krush • Jones PR |
| Meeting at Crest in Edmond | Discussion of mini trade show event scheduled for February 23rd |
| Local Brewery Visits | Staff and Market Development cohorts visited a number of local breweries to discuss the craft brewing trail and also to inform them about the MIO Program and MIO Coalition. |
| OALP Virtual Seminar <ul style="list-style-type: none"> • Wednesday, February 3rd • Wednesday, March 3rd | OALP has been suspended indefinitely due to Covid-19. Instead we have been participating in monthly 2-hour zoom seminars on a variety of topics with speakers in different segments of agriculture. |
| MIO Membership Meetings <ul style="list-style-type: none"> • Friday, February 5th • Friday, March 5th | Staff led the monthly membership meetings in October & November. The retail, food service and emerging committee meetings were held and upcoming activities, promotions and events were discussed |
| LocalFarmOK Partnership Meeting <ul style="list-style-type: none"> • Wednesday, February 24th | LocalFarmOK is a family-owned farm working with other local farms and businesses so that they may deliver a variety of the freshest, best tasting, all natural, locally focused items - directly to Oklahoma doorsteps, year-round. MIO is partnering with LocalFarmOK to create a MIO mystery box. The box will launch in April as a kick-off to MIO month and will be available as an add-on for shoppers who subscribe to the LocalFarmOK Farm and Variety Bags. Each bag will consist of 5 MIO products and MIO recipes that highlight how to use the products. |
| MIO Restaurant of the Month Visit: <ul style="list-style-type: none"> • Monday, February 22nd | The MIO Restaurant of the Month for February 2021 was The Springs at the Artesian in Sulphur, OK. Staff and MIO ad agency drove down and got photos of the restaurant and the food for social media and presented them with their Restaurant of the Month Award |
| Crest Mini Trade Show Event <ul style="list-style-type: none"> • Tuesday, February 23rd | Staff and Crest leadership coordinated a mini trade-show event where 25 MIO members had the opportunity to showcase their products to Crest buyers in their particular category. Head Country BBQ catered the event and we had great attendance from Crest. Multiple MIO members were able to get their products in the store because of this event. |

| | |
|--|---|
| Ag Youth Council Final Presentations <ul style="list-style-type: none"> Thursday, February 25th | Staff was asked to sit in and help judge the final Agriculture Youth Council presentations to determine a top 3 out of the participants. |
| Consistent Messaging Subcommittee <ul style="list-style-type: none"> Friday, February 26th | Served as an ODAFF representative at the Consistent Messaging Subcommittee for Oklahoma Workforce. This committee is led by Secretary Arthur. |
| Local Ag Summit <ul style="list-style-type: none"> Tuesday, March 2nd | Staff helped Market Development colleagues with anything needed for the event and served as online panel moderator |

MARKET NEWS SERVICES

| Jan. 11, 2020 | | March 4, 2021 | | DIFFERENCE |
|-----------------------|---------------|----------------------|--|-------------------------|
| WHEAT: (bu) | \$5.45-5.74 | \$5.67-6.01 | | \$0.22 to \$0.27 higher |
| MILO: (bu) | \$6.07 -6.42 | \$6.52-6.92 | | \$0.45 to \$0.50 higher |
| SOYBEANS: (bu) | \$12.84-13.29 | \$13.35-13.65 | | \$0.36 to \$0.51 higher |
| CORN: (bu) | \$4.75-5.37 | \$5.19-5.80 | | \$0.43 to \$0.44 higher |
| COTTON: (lb) | 75.43 cents | 81.39 cents | | 5.96 cents higher |

OKC WEST (EL RENO) STEER CALVES AND YEARLINGS:

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

(01-06-21) \$149.00-\$177.50 Wtd. Avg. \$165.58

(03-03-21) \$155.50-\$187.00 Wtd. Avg. \$171.01

Yearlings 600-700 lbs.

(01-06-21) \$133.00-\$157.00 Wtd. Avg. \$146.90

(03-03-21) \$139.00-\$159.50 Wtd. Avg. \$148.11

Eight weekly Oklahoma Market Reports were sent to 7,609 subscribers in January, February, March 2021 (up from 7,281 subscribers last report).

The market news voice messaging system was accessed 9,674 times Jan. 11, 2021 – Mar. 4, 2021. It was accessed 5,974 times Jan. 1st-31st, 4,090 times Feb. 1st-28th, and 1,103 times Mar. 1st-4th, 2021, compared to 3,510 in January 1st-March 4th, 2020.

USDA Hay Report: 2-18-21 Hay trade remains slow, with arctic temperatures and heavy snowfall over the trade area has hampered movement. No trades of ground alfalfa yet demand remains moderate to good as most feed yards and dairies seem to be current as of now. Demand remains moderate for farmers and ranchers.



**Oklahoma Department of Agriculture,
Food, and Forestry
March 12, 2021 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
January 5, through February 21, 2021**

AEMS Division Monthly Activities

AEMS Activity

- Representatives from AEMS division participated in multiple Illinois River Watershed working groups.
- A representative participated in multiple conference calls with OSU, USDA, APHIS, and ODAFF to discuss the Swine Research Project.
- January 25, 2021 Representatives from the AEMS division attended the virtual 2021 Poultry Waste Management Education Program Planning meeting.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 3

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:

| | |
|---------------------------------|---|
| 17 | Complaints received and investigated this reporting period. |
| 15 | Complaints closed this reporting period |
| Complaints Received - Breakdown | |
| Cattle –2 | |
| Swine – 0 | |
| Poultry- 3 | |
| Breeder - 6 | |
| Shelters - 1 | |
| Other - 5 | |
| 73 | Year to date complaints received in FY 21 |
| 66 | Year to date complaints closed in FY 21 |
| 52 | LMFO/CAFO inspections, plus technical assistance |
| 191 | Poultry inspections and technical assistance |
| 6 | Pet Shelters inspections and technical assistance |
| 10 | Breeder Pre annual inspections and technical assistance |

