

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

Wednesday, May 5, 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 March 31, 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, and Commercial Pet Breeders and Shelters. 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, 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
- FY22 – OMES Central Printing - \$7,000
  - FY22 – Presort Mail Services - \$6,000
  - FY22 – ImageNet Consulting - \$13,000
  - FY22 – Compsource – Rural Firefighters Workers Compensation - \$171,300
  - FY22 – Rural Fire pension Fund - \$92,000
  - FY22 – AT&T Wireless - \$120,000
  - FY22 – Comdata Inc. - \$1,500,000
  - FY22 – Agency Workers Comp Insurance Premium - \$340,000
  - FY22 – Onsite Security Guard Services - \$68,300
  - FY22 – Bank of America – Credit Card Charges - \$30,000
  - FY22 – Federal Express - \$60,000
  - FY22 – Petroleum Traders - \$60,000
  - FY22 – NASDA Membership - \$16,900
  - FY22 – Oklahoma Capital Improvement Authority - \$1,698,308
  - FY22 – Oklahoma Employment Security Commission - \$32,000
  - FY22 – Oklahoma Public Employees Retirement System - \$100,000
  - FY22 – OMES – Risk Management - \$77,000
  - FY22 – OMES FICA Savings - \$25,000
  - FY22 – OMES – Facility Services - \$333,477
  - FY22 – OMES – Information Technology - \$703,000
  - FY22 – OMES – OPM - \$26,000
  - FY22 – Pitney Bowes Mail Machine Lease - \$20,000
  - FY22 – Oklahoma Turnpike Authority - \$21,000
  - FY22 – United States Postal Services - \$90,000
  - FY22 – Walnut Storage Building - \$16,000
  - FY22 – Xerox - \$78,500
  - FY22 – Galt Temporary Services - \$150,000
  - Oklahoma Veterinary Medical Association – \$20,000
  - USAHerds - \$27,318.17
  - OSU laboratory testing fees for soil and water samples - \$9,800
  - South Dakota Agricultural Laboratories testing fees - \$9,800
  - OSU Soil Fertility Research - \$450,000
  - Unwanted Pesticide Disposal Program - \$350,000
  - Verizon Wireless - \$25,000
  - OSU Pesticide Program Contract - \$130,000
  - Purchase of a Sulfur Determinator Add-On Analyzer - \$26,682.60
  - FY21 – Agritourism Printing \$21,367.71
  - FY21 – Contract with Freestyle – Graphic Design - \$36,000
  - FY21 – Ag in the Classroom Educational Resources printing - \$35,000
  - FY22 – Ag in the Classroom Summer Teacher Conference - \$15,500
  - FY22 – Agreement with Oklahoma Tourism & Recreation Department - \$35,000
  - FY22 – Agreement with Discover Oklahoma - \$15,000
  - FY22 – Renewal of contract with Freestyle, graphic design firm - \$30,000
  - FY22 – Contract for graphic designer to work with Ag in the Classroom - \$9,500
  - FY22 – Agreement with Food Export Association of the Midwest USA - \$7,000
  - FY22 – Addendum with OSU for Year 2 of 4 – Viticulture and Enologist Extension - \$70,000
  - \$106,500 – Approval for fuel, maintenance and hangar rent
  - \$21,984.75 – Purchase three ATV's

8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Consumer Protection Services**

Cody Cribbs, P.O. Box 347, Altus, Oklahoma

Langston Exterminating Co., P.O. Box 88, Miami, Oklahoma

Terminix, 340 Pole Road, Moore, Oklahoma

**\*\*Possible Executive Session (if approved by the required number of members present):**

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

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

**Consumer Protection Services**

Deterding Aerial, 701W. Cedar Drive, Pond Creek, Oklahoma

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

**Consumer Protection Services**

Triple T Machining Specialties, Inc, 11243 S. Beutel Rd., Oregon City, Oregon

11. Next Board meeting scheduled for **Wednesday, June 16, 2021** at Oklahoma City.

12. Old Business

13. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

14. Adjournment



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

Oklahoma City, Oklahoma  
March 31, 2021

The Oklahoma State Board of Agriculture met in regular session at 10:01 a.m., March 31, 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:     Joe Farris  
                               Brent Bolen  
                               Blayne Arthur  
                               Clay Burtrum  
                               Karen Dodson

Others Present:         Kandi Batts, Executive Secretary  
                               JanLee Rowlett, Deputy Commissioner  
                               Dan Ridings, Director, Administrative Services  
                               Tanna Hartington, Director, Laboratory Services  
                               Mark Goeller, Director, Forestry Services  
                               Kenny Naylor, Director, Consumer Protection Services  
                               Dr. Rod Hall, Director, Animal Industry Services  
                               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

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

Mrs. Arthur presented Ms. Dodson with a Commendation from the Governor to recognize her service which read, "For over 8 years of dedicated service to the State Board of Agriculture with the Oklahoma Department of Agriculture, Food, and Forestry. Your service to the industry of Agriculture, is a reflection of your immense dedication and will leave a lasting impact on our industry and our state for years to come." This being her last Board meeting is very fitting since March is Women's History Month and Ms. Dodson is the first female to serve on the State Board of Agriculture.

Ms. Dodson said that it has been a pleasure to serve. She noted it was a hard decision to step away, but it was time to focus on family and new opportunities.

A motion was made by Mr. Bolen, seconded by Mr. Burtrum, to approve the minutes of the regular meeting of February 3, 2021, as presented.

The vote was as follows:

Farris	Abstain
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Dodson	Aye

The motion carried.

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

The vote was as follows:

Farris	Aye
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 following purchases/contracts as submitted and contained on pages 4 through 8.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Dodson	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the Proposed Action on Stipulations as submitted and contained on pages 9 and 10.

**Consumer Protection Services**

C&J Lawn Patrol, 1213 E. Tuxedo Blvd. Bartlesville, Oklahoma  
Jeffery Watkins, 34155 CS 2690, Anadarko, Oklahoma

The vote was as follows:

Farris	Aye
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.”

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 11:22 a.m.

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

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

# 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 31<sup>st</sup> 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 31<sup>st</sup> day of March 2021.

  
Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**March 31, 2021**

**Cases Resolved by Stipulation**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
C&J Lawn Patrol	OGC-20-666	CPS	\$250.00
Jeffery Watkins	OGC-20-645	CPS	\$500.00

# **Oklahoma Department of Agriculture, Food & Forestry**

## **May 5, 2021 Board Report**

### **Administrative Services**

# Administrative Services – Investigative Services



## INVESTIGATIVE SERVICES ACTIVITIES

March 2021



INVESTIGATIONS		MARCH	YTD	FYTD
LIVESTOCK		4	9	31
FIRE		3	5	13
PROPERTY		1	6	12
TIMBER		0	1	2
AGENCY ASSISTS	ODAFF	2	2	2
AGENCY ASSISTS	EXTERNAL	0	0	0
OTHER		0	1	16
TOTAL INVESTIGATIONS OPENED		10	24	76
CLOSED PENDING ADDITIONAL INFORMATION		2	5	27
NO CRIME		2	3	27
NO PROSECUTION		0	0	1
CLOSED - ASSIST CASE		0	2	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		6	7	19
REFERRED FOR ADMINISTRATIVE ACTION		0	0	3
TOTAL INVESTIGATIONS COMPLETED		10	17	79
COUNTS FILED		13	14	34
VALUE OF LOSSES - ALL CRIMES		\$129,500.00	\$154,075	\$513,838
RECOVERED LOSSES - ALL CRIMES		\$22,000.00	\$31,000	\$452,370
NUMBER OF CATTLE REPORTED STOLEN		18	36	294
NUMBER OF CATTLE RECOVERED		0	1	130

# Administrative Services – Finance

- Finance & Purchasing
  - Gearing up for fiscal year 2022 budget
  - Quarter three variance analysis
  - Filled vacant position
    - Hired temporary employee as full-time staff and started April 26<sup>th</sup>
  - Upcoming P Card Audit
  - Updating agency purchasing procedures due to changes in the Central Purchasing Act

# Administrative Services – Finance

- Human Resources
  - New HR information system, “Work Day”, to be implemented May 2022
    - Administration Director & HR Manager recently participated in a five-day review of this system
    - Modern System
    - Less demand on payroll staff
    - Will eliminate several systems
      - Peoplesoft Core HR
      - Peoplesoft Payroll
      - Peoplesoft Time and Absence Management
      - Jobapps
      - BAS
      - Oracle Learn
  - Filled vacant HR Management Specialist II position by promoting HR Management Specialist I
  - Reviewing applications for the HR Management Specialist I vacancy

# Administrative Services - Finance

- Cash balance as of 3/31/2021 was \$29 million compared to \$19.9 million as of 3/31/2020.
- Revenues (excluding appropriations) for July 2020 thru March 2021 totaled \$19 million.
  - This is an increase of \$6.1 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 \$1.9 million compared to the same time period for last fiscal year

# Administrative Services - Finance

- Expenses for July 2020 thru March 2021 totaled approximately \$40.8 million.
  - This is an increase of \$7.5 million when compared to the the same time period for the 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 \$2.8 million when compared to the same period last year if we excluded the \$10.25 million awarded in meat processing grants.
      - Decreases included the following when compared to the year-to-date costs from the same point last year
        - Decrease in Professional Services of \$912,035
        - Decrease in Office Furniture/Equipment of \$1,951,805



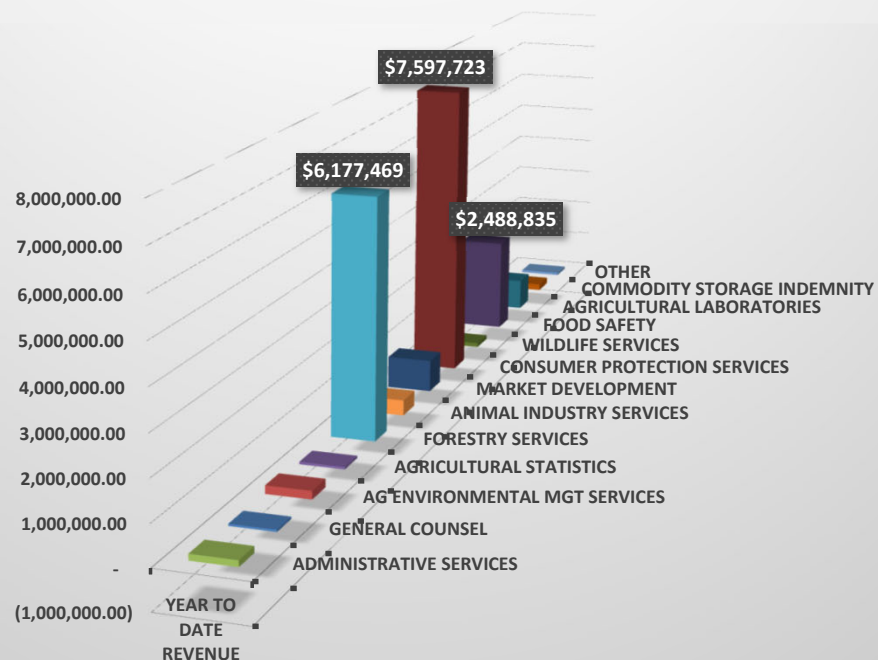
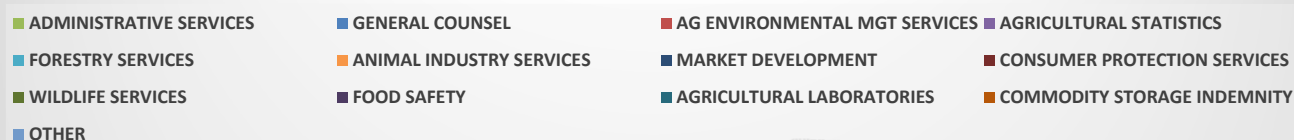
# Administrative Svcs. – March 2021 Revenue



OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY		
PROGRAM REVENUE SUMMARY		
March 2021		
DIVISION	PERIOD RECEIPTS	YEAR TO DATE REVENUE
ADMINISTRATIVE SERVICES	8,485	156,960
GENERAL COUNSEL	3,703	51,811
AG ENVIRONMENTAL MGT SERVICES	53,754	210,334
AGRICULTURAL STATISTICS	-	60,422
FORESTRY SERVICES	542,102	6,177,469
ANIMAL INDUSTRY SERVICES	98,551	398,881
MARKET DEVELOPMENT	231,413	826,698
CONSUMER PROTECTION SERVICES	746,090	7,597,723
WILDLIFE SERVICES	5,550	105,594
FOOD SAFETY	447,184	2,488,835
AGRICULTURAL LABORATORIES	105,155	824,674
COMMODITY STORAGE INDEMNITY	28,011	172,950
OTHER	(25,155)	(64,840)
<b>DIVISION TOTAL</b> (see division receipts graph below)	<b>2,244,844</b>	<b>19,007,513</b>
APPROPRIATED FUNDS	1,907,088	21,268,342
<b>AGENCY TOTAL</b>	<b>4,151,932</b>	<b>40,275,855</b>

*Note: This slide Does not include CARES Act reimbursements or Meat Processing Grant funding*

## Division Receipts Fiscal Year 2021 to date thru March 31, 2021

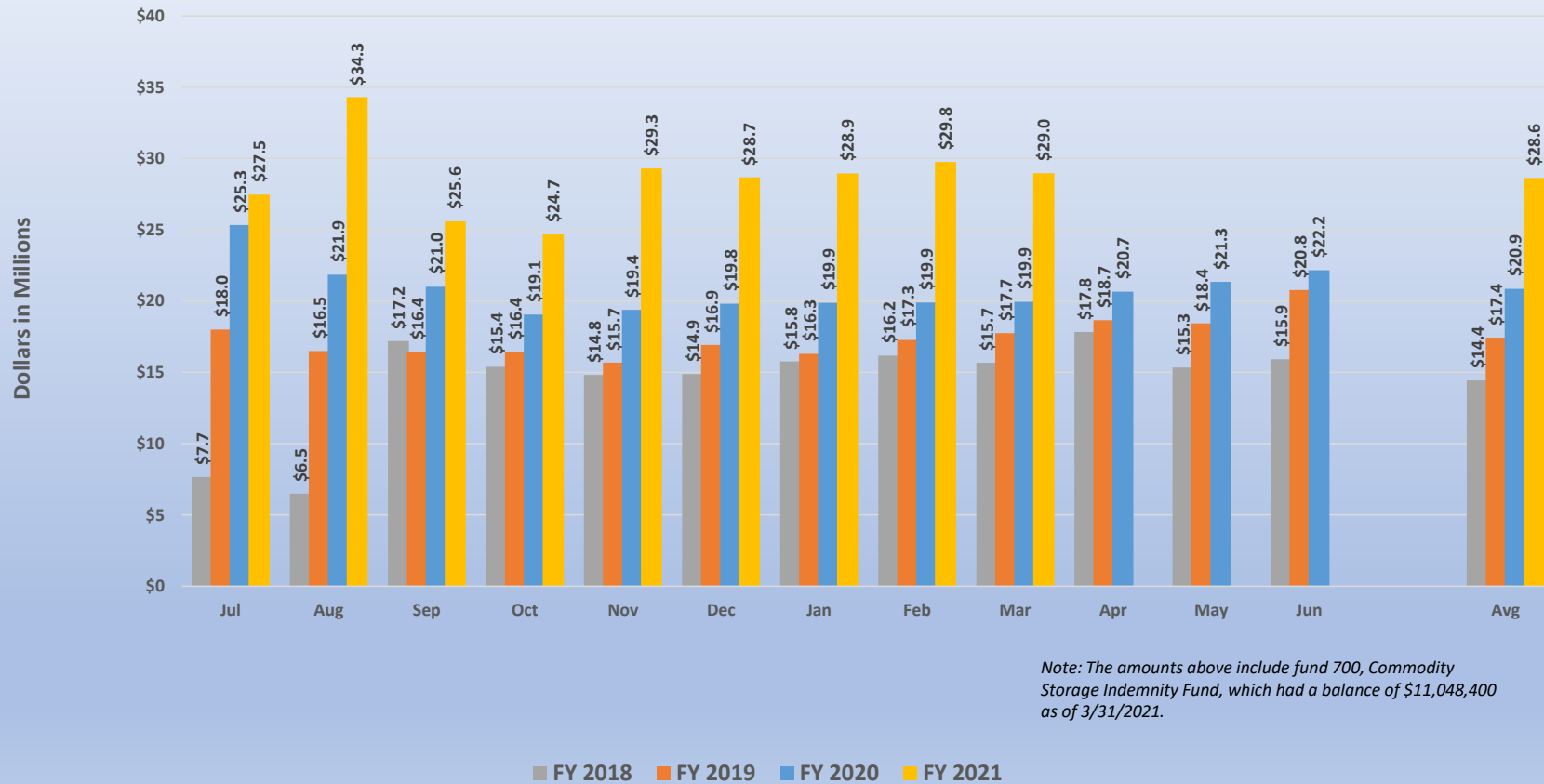


Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2021					
As of March 31, 2021					
Fiscal Year 2021 Annual Budget to Actuals for 2021 Budget Year thru March 31, 2021					
Object Code	Account Description	Fiscal Year 2021 Budget	Fiscal Year 2021 Expenditures thru 3/31/2021	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	17,112,227	11,493,650	9,063,750	(3,445,173)
512	Insur.Prem-Hlth-Life,etc	5,184,806	3,429,219	89,789	1,665,798
513	FICA-Retirement Contributions	3,771,398	2,765,863	18,832	986,702
515	Professional Services	7,254,219	1,255,054	835,744	5,163,422
519	Inter/Intra Agy Pmt-Pers Svcs	-	23,593	9,121	(32,714)
521	Travel - Reimbursements	306,519	72,541	-	233,978
522	Travel - Agency Direct Pmts	266,405	84,332	-	182,073
531	Misc. Administrative Expenses	892,493	437,148	143,930	311,415
532	Rent Expense	567,523	341,904	145,835	79,784
533	Maintenance & Repair Expense	973,508	394,154	232,042	347,312
534	Specialized Sup & Mat.Expense	1,186,900	295,470	681,316	210,114
535	Production,Safety,Security Exp	274,482	100,200	20,000	154,282
536	General Operating Expenses	158,845	27,220	-	131,625
537	Shop Expense	469,525	199,993	45,288	224,244
541	Office Furniture & Equipment	2,070,463	181,883	387,024	1,501,556
542	Library Equipment-Resources	765	1,817	-	(1,052)
543	Lease Purchases	1,687,584	1,410,989	276,595	(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	7,958,676	14,868,554	1,070,433	(7,980,311)
555	Pmts-Local Gov't,Non-Profits	780,726	874,028	710,058	(803,360)
559	Assistance Pymts to Agencies	352,800	-	19,259	333,541
564	Merchandise For Resale	160,000	-	-	160,000
601	AFP Encumbrances	-	-	1,135,215	(1,135,215)
810	Req Only	-	-	477,479	(477,479)
	<b>Operating totals</b>	<b>61,459,864</b>	<b>38,258,907</b>	<b>15,361,710</b>	<b>7,839,247</b>