CAFO and LMFO Activities - Month and Fiscal Year 2021

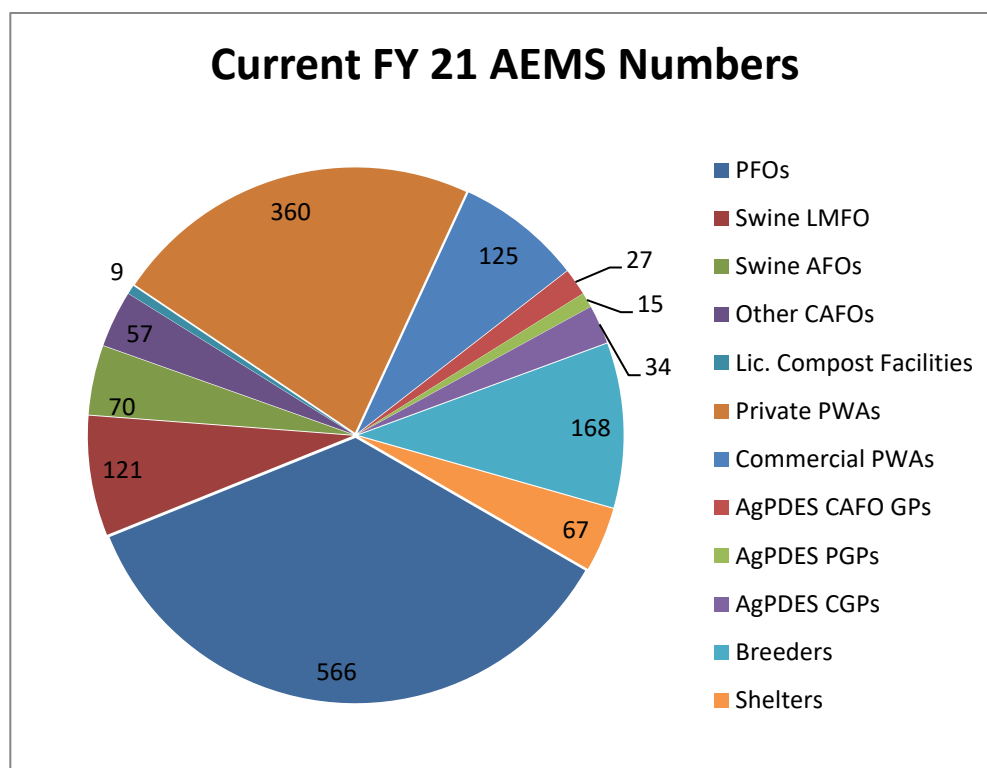
| | Jan. 5 –Feb 21, 2021 | FY 21 Total |
|-------------------------------------|----------------------|-------------|
| Complaint or Compliance Follow-ups | 12 | 125 |
| Annual Inspections | 40 | 299 |
| Carcass Disposal Inspections | 16 | 176 |
| Technical Assistance with Contacts | 12 | 78 |
| Site Visit/Review – No contact made | 11 | 67 |

Poultry Activities – Month and Fiscal Year 2021

| | Jan. 5 –Feb 21, 2021 | FY 21 Total |
|--------------------------------------|----------------------|-------------|
| Complaint or Compliance Follow-ups | 3 | 12 |
| Annual Poultry Inspections | 53 | 298 |
| Poultry Technical Assistance | 138 | 775 |
| Soil Samples Collected | 133 | 209 |
| Site Visit/Review – No contact made | 117 | 536 |
| Construction Storm water Inspection | 0 | 0 |
| Eucha-Spavinaw CNMP Written | 23 | 61 |
| New PFO License Pre-Site Inspections | 0 | 0 |

Pet Breeders Actives – Month and Fiscal Year 2021

| | Jan. 5 –Feb 21, 2021 | FY 21 Total |
|-------------------------------------|----------------------|-------------|
| Complaint or Compliance Follow-ups | 3 | 22 |
| Shelter Annual Inspections | 2 | 30 |
| Site Visit/Review – No contact made | 0 | 13 |
| Shelter Technical Assistance | 4 | 33 |
| Shelter Close out | 0 | 10 |
| Breeder Annual Inspections | 8 | 16 |
| Breeder Technical Assistance | 10 | 47 |
| Site Visit/Review – No contact made | 0 | 7 |
| Breeder Close out | 0 | 3 |



Respectfully

Teena G Gunter
AEMS Division

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

**MARCH 2021 BOARD REPORT
REGARDING JANUARY 16, 2021 THROUGH MARCH 12, 2021 ACTIVITIES
OF THE
OFFICE OF GENERAL COUNSEL**

ACTIONS FOR BOARD CONSIDERATION:

| Matter | Type of Resolution | Amount |
|-----------------|---------------------------|---------------|
| C&J Lawn Patrol | Stipulation | \$250.00 |
| Jeffery Watkins | Stipulation | \$500.00 |

CONTRACTS REVIEWED OR DRAFTED (31):

| |
|------------------------|
| Forestry - 9 |
| Market Development - 7 |
| CPS - 4 |
| Food Safety - 1 |
| Wildlife Services - 3 |
| Administration - 2 |
| Animal Industry - 5 |

ADMINISTRATIVE HEARING PROCEEDINGS:

| |
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| ODAFF v. Spectrum Division of United Industries , OGC 18-434: Briefed and awaiting ALJ decision. |
| ODAFF v. Spectrum Division of United Industries , OGC 18-435: Briefed and awaiting ALJ decision. |
| ODAFF v. Spectrum Division of United Industries , OGC 18-436: Briefed and awaiting ALJ decision. |
| ODAFF v. Spectrum Division of United Industries , OGC 18-438: Briefed and awaiting ALJ decision. |
| ODAFF v. Spectrum Division of United Industries , OGC 18-528: Briefed and awaiting ALJ decision. |
| ODAFF v. Terry Vigil , OGC-19-606: Pending new Scheduling Order. |
| ODAFF v. Gerald Wilson , OGC-19-212. Initiated individual proceedings. Negotiations ongoing. |
| ODAFF v. Houston Contracting Farm , OGC 20-050. Initiated individual proceedings. Amended NOV to issue. |

| |
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| W.L. Hardesty, et al v. ODAFF , OGC-19-167. Petition for Declaratory Ruling. Order issued. Briefs submitted. ALJ decision rendered. Motion to reconsider filed and awaiting ALJ response. |
| ODAFF v. Scott Termite , OGC-19-958 and OGC-20-111: Negotiations ongoing. |
| ODAFF v. Superior Termite & Pest , OGC-19-889 and OGC-20-005: Negotiations ongoing. Prehearing conference set for April 8, 2021. |
| ODAFF v. AP&G Co. , OGC-20-053: Service attempts ongoing. Prehearing conference set for May 13, 2021. |
| ODAFF v. Triple T Machining Specialties, Inc. , OGC-20-012 and OGC-20-013: Hearing on Default set for April 8, 2021. |
| ODAFF v. Greg Hobbs , OGC-20-025: Service attempts ongoing. Prehearing conference set for April 8, 2021. |
| ODAFF v. Steggs Aerial Spraying , OGC-20-633: Initiated individual proceedings. Prehearing conference set for April 8, 2021. |
| ODAFF v. Southmark Aviation , OGC-20-639: Initiated individual proceedings. Prehearing conference set for March 11, 2021. |
| ODAFF v. J.C. Ferguson , OGC-20-641: Initiated individual proceedings. Prehearing conference set for April 8, 2021. |
| ODAFF v. Langston Exterminating Co. , OGC-20-373: Initiated individual proceedings. Prehearing conference set for April 8, 2021. |
| ODAFF v. Terminix , OGC-20-672: Initiated individual proceedings. Prehearing conference set for April 8, 2021. |
| ODAFF v. Shane Backus , OGC-20-681: Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Dewayne Muret , OGC-21-031: Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Cedar Canyon Goods LLC , OGC-20-845: Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Aaron and Keturah Knepp, 20-421 : Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Nao Tou Vang, 20-356 : Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Niki Latendresse, 19-956 : Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Le Ann Drain and Kaeli Seay, 19-954 : Initiated individual proceedings. Prehearing conference set for May 13, 2021. |
| ODAFF v. Ron Stock, OGC-19-936 : Negotiations ongoing. Prehearing conference set for May 13, 2021. |
| ODAFF v. Jeff Vinson, OGC-19-834 : Negotiations ongoing. Prehearing conference set for May 13, 2021. |
| ODAFF v. Delashaw Farm, OGC-19-824 : Negotiations ongoing. Prehearing conference set for May 13, 2021. |

OTHER ACTIONS AND PROCEEDINGS:

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| <i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020). |
| <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 scheduling order. |
| <i>Steven Scantling v. ODAFF</i> , MPC-21-025. Appeal of termination of employment with Forestry Division. Pending hearing. |
| <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. Answer filed. Pending further hearing set February 4, 2021. |
| <i>Sam Withiam v. OK State Dept of Agriculture</i> , Lincoln County District Court, Case No. CJ-20-73: Lawsuit involved tort claim stating ODAFF damaged concrete during elk depopulation. The Attorney General's Office is handling this claim. An Answer was filed. Discovery is ongoing. |
| <i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General's Office is handling this claim. |
| <i>Upton's Naturals Co v. Stitt and Arthur</i> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General's Office is handling this claim. |
| <i>William Grossman v. Lori Howard et al.</i> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency had no involvement with the circumstances. The Attorney General's Office is handling this claim. |
| <i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Pending Answer. |
| <i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Pending Answer. |

MEETINGS:

| Date | Activity |
|------------------|---------------------|
| January 19, 2021 | Director's Meeting |
| January 19, 2021 | GovQA Presentation |
| January 19, 2021 | Collections Meeting |
| January 25, 2021 | GovQA Follow Up |
| January 26, 2021 | Director's Meeting |
| January 27, 2021 | OGC Staff Meeting |

| | |
|-------------------|---|
| January 27, 2021 | AALA 2021 Annual Meeting Planning Committee |
| January 28, 2021 | FMLA Webinar |
| January 29, 2021 | OBA Legislative Update |
| February 2, 2021 | Director's Meeting |
| February 2, 2021 | House Agriculture Committee |
| February 3, 2021 | State Board of Agriculture |
| February 4, 2021 | Leadership Oklahoma Mental Health and Addiction |
| February 5, 2021 | Eastern Oklahoma Poultry Tour |
| February 8, 2021 | Senate Agriculture Committee |
| February 9, 2021 | House Agriculture Committee |
| February 11, 2021 | OBA Legislative Monitoring Committee |
| February 11, 2021 | Commissioners of Land Office |
| February 11, 2021 | Illinois River Working Group |
| February 16, 2021 | House Agriculture Committee |
| February 17, 2021 | OU Law Virtual Career Fair |
| February 17, 2021 | Collections Meeting |
| February 22, 2021 | Senate Agriculture Committee |
| February 22, 2021 | NASDA Annual Winter Policy Meeting |
| February 23, 2021 | Director's Meeting |
| February 23, 2021 | House Agriculture Meeting |
| February 23, 2021 | NASDA Annual Winter Policy Meeting |
| February 24, 2021 | NASDA Annual Winter Policy Meeting |
| February 24, 2021 | 2025 OK Comprehensive Water Plan Agency Directors |
| February 25, 2021 | NASDA Annual Winter Policy Meeting |
| February 25, 2021 | OGC Staff Meeting |
| February 25, 2021 | Illinois River Task Force |
| March 4, 2021 | OBA Legislative Monitoring Committee |
| March 4 2021 | LOK Agriculture and Economic Development |
| March 5, 2021 | OCU Law Career Fair |
| March 8, 2021 | Remington Park OK Derby Trials |
| March 9, 2021 | Director's Meeting |
| March 11, 2021 | OGC Docket |
| March 11, 2021 | ODAFF Town Hall |
| March 11, 2021 | Illinois River Working Group |

RULE ACTIVITIES:

Chapter 2. Fees (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021.

Chapter 3. Fine Matrices (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature

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| February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 10. Agricultural Products (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 13. Fuel Alcohol (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 15. Animal Industry (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 17. Water Quality (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 18. Carcass Disposal (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 20. Forestry (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 25 Laboratories (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 30. Consumer Protection (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 37. Food Safety (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 40. Market Development (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| Chapter 44. AgPDES (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |

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| Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2021): Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021. |
| OHRC |
| Chapter 1. Commission Powers and Jurisdiction (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 15. Licensing (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 20. Racing Officials and Racing Personnel Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 35. General Conduct (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 60. Running the Race (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 65. Pari-Mutuel Wagering (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 75. Oklahoma-Bred Program (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |
| Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2021): Permanent rules adopted by Commission on January 21, 2021. Agency Rule Report submitted to the Governor and Legislature January 27, 2021. Statement of Submission filed with Office of Administrative Rules January 27, 2021. |

OPEN RECORDS REQUESTS (31):

| |
|--------------------------|
| AEMS (11) |
| AIS (5) |
| CPS (6) |
| Executive Office (2) |
| Food Safety (2) |
| Forestry (1) |
| Market Development (3) |
| Investigate Services (1) |