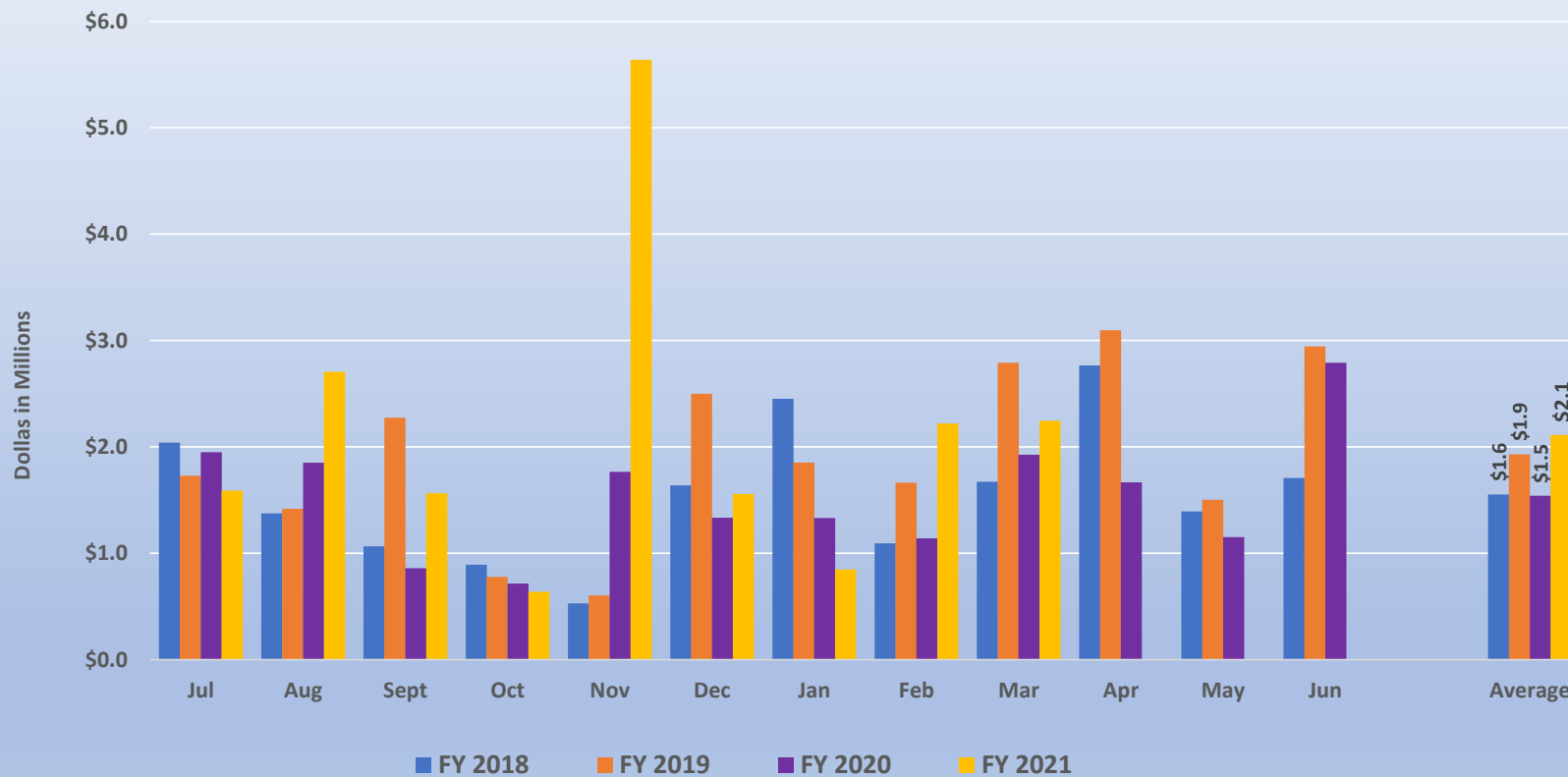


Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2021					
As of March 31, 2021					
Fiscal Year 2021 Annual Budget to Actuals for 2021 Budget Year thru March 31, 2021					
Class Funding	Class Fund Description	Fiscal Year 2021 Budget	Fiscal Year 2021 Expenditures thru 3/31/2021	Encumbrances & Pre Encumbrances	Available Budget
19101	GRF - Duties	20,005,058	12,876,267	6,031,859	1,096,932
20500	Rural Fire Defense Eqp Rev Fd	190,000	24,529	15,971	149,500
21000	Agriculture Revolving Fund	23,001,259	10,033,673	7,663,895	5,303,690
22500	Enhancement & Diversificatn Fnd	354,000	25,206	96,337	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	-	395,412	4,588
25500	Ag. Evidence Law Enforce Fund	4,012	-	-	4,012
25600	Ok Viticulture Enology Revl Fd	350,000	993	144,241	204,765
26200	Poultry Grading Revolving Fund	961,544	680,067	245,189	36,287
28500	Milk & Milk Prod Inspec Rev Fd	260,200	118,100	135,256	6,844
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	308,474	266,548	(45,023)
48900	CARES Urgent Response Grant	10,266,242	10,250,000	-	16,242
57603	Duties	4,104,550	3,928,597	-	175,953
	<b>Total</b>	<b>61,459,865</b>	<b>38,258,907</b>	<b>15,361,710</b>	<b>7,839,248</b>

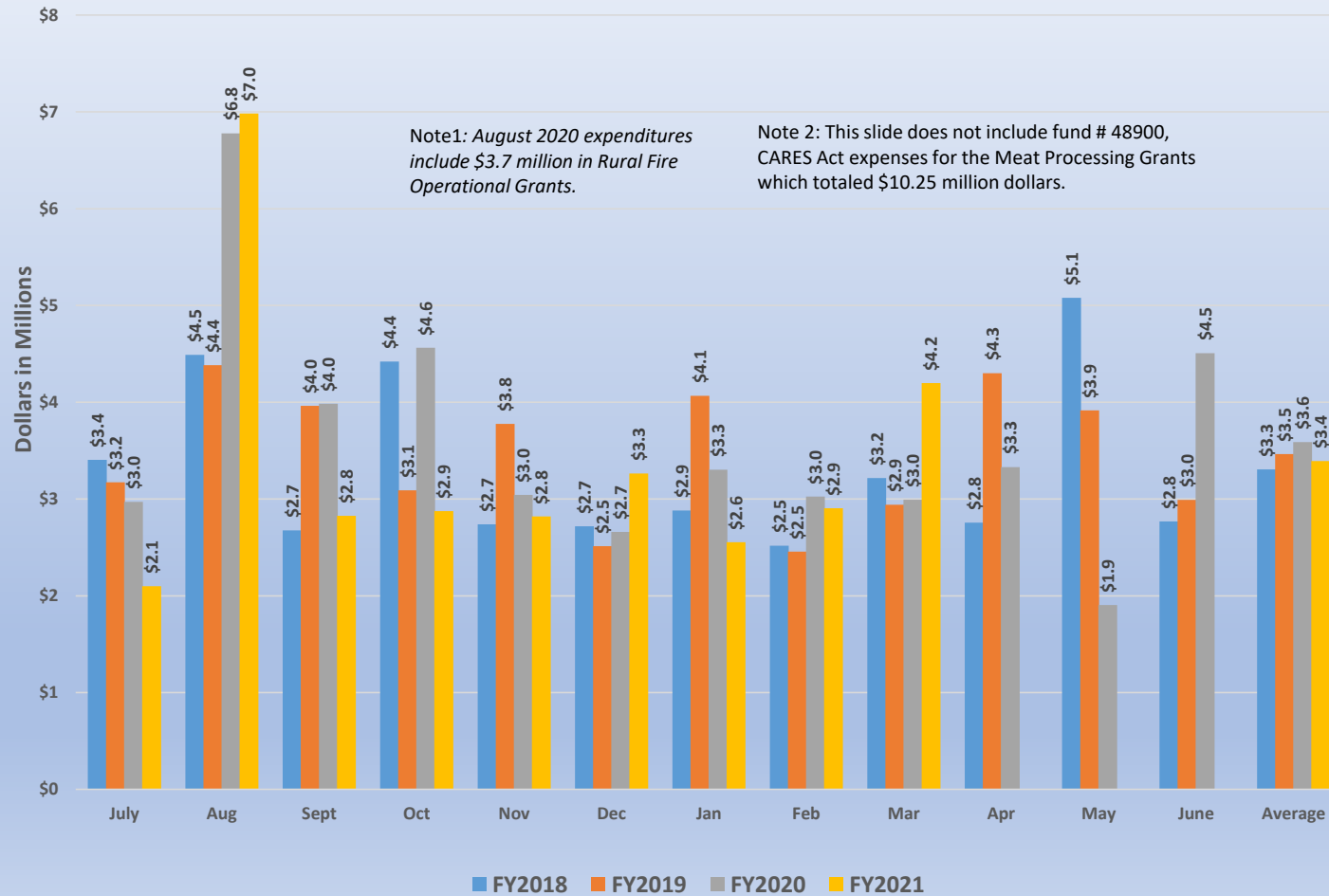
# Available Cash at Month End per Allotment Budget & Available Cash Report Months Ending: July 2017 – March 2021



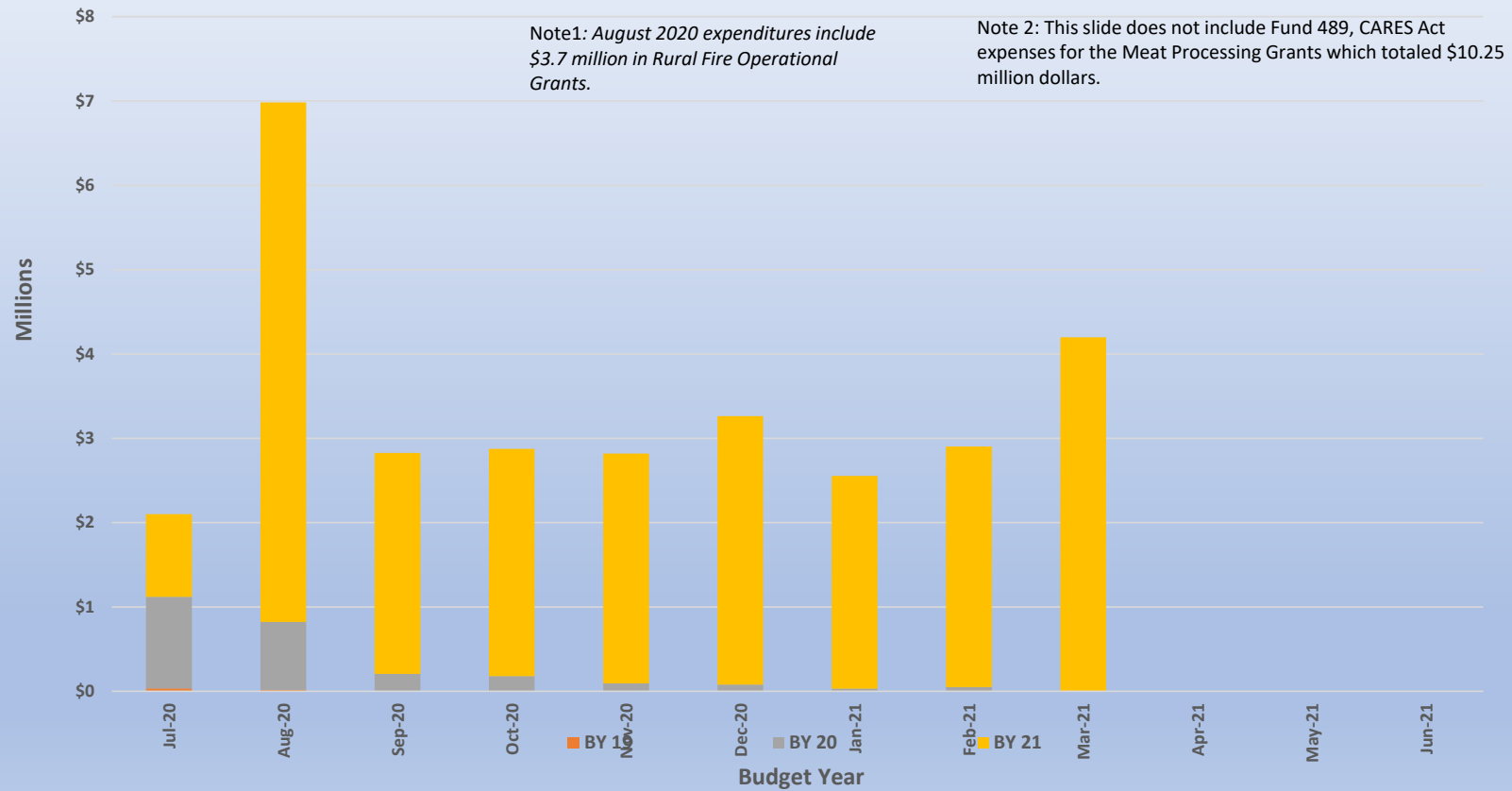
## Total Revenue by Month July 2017 – March 2021