OKLAHOMA HORSE RACING COMMISSION

| |
|--|
| Litigation: <i>OQHRA v. OHRC</i> , 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. Briefing cycle in progress. Hearing pending. |
| Litigation: <i>Alfredo Gomez and Cruz Villafranco v. OHRC</i> , Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners’ Motion for Partial Summary Judgment responded to. Pending hearing. |
| Litigation: <i>Samuel Valdivia v. OHRC</i> , 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. Amended Petition filed. |
| Litigation: <i>Samuel Valdivia v. OHRC</i> , Sequoyah County Case No. CV-2020-169. Petition for Review of Final Agency Order. OHRC’s Motion to Dismiss filed. Pending hearing. |
| Litigation: <i>Oscar Nunez v. OHRC</i> , Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Pending rehearing before the Board of Stewards at Remington Park. |
| Litigation: <i>Marcos Carrizales v. OHRC</i> , Oklahoma County case No. CJ-2020-1908: Hearing held. Case dismissed. |
| Litigation: <i>Josue Ponce v. OHRC</i> , Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed. |
| Litigation: <i>Miguel Pena v. OHRC</i> , Oklahoma 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. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Further action pending. |
| Litigation: <i>Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC</i> , Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending. |

| |
|--|
| Litigation: Carlos Ruiz v. OHRC , Tulsa County District Court Case No. CV-2020-627: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held June 8, 2020. TRO denied. Further action pending. |
| Litigation: Sammy Howard v. OHRC , Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Pending briefing. |
| Prepare cases for presentation at Stewards Hearings |
| Prepare cases for presentation in District Courts |
| Provide discovery to opposing counsel and Respondents regarding various hearings |
| Stewards Hearings at Remington Park |
| Stewards Hearings at Will Rogers Downs |
| Hearings in District Courts |
| Prepare and file Motion for Summary Judgment |
| Prepare and file Response to Petition for Temporary Restraining Order and Injunction |
| Prepare and file Motion to Dismiss |
| Argue appeals at regular session of the Oklahoma Horse Racing Commission |
| Discuss possible rule revisions/amendments with Executive Director |
| Draft proposed rule revisions |
| Advise Executive Director on extent of delegated authority |
| Discuss certain policy issues with Executive Director |
| Review communication from Respondents' counsel in various cases |
| OHRC regular meeting |
| Supervise and direct OHRC legal intern |

OTHER ACTIVITIES:

| |
|---|
| Spoke with investigators about cases |
| ALA Webinar |
| Spoke with Market Development regarding cases |
| Attend Arizona State University virtual seminar on Indian Gaming |
| Attend The Biden Administration and Agricultural Trade virtual seminar |
| Attend MPC case status conference |
| Attend SLS seminar |
| Attend NPDES webinar |
| ODAFF-EPA quarterly virtual conference |
| Communicate with outside counsel regarding division policy and legal interpretation |
| Review garnishments |
| Attend ELA webinars |
| Discuss various rule amendments |
| Respond to various phone inquiries |
| Discuss contract provisions with other state agency attorneys |
| Discuss enforcement case with division staff |
| Communicate with Respondents of enforcement actions |
| Discuss potential open record management system |
| Assist citizens with farm incorporation paperwork |

| |
|---|
| Refer citizens to other agency for assistance with farm tax application |
| Discuss Meat Inspection Act with outside attorney |
| Discuss Centennial Farm Application with citizen |

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Teena G. Gunter', with a stylized, flowing script.

Teena G. Gunter
General Counsel

FOOD SAFETY REPORT JANUARY & FEBRUARY 2021

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 114,733 pounds of poultry – whole legs, drumsticks and split breast meat. ODAFF inspectors provided USDA Shell Egg grading on 78,344 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. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Eight organic crop producers
- Three organic livestock producers
- Seven organic processors
- Six retail organic inspections
- 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 7 requests for organic crop applications, 4 requests for organic processing applications and 3 requests for organic livestock applications.

Produce Safety Section

- Produce Safety Alliance classes planned for this spring and On-Farm Readiness Reviews
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Assisting Kentucky with Standard Operating Procedures development
- NASDA/AFDO Standard Operating Procedures development workgroup for produce inspections
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Met with new FDA ORA PSN contacts for Oklahoma
- MCAFDO virtual conference
- Southern Center for Food Safety Training virtual conference
- Completed FDA ER220 Traceback Investigations course
- Sent an e-mail newsletter to inform constituents of the latest information.

Oklahoma Meat Inspection Services Investigations and Compliance Activities

| | |
|--|---------------|
| Planned Compliance Reviews | 06 |
| Random Compliance Reviews | 106 |
| Person-to-Person Contacts | 36 |
| Special Investigations and/or Projects | 00 |
| Reports of Apparent Violations | 01 |
| Detentions | 00 |
| Consumer Complaints | 04 |
| Verbal Warnings Issued | 04 |
| Letters of Warning Issued | 01 |
| Samples Submitted to Lab for Analysis | 00 |
| Accident Investigations | 00 |
| Administrative Procedures Act | 01 (OK-1-835) |

The Oklahoma Highway Patrol notified Meat Inspection Compliance (0) truck accidents.

See details below:

| ACCIDENT LOCATION | ANIMAL/PRODUCT | DISPOSITION |
|-------------------|----------------|-------------|
| | | |

Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out One (1) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes.

Meat Inspection

| Meat Sample Activity: | |
|--------------------------------|----|
| Samples Submitted for Analysis | 18 |
| Samples Not Analyzed | 0 |
| Samples Analyzed | 18 |
| Samples Non-Compliant | 0 |
| Samples Negative results | 18 |

Feb. 22

Met with Scott Yates, Dr. Hardage and Ron Hall in Stillwater to review the new career tech mobile facility. And drove to Hominy to meet with Osage nation.

Feb. 25

Met with Dr. Hardage and Jim Sharp to review plans of a new plant (#2) in Ada. And drove to Paul Valley to meet with a potential jerky plant owner from Lindsay.

March 2

Met with Dr. Hardage, Craig Young and Jason Hoel in the OKC office for interviews.

March 9

Met with Dr. Hardage and Jason Hoel to review new plants in Weatherford, Canute, Sayer, Arnett and Shattuck.

March 15

Met with a new plant owner (#1) in Ada that has started construction.

March 17

Met with Jim Sharp in Seminole to review plans and site of a new plant.

MEAT INSPECTION

| | |
|----------------------------------|--------------------|
| Number of Cattle | 322 |
| Total Beef Condemned | 4,900 lbs |
| | |
| Number of Swine | 107 |
| Total Pork Condemned | 728 lbs |
| | |
| Number of Sheep and Goats | 255 |
| Total Condemned | 0 lbs |
| | |
| Number of Rabbits | 0 |
| Total Condemnations | 0 lbs |
| | |
| Number of Exotic Deer | 0 |
| Total Condemnations | 0 lbs |
| | |
| TOTAL MEAT INSPECTED | 350,250 lbs |

PROCESSED MEAT INSPECTED

| | |
|---------------------------------------|--------------------|
| Processed Red Meat | 563,129 |
| Condemned on Reinspection | 0 lbs |
| | |
| Poultry (Portions) | 16,332 lbs |
| Condemned on Reinspection | 0 lbs |
| | |
| Rabbit Meat | 0 |
| Condemned on Reinspection | 0 lbs |
| | |
| Exotic Deer Meat | 0 |
| Condemned on Reinspection | 0 lbs |
| | |
| TOTAL PROCESSED MEAT INSPECTED | 579,461 lbs |

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

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

DAIRY SECTION

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

Dairy Services staff recently completed six rating survey. The surveys resulted in passing scores for sanitation and enforcement compliance. These passing scores are listed on FDA's Interstate Milk Shippers List website and allows for the interstate shipment of milk produced by Oklahoma dairy farmers.

Dairy 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 up in September of 2015, all samples collected and analyzed by ODAFF have been negative for *Listeria monocytogenes*.

Dairy Services staff continues to sample Swans and Lomah Springs Dairies for campylobacter. Samples where all negative for campylobacter.

In February Dairy Services received a complaint from St. Anthony's hospital in Oklahoma City. Complaint was children getting sick after drinking 1% chocolate milk. Scott Fisher investigated and collected milk samples from St. Anthony's and delivered samples to ODAFF laboratory on Saturday. Results of the milk samples where positive for chemicals in the milk. Dairy staff met with Hiland Norman on Sunday and determined to recall all 1% chocolate milk in half pints with the code date of 1-27-2021. Hiland recalled approximately 225,000 units of chocolate milk. Dairy Staff worked with FDA to conduct a check rating on Hiland Norman. Rating resulted in a passing score for sanitation and enforcement compliance. These passing scores allows Interstate shipment of dairy products from Hiland Norman.

Dairy Services staff worked with FDA to conduct a check rating at Hiland Chandler in March. Rating resulted in passing score for sanitation and enforcement compliance. These passing scores allows Interstate shipment of dairy products from Hiland Chandler.

Sincerely,

A handwritten signature in cursive script that reads "Scott Yates". The signature is written in dark ink on a light-colored background.

Scott Yates
Director of Food Safety

Communications Board Report

January – March 2021

New ODAFF Website | We finalized a new ODAFF website – still located at ag.ok.gov. We are super proud of this accomplishment and while we have plenty of edits and updates to include, it is fully functioning and the old site has been removed.

OYE Skillathon Contest | The 2021 Skillathon was designed to give students without livestock a chance to experience the Oklahoma Youth Expo. Students 3rd through 12th grade who are YQCA certified are eligible to participate. The Skillathon consists of an exam and a practicum. The top 10 in each division after the test qualify for the practicum. There are \$10,000 in scholarships given out each year between the three divisions. This year we had a record number of participants.

Executive Office Internship | This summer, ODAFF will be offering an Executive Office Internship! This internship is open to collegiate students of all ages, it will be paid and will become part of the ODAFF Executive Office for a summer facing and solving issues for the Oklahoma Agriculture Industry. We will be announcing the collegiate student chosen on our virtual Ag Day – March 23rd.



OYE

2021 SKILLATHON

Oklahoma Youth Expo

MARCH 15

MUST BE YQCA CERTIFIED

Students must provide proof of certification at time of test. Visit yqca.org for certification.

1:30 p.m. to 5 p.m. : Testing
Come to the Fairgrounds Pavilion at anytime during this time block to take your test. It will take around an hour to complete.

6:00 p.m. : Top 10 finalists in each division posted

7:00 : Finals Practicum
*Winners announced that evening after practicum + will be recognized before the Grand Drive.

PAYOUTS

| Junior | Intermediate | Senior |
|--------------|--------------|--------------|
| 1st: \$1,200 | 1st: \$1,500 | 1st: \$1,500 |
| 2nd: \$750 | 2nd: \$1,000 | 2nd: \$1,250 |
| 3rd: \$500 | 3rd: \$750 | 3rd: \$1,000 |
| 4th: \$350 | 4th: \$500 | 4th: \$750 |
| 5th: \$200 | 5th: \$250 | 5th: \$500 |

Age brackets same as showmanship

\$10,000 IN SCHOLARSHIPS

For questions or more information contact Morgan Vance at 405-845-5542 or morgan.vance@ag.ok.gov



#MeatAllWeek | #MeatAllWeek is an initiative we have taken on in response to Colorado's governor declaration of Meat Out Day. The state of Colorado is turning its back on farmers and ranchers by declaring a meatless holiday on March 20th. Here in Oklahoma, we fully support our Agriculture industry and will be recognizing Oklahoma's Meat Producers for an entire week to honor their hard work and dedication to

provide for our state.

Winter Storm Overview | This year Oklahoma experienced record-breaking weather. Rain, snow, ice and extremely cold temperatures made farmers and ranchers jobs very difficult for over a week. At ODAFF we

supported the best way we knew how. We sent out tips and tricks for power outages, disaster relief information, and shared stories of our farmers in the state to empathize with them and what they were going through. Oklahoma farmers and ranchers are resilient no doubt.

PEDv Outbreak | We received confirmation of a positive case of Porcine Epidemic Diarrhea Virus (PEDv) in Oklahoma in March. We suspect it has already spread across the state, as we have received multiple reports of signs and symptoms consistent with PEDv infection - primarily in show pigs. Beginning Monday, Feb 15, we will require a Certificate of Veterinarian Inspection (CVI) within 72 hours of any shows with a statement from your veterinarian stating pigs from your premises have shown no signs of PEDv in the past two weeks.

We want to remind pig owners and exhibitors that taking steep biosecurity measures is the best way to prevent PEDv from entering your herd. For questions or concerns, please call our State Vet's office at 405.522.0270.

Porcine Epidemic Diarrhea Virus (PEDv) Disinfection Solutions

- Bleach
- Virkon S™
- DC&R
- Accel
- BioSentry BioPhene
- I Stroke Environ
- Tek-Trol
- Synergize4

- Always clean before disinfecting as the disinfectants are less effective when organic matter (i.e. feces) is present.
- Clean all effected areas with hot water and soap.
- To avoid dilution of the disinfectant, remember to drain off standing water prior to spraying disinfectants.
- For the best efficacy, disinfect with an appropriate disinfectant, at the correct rate, for the proper contact time, and apply so that all surfaces are covered.
- Always mix disinfectants according to label directions. Misuse of a product is a violation of EPA regulations. For bleach usage, use a ratio of 1/2 cup per gallon of water.
- After disinfectanting, allow for a drying period to further inactivate any viruses present.