## Total Expenses by Month July 2017 – March 2021

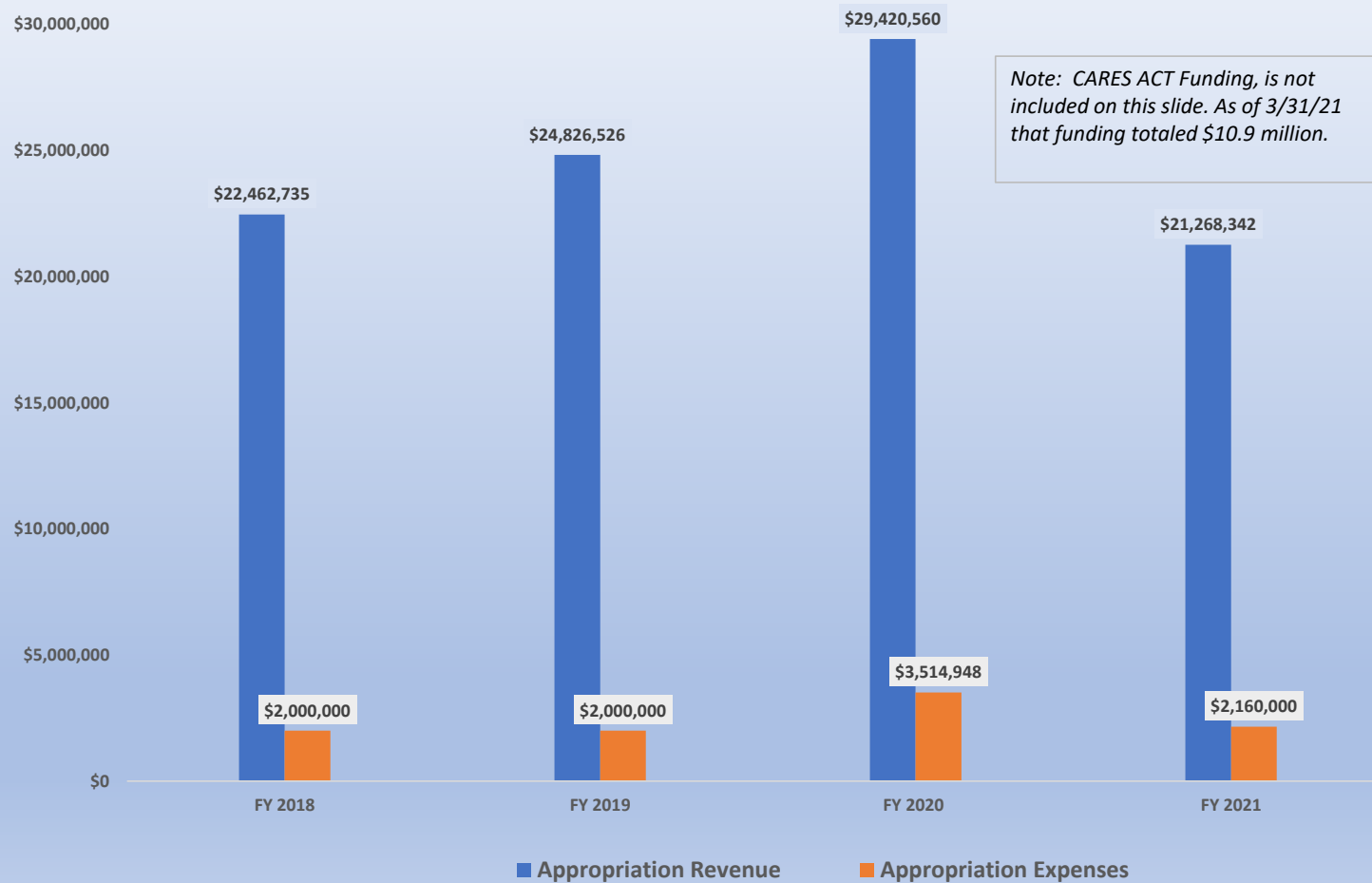


## FY 2021 Total Expenses by Month with Budget Year

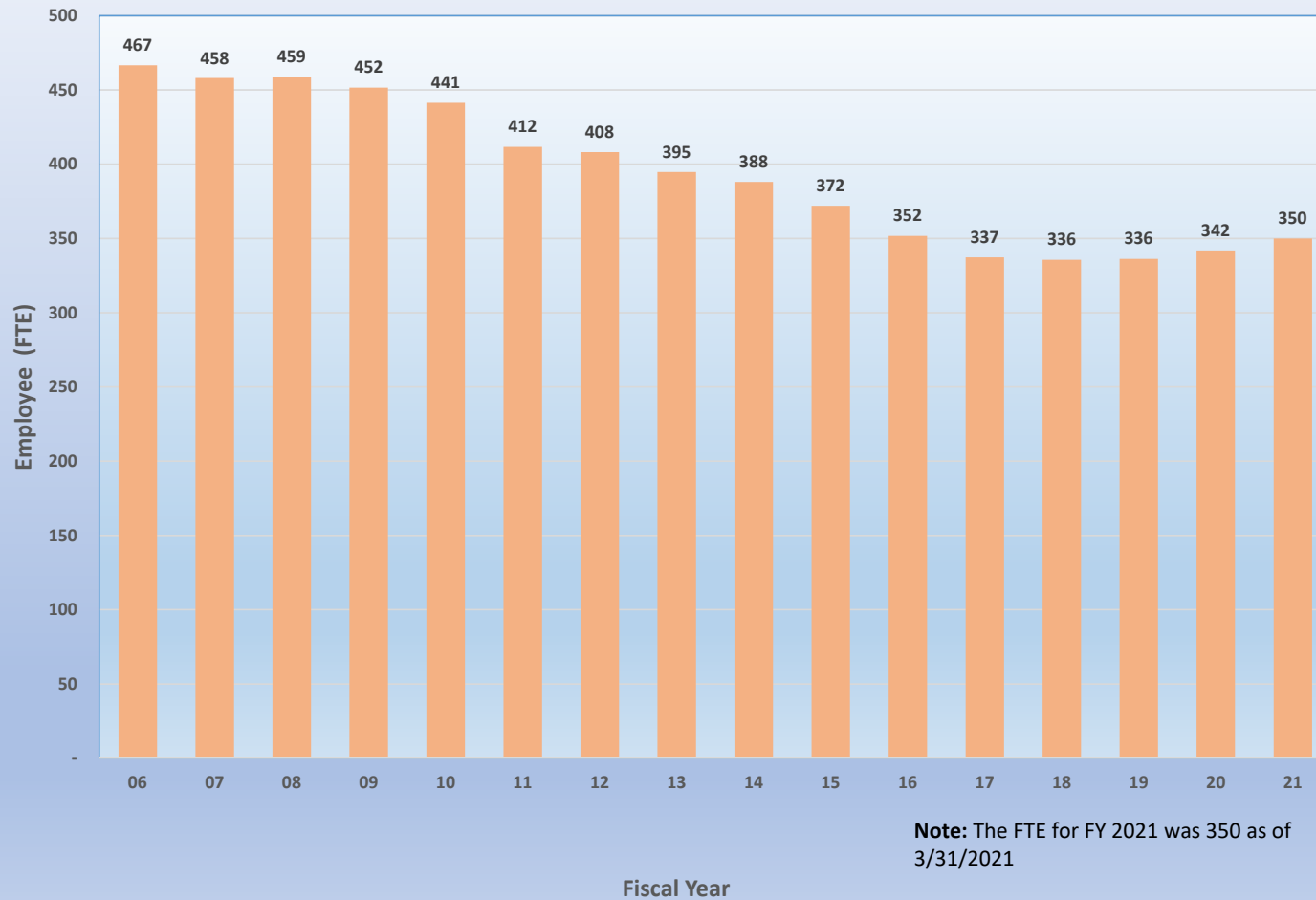




## Appropriations Transfers FY 2018 - thru March 2021



## Employee FTE Totals Fiscal Year FY 2006 – March 2021



# Administrative Services – Commodity Storage Indemnity



## MAY BOARD REPORT

### COMMODITY STORAGE INDEMNITY INVESTMENT REPORT AS OF MARCH 31, 2021

Investments with Office of State Treasurer:  
Cash Management Account:

11,098,400.02

#### FY-2021 RECEIPTS

	CURRENT MONTH	YTD
	-----	-----
NEW	-	-
INTEREST	11,951.38	146,890.47
REINSURANCE	16,060.00	26,060.00
RECOVERED COSTS	-	-
ELEVATOR SALVAGE	-	-
MATURED LONG TERM INVEST	-	-
	-----	-----
TOTALS	\$28,011.38	\$172,950.47
	=====	=====

# MAY 2021 BOARD REPORT

## AGRICULTURE LABORATORY SERVICES

### (March 2021 Activities)

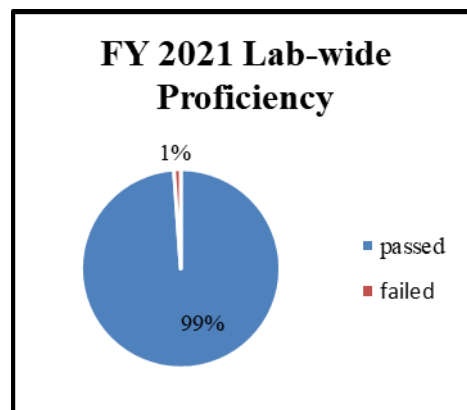
#### QUALITY MANAGEMENT SECTION: (Taryn Hurley, Quality Assurance Manager)

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

#### Performance Test Logs for March 2021:

General Chemistry	
PT Samples Received	5
Number of Analytes	36
PT Samples Reported	3
Number of Analytes Reported	17
Completed PT Reports	7
Number of Analytes Passed	41
Number of Analytes Failed	0
Food and Dairy	
PT Samples Received	16
Number of Analytes	24
PT Samples Reported	15
Number of Analytes Reported	114
Completed PT Reports	16
Number of Analytes Passed	93
Number of Analytes Failed	3
Inorganic	
PT Samples Received	6
Number of Analytes	12
PT Samples Reported	1
Number of Analytes Reported	4
Completed PT Reports	1
Number of Analytes Passed	4
Number of Analytes Failed	0

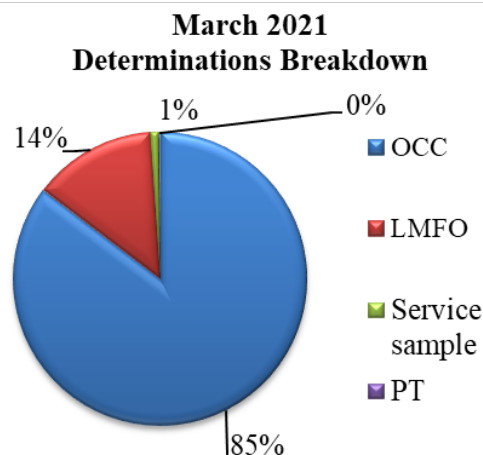
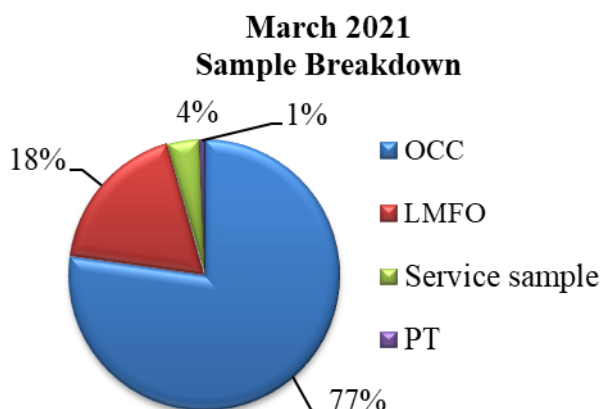
#### Laboratory-wide PT Performance to Date:



- ❖ Quarterly safety training was conducted and saw 97% completion within the first two weeks of initiation.
- ❖ The annual internal audit of the Food and Dairy Section was completed.
- ❖ The annual internal audit of the Inorganic Section was initiated.
- ❖ The Quality Assurance Manager completed three FEMA training courses.