Agriculture Youth Council | The beginning of the council, each student was tasked with completing two job shadows. One with an ODAFF employee and one in an ag career field that interest them the most. On Thursday, March 25th each member gave a 5-minute presentation on their experience from the job shadow task. The top three are awarded with the opportunity to present at Celebrate Ag Day. This year's top three were Paike McNiel, Marlie Farris and Jared Stone. Halfway through the day Oklahoma Soybean Board gave a presentation and sponsored lunch.

On Thursday, March 4th the Ag Youth Council had an optional session volunteering at Oklahoma Youth Expo to help prepare for the show.

Standing Ovation Award

January | Ms. Summer Leister is the first Standing Ovation Awardee for 2021. Ms. Leister has been the Payne County 4-H educator for the past 6 years.

Summer was nominated by her boss, Nathan Anderson, who says when Summer began working as the Payne County 4-H five years ago, the Payne County 4-H membership was 250 youth. Today, over 500 4-H members are enrolled in the Payne County program, largely because of Summer's dedication to serving 4-H members and all youth by helping them learn valuable life skills and becoming capable, confident, self-reliant youth people.

"For the past six years, Summer Leister has poured her heart into "Making the Best Better" for young people who are members in the Payne County 4-H program as well as other children and youth."

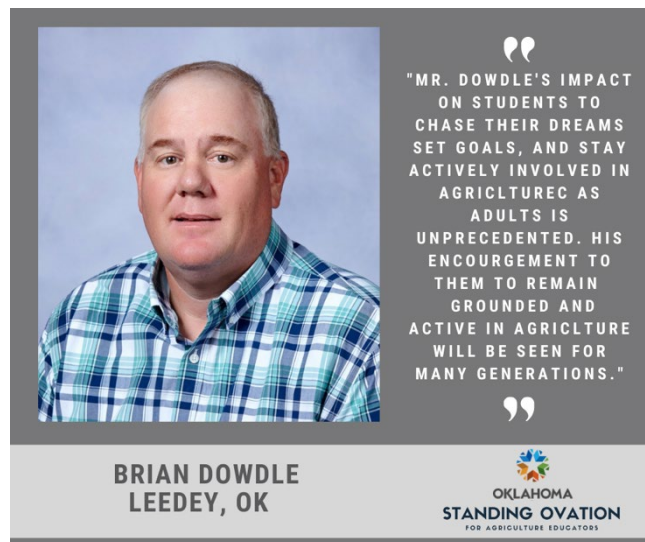


February | Mr. Seth Reeves is the February Standing Ovation Awardee. Mr. Reeves has been with Latta schools as the Vocational Agriculture Educator for the past 8 years. Seth was nominated by Janna Kelley and Becky Walker who says Seth is always eager to help with extra projects such as "Kids, Kows and More.". This annual event held by Southwest Dairy and Pontotoc County OSU Extension Service brings all 3rd and 4th grade students from across the county to learn about agriculture

"Under Mr. Reeves leadership, students are encouraged to learn how ag works through a variety of ways. He has been awarded several grants that have assisted him along the way including, "Be Nice Dude", a program that teaches students the importance of kindness and caring for all people."

March | Mr. Brian Dowdle is the March Standing Ovation Awardee. Mr. Dowdle has been a Vocational Agriculture Educator for 22 years, with the last 2 being at Leedey High School.

Brian was nominated by Danna Goss who says Mr. Dowdle approaches his classroom to meet the needs of his students. He exposes students to ag mechanics, design fabricating, repairs along with animal science and natural resources just to name a few. Students are able to leave Leedey High School with a foundation of skills to find employment in the trades industry in our area. Mr. Dowdle promotes student learning through leadership activities, public speaking, livestock judging, ag mechanics, career development events and livestock shows.



“As an agricultural education instructor, Mr. Dowdle has touched many lives in his 22 years of experience. His impact on students to chase their dreams, set goals and stay actively involved in agriculture as adults is unprecedented. His encouragement to them to remain grounded and active in agriculture will be seen for many generations. Our community is very fortunate to have Mr. Dowdle and his family to help mold and shape the youth in our community.”

Ag Day Overview | Our annual event, Ag Day at the Capitol, is being altered this year due to COVID-19 restrictions -- but we are still certainly celebrating! This year will be a mix of in person here at the agency and virtual. Below was the schedule for the day.

9 a.m. : Breakfast with Secretary Arthur

@ ODAFF Atrium | Breakfast with the state FFA and 4-H officers and AYC. The breakfast will also be available for FFA Chapters to view. MIO Coalition sponsored breakfast.

10am-11:30 am- Volunteer Opportunity

@ ODAFF Lab Atrium | Volunteer opportunity assembling packages through Tenaciously Teal for cancer patients and a MIO food drive. =

10:30-11:15 am- AITC Presentations

@ ODAFF Atrium | Awarding 4 overall coloring contest winners, last years 3 winners, and last years and this year's state and national teacher of the year awards.

11:45am-1pm- Ag Youth Council Presentations

@ ODAFF Atrium | Top 3 Ag Youth Council Job shadow presentations will present to legislators, ag youth council members, and ODAFF division directors.

#MY JACKET JOURNEY



There is something special about the time spent in a blue and gold FFA jacket or a green 4-H jacket. It seemed that pride and confidence were stitched right into the corduroy and were draped over your shoulders when you slipped it on.

Tuesday, March 23rd, is National Ag Day. If you spent time in one of these jackets, we **ask you to join us in displaying your old jacket outside of your office door** in honor of the memories made, life lessons learned and relationships built during your time as a member.

Head to your closets, dig out your jacket and display it outside of your office! When you get it hung, please take a picture and share to social media with the hashtag #myjacketjourney

- *Blayne Arthur*
Oklahoma Secretary of Agriculture



JanLee Rowlett, Legislative Liaison for the Oklahoma Department of Agriculture, Food, and Forestry to provide an update on the 2021 Legislative session, including ODAFF bill requests and other ag legislative topics.

MARCH 31, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

\$75,574. - Request to purchase two (2) Chevrolet Silverado SSV Crew Cab Pickup Trucks to be equipped with Law Enforcement Emergency Equipment. These vehicles are to replace high mileage vehicles within the Investigative Services Fleet. Reliability and safety are becoming a concern for continued use of high mileage vehicles. Maintenance costs will continue to rise for older, high mileage vehicles and resale value will continue to decrease.

\$12,000 - Purchase of Geosafe subscription for Investigative Services. Geosafe is a program and application providing location identification for Special Agents. It is a specific law enforcement smartphone app showing an agent's location on a map in real time. It also records the activity. It provides a great amount of officer safety in that, the agent's location is shared with other law enforcement agencies subscribed to the application. Currently, most counties and state agencies utilize the service. It also allows agents to do warrant searches and identify stolen property in the field without having to call into the office and have second person search the information through the Oklahoma Law Enforcement taking them away from other duties.

\$250,000 - Purchase of ten new agency vehicles. These vehicles are needed to replace aging fleet vehicles. Replacement of these vehicles are critical to the agency mission and if not replaced may put the employee and public at greater risk.

AEMS

A request for \$45,000.00

Professional Services – The AEMS Division need to hire a Consultant to review Comprehensive Nutrient Management Plans (CNMP), Nutrient Management Plans (NMP); and develop the plans; to perform 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 review Comprehensive Nutrient Management Plans (CNMP), Nutrient Management Plans (NMP); development the plans with option of 3 year renewal. Failure to hire a Consultant to perform these activities will result in noncompliance with the laws that regulate poultry, swine and cattle industry.

Professional Services – FY22 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.

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.

Animal Industry Services

DATAMARS \$20,000.00- EID XRS2 Stick Readers. Purchasing with Cooperative Agreement Supplemental funds.

Consumer Protection Services

CPS/AEMS Inspection Program and Hemp Licensing Program --\$64,120.00

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

Currently ODAFF does not have an online hemp licensing program. This program will track all the required data for USDA and allow hemp growers and processors to apply and pay for their license online. The inspection program will allow CPS and AEMS field staff to complete all their inspections in the cloud. It will also provide CPS with control over existing forms for updates or for reports of the data collected in inspections. The program will also be connected to the existing licensing database for field staff to review licensing status at an inspection and allow them to set up inspection follow-up reminders for facilities that do not meet requirements.

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

The hemp program will provide a much needed service to growers and processors by giving them the ability to submit their license online. The inspection program if not purchased will cause us to continue on some outdated programs that will need some work if there use is continued. Reports available for the legislature, ODAFF, EPA and USDA will be limited due to current programs.

Computers --\$50,000.00

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

Updated computers are needed to replace existing computers for CPS field staff and to supply some of the CPS office staff with laptop computers. CPS field staff's computers have aged past their insurance coverage and are beginning to have issues requiring inspector down time while they get repaired. Some of the CPS office staff have been using their personal computers or old salvaged laptops to work from home. These computers will provide those employees with a new state issued laptop. All the computers will be bought using grant money from the EPA.

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

Computers are essential to us being able to complete our work. Without them inspection, licensing, registrations, tonnage and complaint response time will be slowed. Additionally, communication with field staff and the public will be affected causing undo frustrations.

Food Safety Services

Contract Employee - \$30,000.00

Contract employee for Dairy Services, perform various duties at Dairy Plants in Oklahoma. They will 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.

USDA/Food Safety & Inspection Services – \$20,000.00

Contract for USDA/FAIM to perform duties when Food Safety Meat Inspection have issues with their federal computers and to replace computers and printers with new ones when issues arise. Also, ordering new computers for new inspection. All funds are reimbursed 50% with Cooperative Agreement with USDA/FSIS.

Forestry Services

FY 22 - \$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.

FY22 – \$610,000

Contract with Oklahoma Association of Regional Councils for Rural Fire Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs. Without this contract fire departments could lose much needed funding, equipment and technical assistance.

Community Fire Protection, Stevens Grant – Handheld Radios: \$115,000

Purchase fifty (50) BKR5000 handheld radios including batteries, chargers and antennae. These radios will be replacing handhelds that are no longer being manufactured or supported by the vendor. The radios will be used by our Fire Management program to support wildfire/emergency response, fuels mitigation projects and coordination/communication with federal, state and local cooperators. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from the US Forest Service – Community Fire Protection Grant FY19 (\$32,000) and Fund 210 (\$83,000). Approximately 27% of this purchase will be reimbursed by the US Forest Service. Grant period: 10/01/2019 to 9/30/2022.

Class 8 Tractor- \$150,000

Purchase of a Class 8 Tractor (5-Ton Semi) to support the Firefighter Property Program (FFP) and Volunteer Fire Assistance (VFA) grants administered by OFS. This truck will be used to pick up and deliver surplus property from across the country. Currently both of these programs are utilized by 860 certified fire departments in Oklahoma. Funding for this purchase will come the US Forest Service – Volunteer Fire Assistance Grant (Program 29) from FY18. This purchase is needed to continue the program. Pre-Approved by Sec. Arthur 2/23/21.

Two (2) Type 6 engines- \$177,000

Type 6 Wildland Fire Engines and/or up to four ½ Ton 4x4 pickups to replace a small portion of OFS's aging fleet. Forestry Services has many vehicles that are no longer economically feasible to repair and present a safety hazard to our personnel. Without replacement we will not be able to provide adequate and safe wildland fire response. Funding for this purchase will come the US Forest Service – Fire Readiness Grant (Program 13) from FY18. Pre-Approved by Sec. Arthur 2/23/21.

Laboratory Services

Request approval for the purchase of FlaskScrubber Glassware Washer. Total cost not to exceed \$9,224.92.

Market Development

FY2021 – Made in Oklahoma Program – Discover Oklahoma Spring commercial advertising - \$10,400.00

FY2022 – AgHERculture Summit – facility rental and food – \$10,000.00

FY2021 – Made in Oklahoma Program conference – facility rental and food - \$10,000.00

FY2021 – Healthy Food Finance Grant – Yarrowhead Farms - \$10,000.00

FY2021 – Healthy Food Finance Grant – RestoreOKC, Inc. - \$10,000.00

FY2022 – Tulsa County Public Facilities Authority – 2021 Tulsa State Fair - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - \$25,924.00

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

FY2021 – TasteAdvisor Explorer – Agritourism wine app – Oklahoma Viticulture and Enology Center Development Revolving Fund - \$60,000.00

This three year project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. The most important and critical selling point is a wine palette quiz with 90% accuracy. When a consumer downloads the app they automatically are asked to take the quiz and then it gives you a list of wines and how well you match with them. These results give the consumer more of an incentive to go visit the winery and taste the wine because it matches their palette. This is the missing link. Oklahoma wine is getting a bad rap, because consumers aren't finding wines they like, but the app will assist with finding the best wines for each user. Consumers can then rate and review the wines and wineries within the app for other consumers to view. We are not aware of any other companies that have a wine region specific platform that is available to license. 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.