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

The Section's newest Chemist, Kerry Royko started on the 29<sup>th</sup> of the month. She has spent the last couple of decades working in environmental consulting.



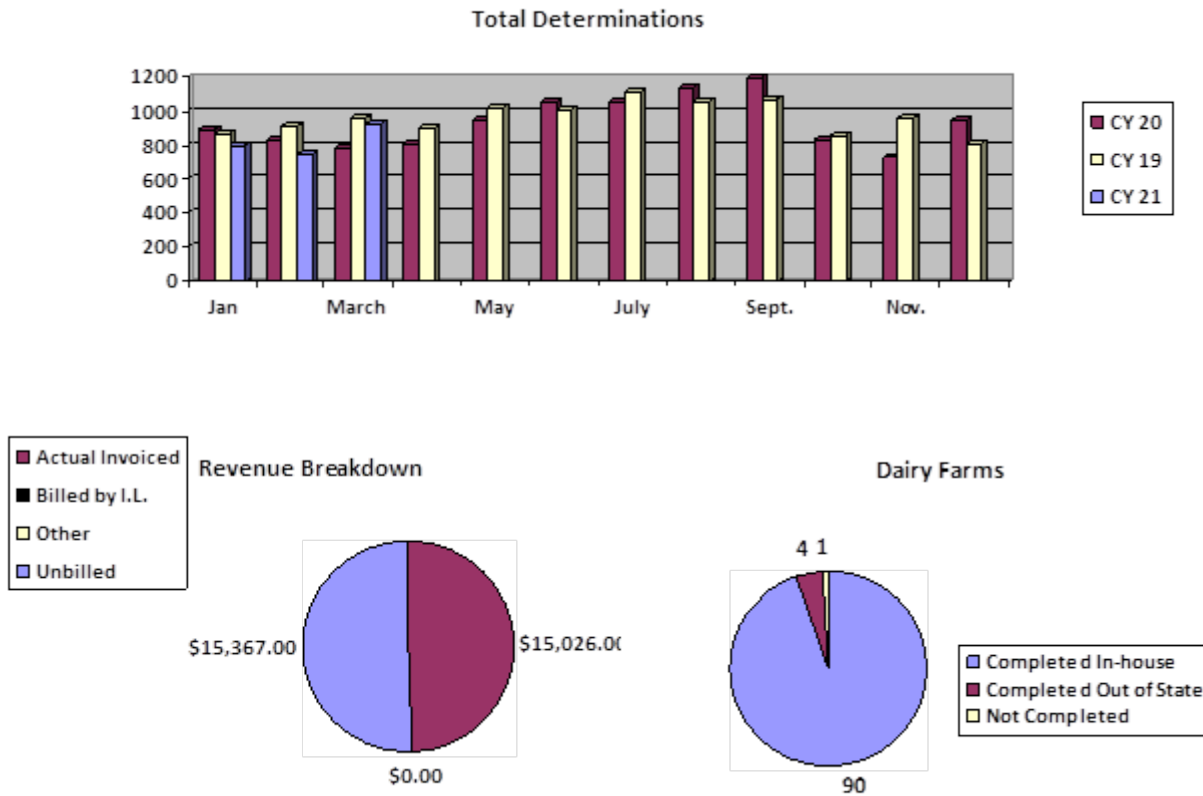
**Inorganic Sample Breakdown**

Customer	Samples	Determinations
OCC	122	1,094
LMFO	29	174
Proficiency Testing	6	12
Service Samples	1	2
<b>Total</b>	<b>158</b>	<b>1,282</b>

## 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. There were two dairies that tested positive for Aflatoxin.

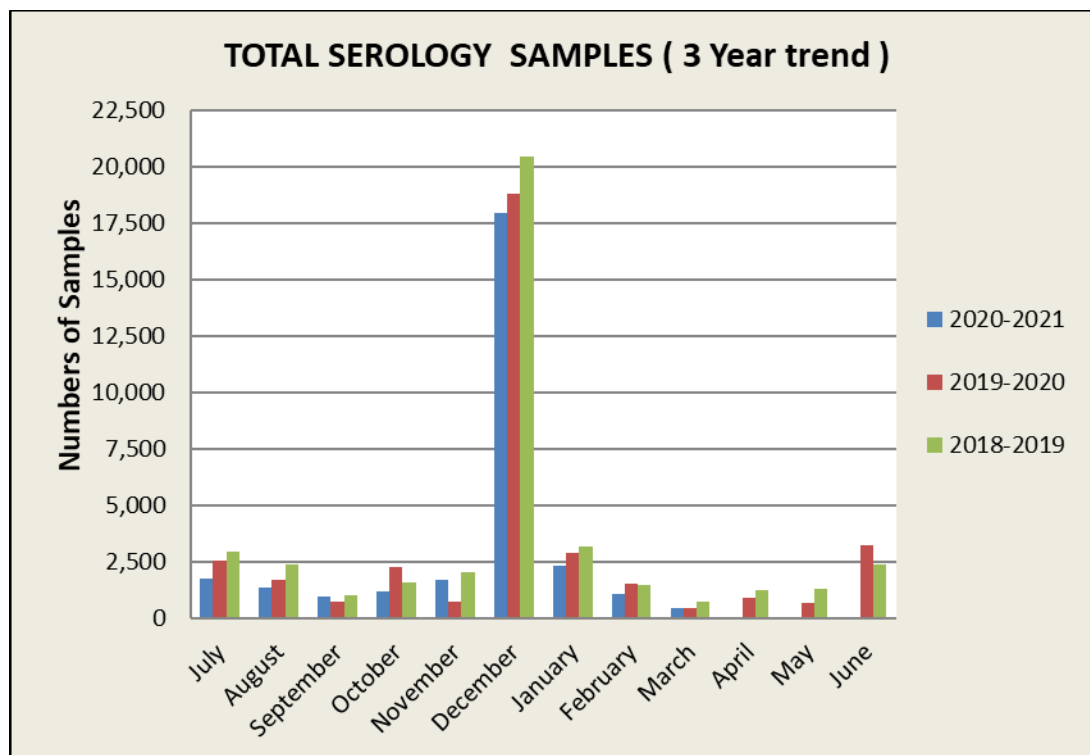
Two analysts participated in a proficiency test for coliforms in water and both passed.



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

The workload in the Section increased this month with a total of 158 seed samples being received. Crops that were tested were primarily grain and forage sorghum, corn, soybeans, cotton, and turf grasses. Turnaround times on all samples were completed according to standards. Seed quality on most types of summer row crop seed has been good to excellent. Official regulatory sampling on spring turf grass did however require enforcement action, resulting in stop sale notices on 900 pounds of fescue and ryegrass seed due to improper germination labeling.

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



3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	382	46	6
2020	429	32	0
2019	578	153	12

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

	Feed	Fertilizer	Lime	Total
<b>Samples Received</b>	215	150	15	380
<b>Samples Completed</b>	310	33	11	354
<b>Determinations</b>	1357	81	66	1504
<b>Violations</b>	123	8	7	138
<b>Violation %</b>	9.06%	9.88%	10.61%	9.18%

**PESTICIDE SECTION:** (Usha Pandey-Kadel, Environmental/Chemical Laboratory Scientist IV)

This month, the Section Supervisor attended the virtual AAPCO Laboratory Committee Annual meeting.

Pesticide Section by the numbers:

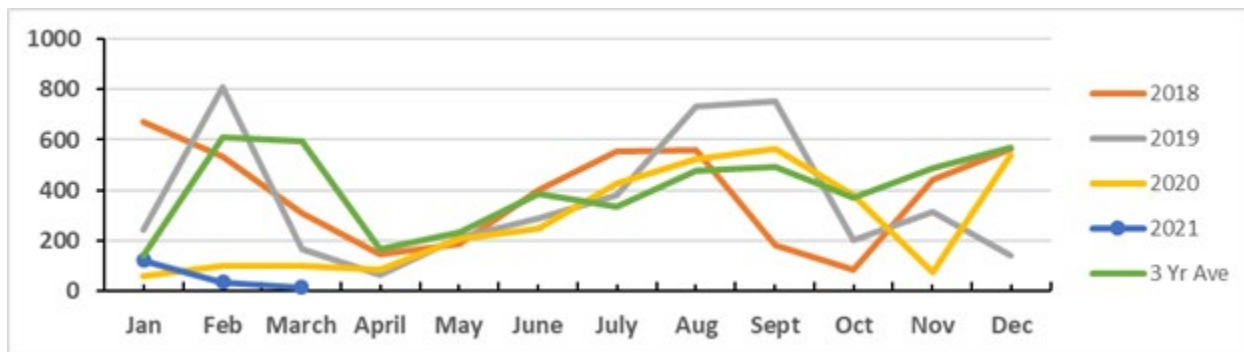
	Number	Test	Det	Average TAT (days)
Hemp	5	5	5	4
Residue Soil	1	1	1	29
Residue Water	2	2	2	5
Organic Act	1	1	6	12

**Average Residue TAT: 13**

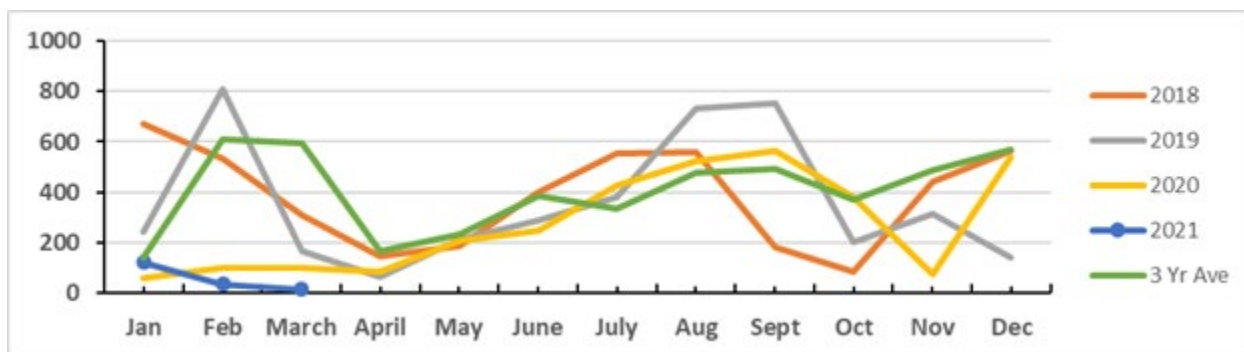
**Average Hemp TAT: 4**

# of Samples	# of Tests	# of Determinations
9	9	14

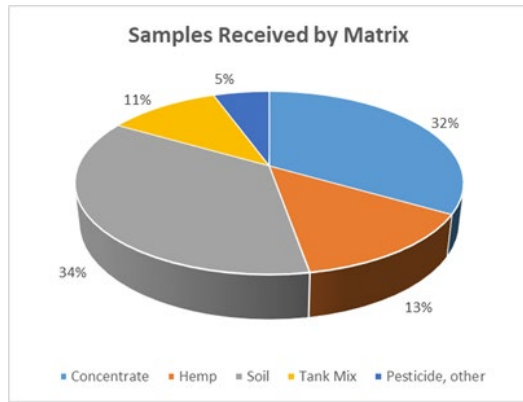
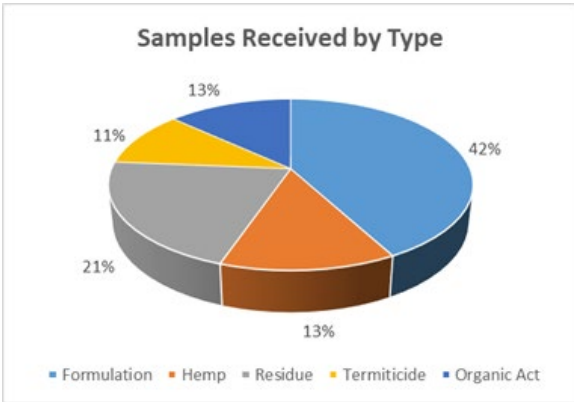
Determinations the Section completed by month:



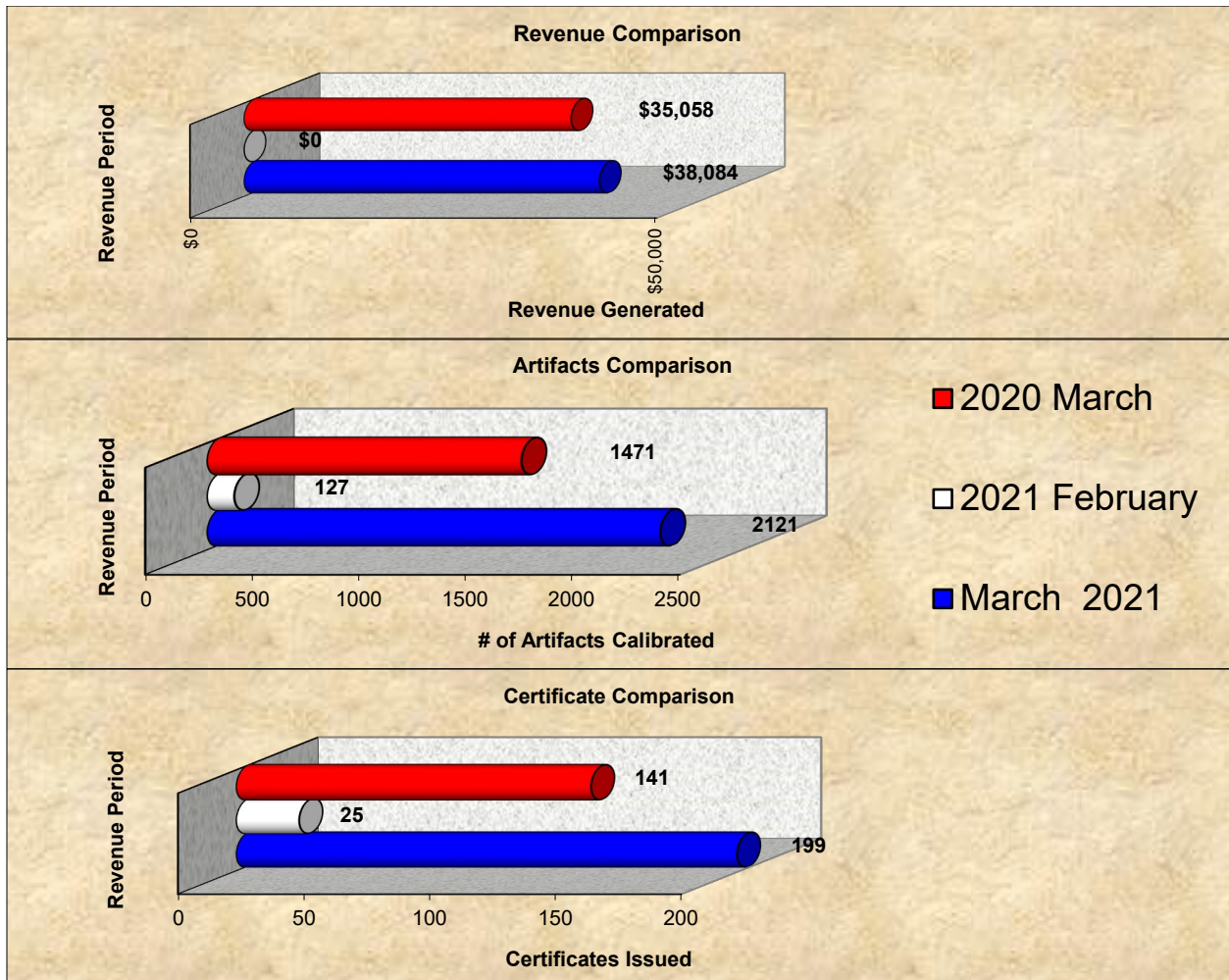
Samples the Section received by month:







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



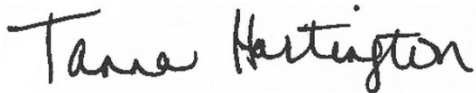
This month, the Section completed the remaining steps necessary for the annual internal calibrations and process updates.

The Bureau calibrated standards for the state metrology labs from Alaska, Arkansas, and New Jersey.

Summary of work completed:

	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	6	\$7,520.00	20 %	117	6 %
In-State Customers	21	\$30,564.00	80 %	2004	94 %
Totals	27	\$38,084.00		2121	

Respectfully Submitted,

A handwritten signature in black ink that reads "Tanna Hartington". The signature is written in a cursive, flowing style.

Tanna Hartington  
Director, Laboratory Services Division

**BOARD REPORT  
LABORATORY SERVICES DIVISION  
MARCH 2021 ACTIVITIES**

FEED SAMPLES	310
FEED DETERMINATIONS	1357
POSSIBLE VIOLATIONS	123
 FERTILIZER SAMPLES	 33
FERTILIZER DETERMINATIONS	81
POSSIBLE VIOLATIONS	8
 LIME SAMPLES	 11
LIME DETERMINATIONS	66
POSSIBLE VIOLATIONS	7
 PESTICIDE SAMPLES	 9
PESTICIDE DETERMINATIONS	14
 INORGANIC LAB SAMPLES	 158
DETERMINATIONS	1282
 STATE-FEDERAL VET. LAB. SAMPLES	 434
STATE-FEDERAL VET. LAB. DETERMINATIONS	593
NUMBER POSITIVES	0
 SEED SAMPLES	 170
SEED DETERMINATIONS	177
POSSIBLE VIOLATIONS	2
 BUREAU OF STANDARDS CERTIFICATES	 141
NUMBER OF STANDARDS CALIBRATED	1471
FEE CHARGES	\$35,058.00
 DAIRY AND FOOD SAFETY SAMPLES	 356
DAIRY AND FOOD SAFETY DETERMINATIONS	927
POSSIBLE VIOLATIONS	21
 <b>TOTAL SAMPLES</b>	 <b>1622</b>
<b>TOTAL DETERMINATIONS</b>	<b>5968</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>161</b>



## OKLAHOMA FORESTRY SERVICES BOARD REPORT – May 2021

*Division Activities from March 12<sup>th</sup> thru April 22<sup>nd</sup>*

***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.*

### MARCH/APRIL HIGHLIGHTS

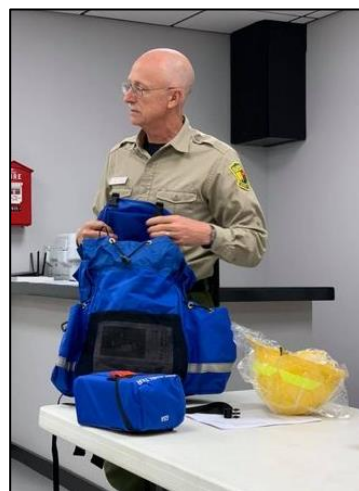
#### OFS provides personal protection equipment to Twin Lakes Fire Department

Oklahoma Forestry Services was pleased to provide wildland firefighting personal protection equipment (PPE) to the Twin Lakes Volunteer Fire Department, following a fire at their station on February 21<sup>st</sup> that destroyed the building and all of their equipment. Located in Logan County near Crescent, the fire department is in dire need of equipment as it begins the rebuilding process.

The PPE that was supplied provides critical and essential safety protection during wildland firefighting operations. Each PPE set included fire-resistant Nomex pants and shirt, hardhat with face and neck shroud, fire shelter, leather work gloves, and a fireline backpack. OFS is utilizing its Wildfire Volunteer Fire Assistance Grant funding to provide a complete set of PPE to each of Twin Lakes' twelve volunteer firefighters at a cost of just over \$10,000. State Forester Mark Goeller and Fire Management Chief Andy James delivered the equipment to Twin Lakes Fire Department at the March 15<sup>th</sup> meeting of the Logan County Fire Chiefs' Association. OFS is grateful to be in a position to help one of our state's volunteer fire departments when they need it the most.



Twin Lakes Fire Dept. following a devastating fire on Feb. 21



Mark Goeller presents PPE to Twin Lakes Fire Dept.