FY2021 – 32 hotel rooms x 2 days (at the state per diem rate) - Ag in the Classroom
Teacher Road Trip - \$6,144.00

FY2021 – Agritourism printing – Hunting, Western Experience and Land Bounty
brochures and wine and jelly trail maps - \$18,500.00

Wildlife Services

\$8,000.00 - ODAFF Wildlife Services is requesting approval to purchase four (4) helmets for aerial feral swine work. These helmets will allow the gunner to safely communicate to the pilot during flights while providing safety to the employee.

\$36,250.00 - ODAFF Wildlife Services is requesting approval to purchase one (1) Chevrolet C3500 4x4 truck. This is an addition to the fleet of vehicles that will be used to transport fuel trailer for helicopter conducting aerial feral swine work in rural areas where jet fuel is not available. This will save us time and wear on the aircraft not flying unnecessary distance to refuel.

\$8,000.00 - ODAFF Wildlife Services is requesting approval to purchase one (1) flat bed to be added to the requested fuel truck for aerial feral swine work. This bed will provide ease of loading and unloading supplies without the need to climb in the bed reducing the risk of safety to staff.

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

APPROVAL OF CASES

ON THIS 31st day of March 2021 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 31st day of March, 2021.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
March 31, 2021

Cases Resolved by Stipulation

| <u>Name</u> | <u>File No.</u> | <u>Division</u> | <u>Amount</u> |
|--------------------|------------------------|------------------------|----------------------|
| C&J Lawn Patrol | OGC-20-666 | CPS | \$250.00 |
| Jeffery Watkins | OGC-20-645 | CPS | \$500.00 |

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. C&J LAWN PATROL
Case File No: OGC-20-666**

**C&J LAWN PATROL
1213 E. TUXEDO BLVD.
BARTLESVILLE, OK 74003**

Summary of Facts: Respondent applied a pesticide in a manner inconsistent with its label.

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

Proposed Administrative Penalty: The penalty was assessed at \$250. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

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.

C&J LAWN PATROL
1213 E. TUXEDO BLVD.
BARTLESVILLE, OK 74003

RESPONDENT.

FILED

MAR 08 2021

STATE BOARD OF AGRICULTURE

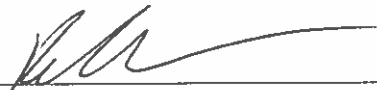
) Case No: OGC-20-666

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

Kerry Creager / member - owner
Printed Name and Title:

Date: 2 / 4 / 2021

**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.

**C&J LAWN PATROL
1213 E. TUXEDO BLVD.
BARTLESVILLE, OK 74003**

RESPONDENT.

FILED

JAN 28 2021

STATE BOARD OF AGRICULTURE

) Case No: OGC-20-666

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 PM on Thursday, April 8, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides as C&J Lawn Patrol, located at 1213 E. Tuxedo Blvd., 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)(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.

18. On or about April 1, 2020, Respondent made an ornamental and turf application to the lawn of Gary and Shannon Lorenz in Bartlesville, OK.

19. Respondent's application records indicated that Eraser A/P EPA Reg. 53883-262 was applied to the Bermuda grass area of this lawn mixed at the rate of 2 2/3 ounces of concentrate per 1 gallon, with 1 gallon of tank mix applied per 1000 square feet.

20. The dormant turf section of the product label allows for a maximum of 64 ounces per acre (43,560 square ft.)

21. Respondent's application of 24 ounces of concentrate applied to the 8,391 square feet Bermuda grass area of the lawn exceeded the allowable label application rate.

22. The product's label also states that "treatments in excess of 16 ounces per acre may result in injury or delayed green-up in highly maintained areas, such as golf courses and lawns." The label further advises to treat only when turf is dormant and prior to spring green-up.

23. Respondent's application occurred on April 1, 2020, after Bermuda grass green-up.

24. On or about September 21, 2020, a Letter of Warning detailing the above violations was sent to C&J Lawn Patrol.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 3-86(A)(4) by applying a pesticide in a manner inconsistent with its label.

ATTORNEY CONFERENCES

26. 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.

27. 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.

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

ENFORCEMENT PROCEEDINGS

29. 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.

30. 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.

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

32. 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

33. 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

34. 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

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

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

37. 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

38. 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)**.

39. 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 27 day of January, 2021.

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 Turner, 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 **27** day of **January**, **2021**, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**C&J LAWN PATROL
1213 E. TUXEDO BLVD.
BARTLESVILLE, OK 74003**



Gina Blaylock

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

V.

RESPONDENT.

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) Case No: OGC-20-666

Page 9 of 9

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JEFFERY WATKINS
Case File No: OGC-20-645**

**JEFFERY WATKINS
34155 CS 2690
ANADARKO, OK73005**

Summary of Facts: Respondent engaged in the application of pesticides without a commercial applicator's license.

Statute or Rule Violation: 2 O.S. 3-86(A)(15)

Proposed Administrative Penalty: The penalty was assessed at \$500. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,

JEFFERY WATKINS
15 CS 2690
MADARKO, OK 73005

RESPONDENT.

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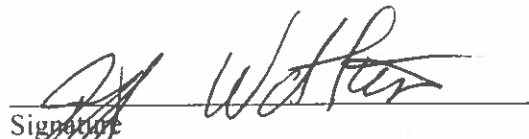
FILED
MAR 02 2021
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and tendered 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 stipulation 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 WATKINS
Printed Name and Title:

Date: 2-8-21

**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-20-645

**JEFFERY WATKINS)
34155 CS 2690)
ANADARKO, OK 73005)**

RESPONDENT.)

FILED
JAN 28 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 pm on Thursday, April 8, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

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

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

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)(15)

15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category 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.

18. On or about March 3, 2020, an inspection was performed by the Oklahoma Department of Agriculture, Food, and Forestry.

19. As a result of this inspection, it was discovered that Respondent was making commercial ornamental and turf applications without a commercial applicator's license.

20. On or about August 4, 2020, a Letter of Warning detailing this violation was sent to Jeffery Watkins.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 3-86(A)(15) by performing commercial pesticide applications without the proper certification and licensing.

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 **Five Hundred Dollars (\$500.00)**.

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.

DATED THIS 11 day of January, 2021.

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

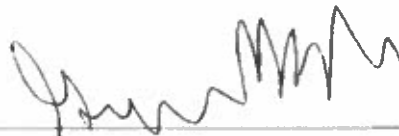


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓ Shelby Turner, OBA # 34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 08 day of Jan, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

JEFFERY WATKINS
34155 CS 2690
ANADARKO, OK 73005


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: <u>OGC-20-645</u> |
| |) | |
| JEFFERY WATKINS |) | |
| 34155 CS 2690 |) | |
| ANADARKO, OK 73005 |) | |
| |) | |
| RESPONDENT. |) | |

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** 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: _____