### RESILIENT LANDSCAPES

#### URBAN & COMMUNITY FORESTRY

**Honoring Gail Ederer** - Gail Ederer, long standing executive director of Keep Oklahoma Beautiful, was honored posthumously in Tulsa on March 26<sup>th</sup> with a tree planting sponsored by Keep Oklahoma Beautiful and Up With Trees. Gail, who passed away in 2020, was also the first executive secretary for the Oklahoma Community Forestry Council, an organization that helps OFS with Arbor Week celebrations, conferences and workshops supporting community tree care. Current KOB Board Member Scott Huff and past member Mark Bays were on hand to assist other volunteers, Up With Trees Staff and members of Gail's family with the planting.

**Oklahoma Gardening** - On the weekend of March 27<sup>th</sup> & 28<sup>th</sup> Mark Bays was featured on a segment of Oklahoma Gardening TV Show, highlighting the journey of dead walnut tree from an Oklahoma City park through its transformation into a beautiful conference table. The three year process included working with a mill operator to cut the tree into slabs then working with other volunteer producers to piece together sanded slabs which are just over 14 ft. in length. The table was then sanded and a high gloss epoxy finish completed the table. The table did not fit in the freight elevator and had to be assembled in the conference room after being loaded through a second story window of the Oklahoma City Parks Department in downtown OKC.



Loading the table through a window at the OKC Parks Dept.



The final product.

**Piedmont Church Tree Planting** - Service Forester Riley Coy and Mark Bays met with Pastor Jayson Taylor of The Bridge Church of Mustang on March 29<sup>th</sup> to help design a tree planting plan throughout their 5 acre site. Screening, erosion control, beautification, wildlife and pollinators will be the focus of trees and plants selected.

**Oklahoma City National Memorial** - In preparation of the 26<sup>th</sup> Anniversary and Remembrance Ceremony of the bombing of the Alfred P. Murrah Federal Building, Mark Bays coordinated the Survivor Tree seedling giveaway with Steve Bieberich of Sunshine Nursery, and staff and volunteers from the Oklahoma City National Memorial.

Riley Coy and Bays helped sort and prepare seedlings from the Survivor Tree for the giveaway on April 19<sup>th</sup>. Riley and Mark were on hand to help volunteers and Memorial Foundation staff hand out over 375 seedlings following the Remembrance Ceremony. People stood in line, registered the location of where the seedling will be planted and picked one up until they ran out. Mark and Riley also conducted a minor pruning of several branches from the Survivor Tree and one of the pine trees.



Giving out Survivor Tree seedlings on April 19 at the OKC National Memorial.



Pruning the Survivor Tree



Pruning a clone of the Survivor Tree at Scissortail Park in OKC

## FOREST REGENERATION CENTER (FRC) & FOREST TREE IMPROVEMENT CENTER (FTIC)

**2021 Seedling Sale Summary** - Forest Regeneration Center (FRC) continues to provide seedlings for conservation plantings and, although there were challenges, had a good year for seedling sales in 2021. A summary of the seedlings delivered in the 2021 season is as follows:



Total number of seedlings sold: 2,846,082  
Total Revenue generated: \$414,464  
Total number of orders: 888

Based on information collected from customers who bought seedlings this year, the most popular purpose for planting seedlings was for wildlife enhancement. A total of 590 customers said this was the main purpose they were planting and they purchased 472,190 seedlings. Based on the number of seedlings sold, timber production was the highest category with over 2.2 million sold, although there were only 46 orders for this purpose. Shelterbelts, or windbreaks, came in third with 166 orders and these orders comprised 33,226 seedlings.

**AmeriCorps NCCC Team** - The Sun 5 NCCC AmeriCorps Team that was assigned to the Forest Regeneration Center was released on April 18<sup>th</sup>. During their three months with OFS they accomplished the following:

- Assisted with harvesting over 2 million seedlings.
- Worked closely with the nursery staff, learning how to use equipment, perform seedling identification and care, and team building and leadership skills.
- Learned about seedling genetics while spending two weeks at the Forest Tree Improvement Center in Idabel.
- Restored and cleaned up four miles of hiking trails at the Forest Heritage Center in Beavers Bend State Park.
- Taught four classes about forestry and the AmeriCorps NCCC program at Purcell High School.
- Planted 300 seedlings at a Blanchard city park.
- Instrumental in success of the end-of-year seedling sale, responsible for monitoring inventory before and during the two day sales and preparing orders for customers.



AmeriCorps team harvesting loblolly pine

The crew provided significant manpower, assisting in everything the Forest Regeneration Center does at its busiest time, while also gaining knowledge about forestry and some of the science related to growing and caring for trees. Utilizing an AmeriCorps NCCC team proved, once again, to be an excellent experience for the team and for Oklahoma Forestry Services.

**Forest Tree Improvement Center (FTIC)** - FTIC is moving forward with its efforts to improve and expand its genetically improved tree orchards. FTIC crews are planting the next generation of improved families and collecting pollen from some families to be used to propagate the next generation.

## FOREST INVENTORY AND ANALYSIS (FIA) UPDATE

Forest Inventory and Analysis (FIA) is re-measuring forest areas across the central and western parts of the state for the first time. The data collected will determine a number of forest health metrics, including regeneration rates, the growth and mortality rates, forest area change, impacts from disturbance and land use change and more.

FIA is finally back to full strength with the addition of Shay Hoog, an Oklahoma native. Shay's addition completes the 5 person team responsible for surveying all 44 million acres across Oklahoma.

## FROM THE AREA OFFICES

### East Central Area

- **Landowner Assists** - One new forest stewardship plan has been completed since last report on a total of 1,408 acres. Other plans written for properties in Latimer and LeFlore counties are awaiting approval.
- **Interns** - Two summer interns and one winter intern have accepted positions with OFS. Kelli Fontenot, OSU forestry student, and Jacob Nicholson, also OSU but this one is Ohio State University, will start with OFS in May.

### Northeast Area

- **Landowner Assists** - One Forest Stewardship Plan focused on tree planting for wildlife enhancement was completed for a property in Delaware County.
- **Camp Gruber Fire Department opening** - NE Area Forester Craig Longshore represented OFS at the opening.
- **Fire Assistance Outside of Forestry's Protection Area** – During March and April several NE Area Rangers assisted with fires near Depew, Okmulgee and Kellyville.
- **FFA Forestry Competition** - Craig Longshore, Evan Long, David Morris and Josh Isaac set up and conducted the FFA Forestry competition at Flint Ridge on April 8<sup>th</sup>.

### Southeast Area

- **Landowner Assists** – A total of 44 landowner contacts were made by foresters. One Stewardship plan was completed with seven more in progress.
- **Seedlings/Tree planting:**
  - Seedlings Sold/Distributed = 229,000
  - Tree planting: 437 Acres
  - Site Prep: 60 acres
- **Forestry Contest** - SE Area foresters and rangers conducted the 2021 McCurtain County Forestry Contest and assisted with the SE District Contest.
- **Fire Assist Outside Protection Area** - SE sent a wildfire task force to Woodward March 9-11<sup>th</sup> in response to high fire danger.
- **Broken Bow Communication Tower Update** - The communication tower is up. The radio shack has been installed, a propane tank set for the backup generator, fiber optic lines are run. Next steps are to get the repeaters installed for the various agencies, including OFS that will utilize the tower.



Broken Bow Communication Tower

## WILDFIRE RESPONSE – Fire Staff Board Report as of 04/16/21

### FIRE OPERATIONS

Through the month of March, Oklahoma Forestry Services responded to and suppressed 409 wildfire incidents, burning 39,078 acres year-to-date. While the April statistics will be published on May 1, the current statistics reveal YTD wildfire response activity as of April 15 by Oklahoma Forestry Services at 510 fires, burning 41,481 acres. Additionally, 43 prescribed fires were completed treating 9,741 acres as of April 15<sup>th</sup>. Above normal activity focused in eastern Oklahoma pushed OFS response from below average to above average in a short time period. Fortunately, a few timely rains and some periods of cool temperatures have dampened fire activity in western Oklahoma averting the significant fire occurrence that has been experienced in previous years.

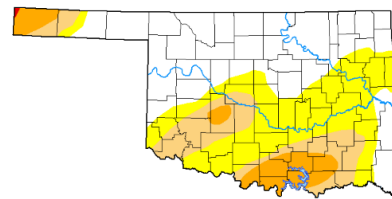
### WILDFIRE OUTLOOK EXECUTIVE SUMMARY

La Niña expectations of warmer and drier conditions identified in previous outlooks remained muted through most of the dormant season with cooler than expected temperatures and some timely precipitation events. Hints of the La Niña influence came to light as underlying development of drought indices spread from far south-central Oklahoma into several central and eastern counties. Commensurate with the underlying dryness and more seasonal temperatures in late March, a discernable uptick in wildfire activity occurred. Increased activity resulted in heavy commitment at times by OFS and rural/volunteer fire departments. The aging, heavily utilized firefighting equipment that OFS engages began showing the signs of cumulative wear with numerous dozer, dozer transport and fire engine breakdowns and failures.

Fortunately, green-up and leaf-out are progressing rapidly transitioning the live-to-dead fuel ratio in favor of the live component and reduced fuel availability. Overall, fire danger concerns will relax entering into May although the persistent drought indices in both the southwestern counties and western Panhandle, as well as both expansion and intensification in south-central Oklahoma, merit careful monitor if a drier than normal pattern persists into summer.

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 rapidly decrease into May transitioning from PL3 experienced in early April to PL1 as green-up progresses. Transition from Preparedness Level 2 (PL2) to PL3 is expected in the latter half of March. In the previous outlooks, a projection of categorical Preparedness Level through the dormant season is indicated immediately below:

March 2021 Fire Response	Fires	Acres
<b>2021 Wildfires Year-to-Date</b>	<b>409</b>	<b>39,077.7</b>
<b>OFS Protection Area - Month</b>	<b>262</b>	<b>22,108</b>
5-Year Average	227	23,069
10-Year Average	186	15,325
<b>Protection Area YTD</b>	<b>367</b>	<b>24,613</b>
OFS Response Outside Protection Area	8	10,541
<b>OFS Response Outside Protection Area YTD</b>	<b>13</b>	<b>12,394</b>
Fire Department Reports	19	1,356.7
<b>Fire Department Reports YTD</b>	<b>29</b>	<b>2,070.7</b>
Prescribed Burns - SE	11	5,835
Prescribed Burns - EC	16	1,164.5
Prescribed Burns - NE	1	88
Prescribed Burns - OKOKS	0	0
<b>Prescribed Burns - YTD</b>	<b>35</b>	<b>7,962.5</b>



Map released: Thurs. April 15, 2021

Data valid: April 13, 2021 at 8 a.m. EDT

#### Intensity:

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

#### Author(s):

Deborah Bathke, National Drought Mitigation Center



<b>April</b>	<b>May</b>	<b>June</b>
<b>PL3</b>	<b>PL2</b>	<b>PL1</b>

Preparedness Level	Operational Indicators	Associated Response Actions
1	<ul style="list-style-type: none"> <li>Fires are generally contained during initial attack</li> <li>Large Fire occurrence absent or infrequent</li> <li>OFS Resources assigned within Protection Area</li> <li>Aviation Resources generally not required</li> </ul>	<ul style="list-style-type: none"> <li>Wildfire Situation Reports issued weekly or as needed</li> <li>Generally no County Burn Bans in place</li> <li>No Governor's Burn Ban in place</li> </ul>
2	<ul style="list-style-type: none"> <li>Most fires contained during initial attack</li> <li>Large fires occurring infrequently</li> <li>OFS Resources assigned outside of Protection Area as needed</li> <li>Aviation Resources required infrequently</li> </ul>	<ul style="list-style-type: none"> <li>Wildfire Situation Reports issued daily or as needed</li> <li>County Burn Bans are possible</li> <li>No Governor's Burn Ban in place</li> </ul>
3	<ul style="list-style-type: none"> <li>Most fires are contained during initial attack</li> <li>Large fires becoming more frequent</li> <li>Significant Fire occurrence is infrequent</li> <li>OFS resources mobilized as needed outside of Protection Area</li> <li>Aviation Resources required as needed</li> <li>OFS Type 3 Team/Organization prepared for mobilization</li> <li>OFS State Command mobilization evaluated</li> <li>OEM Coordination daily</li> </ul>	<ul style="list-style-type: none"> <li>Situation Reports issued daily.</li> <li>County Burn Bans begin to be issued</li> <li>Assessment of Governor's Burn Ban criteria completed weekly</li> <li>Assessment of opening the Southeastern/South-Central Compact</li> <li>Potential for some interagency resources to be ordered</li> <li>Potential for Fire Management Assistance Grant requests</li> </ul>
4	<ul style="list-style-type: none"> <li>Fires regularly require multiple operational periods to contain</li> <li>Large Fire occurrence is regular</li> <li>Significant Fire occurrence is more frequent/potential is present</li> <li>OFS Resources required regularly outside of Protection Area</li> <li>Aviation Resources required during initial/extended attack</li> <li>OFS Type 3 Team / Organization mobilized</li> <li>OFS State Command activated / OEM Activated in support of ESF4</li> <li>Type 1/2 Incident Management Teams may be ordered</li> </ul>	<ul style="list-style-type: none"> <li>Wildfire Situation Report issued 7 days/week</li> <li>Numerous County Burn Bans in place</li> <li>Governor's Burn Ban likely</li> <li>Southeastern/South-Central Compact opened</li> <li>Interagency resources likely</li> <li>Potential for State Emergency Declaration</li> <li>Potential for Fire Management Assistance Grant requests</li> </ul>
5	<ul style="list-style-type: none"> <li>Fires regularly require multiple operational periods to contain</li> <li>Large Fire occurrence is frequent</li> <li>Significant Fire occurrence is frequent or potential is present</li> <li>OFS Resources required outside of Protection Area</li> <li>Aviation Resources required during initial/extended attack</li> <li>OFS Type 3 Team / Organization mobilized</li> <li>OFS State Command activated / OEM Activated in support of ESF4</li> <li>Type 1/2 Incident Management Teams mobilization likely</li> </ul>	<ul style="list-style-type: none"> <li>Wildfire Situation Report issued 7 days/week</li> <li>Numerous County Burn Bans in place</li> <li>Governor's Burn Ban in place</li> <li>Southeastern/South-Central Compact opened</li> <li>Interagency resources ordered</li> <li>Potential for State Emergency Declaration</li> <li>Potential for Federal Emergency Declaration</li> <li>Fire Management Assistance Grant requests likely</li> </ul>



## COMMUNITY OUTREACH & COMMUNICATIONS

**FOREST HERITAGE CENTER** - Museum visitation was 10,572 for the month of March, 2021, with two guided tours.

### EXHIBITS AND EVENTS

- Forestry Judging Contest** - The Forest Heritage Center hosted the Southeast District Forestry Judging contest for FFA and 4-H students on April 7<sup>th</sup>. FFA students competed in tree identification, compass and pacing, sawlogs, and pulpwood. 4-H students competed in tree identification, insect and disease identification, compass traverse and forest evaluation. Forestry staff from the Broken Bow and East Central Area offices set up and assisted with the event.
- Master Woodworking Artist of the Year Competition and Exhibit** - Master Woodworking Artist of the Year title went to Jim Anderson of Steilacoom, WA for his sculpture entitled "Armillary Sphere." Woodworking has been vital to this veteran's recovery from PTSD and he uses his work to raise awareness of veteran suicides and PTSD. The award winners were announced in a virtual presentation on the Forest Heritage Center Facebook page on March 7.
- Tour De Quartz Exhibit** - The Forest Heritage Center Museum is excited to host the Tour de Quartz, an outreach of the Oklahoma Summer Arts Institute. The six week exhibit will showcase 40 pieces of unique art that was created by student artists during a two week residential school that provides professional training to talented Oklahoma high

school students. The traveling Tour de Quartz exhibit will be shown at eight locations around the state between August of 2020 and June of 2021.

This free exhibit will be held April 10 through May 30, 2021 from 8 am until 5 pm. For more information about the traveling exhibit, visit <https://oaiquartz.org/content/tour-de-quartz>. This exhibit is made possible by the Forest Heritage Center Advisory Board, Oklahoma State Department of Education, Oklahoma Arts Council, and the National Endowment for the Arts.

- **Beginning Woodturning Classes** - After concluding the two weeks at the Broken Bow High School carpentry shop, instructors from the Southeast Oklahoma woodturners moved to Wright City High School's woodshop for an additional two weeks. This was the first year to present this class at Wright City School. The Beginning Woodturning classes are a partnership of the Oklahoma Arts Council, Southeast Oklahoma Woodturners and Forest Heritage Center.

The Beginning Woodturning classes were featured in the Broken Bow News on Wednesday, March 3, 2021 with a photo of an instructor and two students assembling wooden pens. The March 13<sup>th</sup>-14<sup>th</sup> Weekend Edition of the McCurtain Gazette included a photo, information about the class, and an announcement of the acquisition of two new lathes, purchased by the Southeast Oklahoma Woodturners and the school.

- **Camp Discover Plans** -Camp Discover is scheduled for July 6-8, with applications available on May 1<sup>st</sup>. To comply with COVID regulations, the number of students will be reduced and a 3 foot social distancing rule will be in place.

## PROGRAMS & PROJECTS

- **AmeriCorps Volunteers at FHC** - OFS's AmeriCorps Volunteers assisted with projects at the Forest Heritage Center on March 11<sup>th</sup> and 12<sup>th</sup>. Projects included building a form and pouring a concrete slab to hold a bench, trail cleanup and working as gallery attendants for the Master Woodworking Artist of the Year exhibit.



AmeriCorps volunteers at Beavers Bend State Park

- **Rep. Anthony Moore Visit** - On Thursday, March 18<sup>th</sup> State Representative Anthony Moore and his family visited the Forest Heritage Center for an informal tour.
- **OSU SAF Meeting** - Calista Stephens was the guest speaker at the Society of American Foresters' OSU chapter meeting March 10<sup>th</sup>. Calista described the Forest Heritage Center's approach to spreading the message of sustainable forestry through history, education and wood art.
- **Bob Burke Book** - Bob Burke, OKC author and attorney with McCurtain County roots, is co-authoring a coffee table book with Jerry Isbell about Beavers Bend, Broken Bow Lake and Old Hochatown. The Forest Heritage Center will be featured in the book, and Burke will use information he has obtained from the newsletter about current events and the gift shop expansion.
- **Scholarships Awarded** - The Quintus Herron Educational Scholarship for graduating high school seniors was awarded to Samantha Stephens of Broken Bow, OK. Samantha has served as a Forest Heritage Center Youth Volunteer, assisting with Camp Discover, OFS's Youth Forestry Camp and many events. She has been accepted into Oklahoma State University where she plans to earn a degree in forestry.

The Fred Dierks Educational Scholarship for College Forestry Students had was awarded to Miko Brandon, a non-traditional student at Oklahoma State University who is interested in improving Native American forests and all Oklahoma forests. Miko served as an Aviation Machinist Mate in the US Navy, achieving rank E-5 and completing

two deployments.

- **FHC Gift Shop Update** -A remodel and expansion is underway at the Forest Heritage Center gift shop. The Forest Heritage Center Board of Directors and the Oklahoma Tourism and Recreation Department are partnering in the project which will add 520 square feet and a complete remodel to the space. A new vendor has also been selected to operate the gift shop.

## OFS EDUCATION OUTREACH

**Project Learning Tree (PLT)** – Education Coordinator Mo Rice facilitated PLT’s first virtual workshop with students in the outdoor education course from OBU on March 10<sup>th</sup> & 24<sup>th</sup>. Participants experienced PLT lessons online and completed assignments on their own time to gain knowledge and understanding of the PLT resources before coming back to present lessons to the group virtually.

## EVENTS

- **Arbor Week Celebration** – OFS along with the AmeriCorps volunteers partnered with Scissortail Park to provide a child’s activity, educational signs and information on tree planting best practices on March 27<sup>th</sup> during Oklahoma’s Arbor Week.
- **Seedlings Save Lives** – March 11<sup>th</sup> & 12<sup>th</sup> – OFS provided 1,000 seedlings for Oklahoma Blood Institute blood donors in the annual “Renew Life” promotion. The seedlings were once again a big hit with donors, helping to increase the blood supply before Spring Break.

### Upcoming Events

May 1 - Arbor Day Event at Martin Nature Park  
May 5 & 6 - Kingfisher Natural Resource Day for 4<sup>th</sup> and 5<sup>th</sup> graders  
May 8 - Healthy Kids Day at the Earlywine Park YMCA  
May 13 - Ag on Lincoln event  
May 18 & 19 - PLT E-Summit

## MEDIA

- **Trees damaged by the ice storm** - Mark Bays was interviewed on March 24<sup>th</sup> by KOCO-5 TV about proper pruning of trees damaged by the October 2020 ice storm. The main topic of discussion was all the future problems associated with trees that are topped. This way of pruning trees is not an approved International Society of Arboriculture (I.S.A.) practice. <https://www.koco.com/article/experts-explain-right-and-wrong-way-to-prune-damaged-trees/35941885>
- **From dead tree to conference room table** - OETA’s Oklahoma Gardening TV Show featured the walnut table story on March 27<sup>th</sup> & 28<sup>th</sup>. <https://youtu.be/f1h1fNbhuLI> This story was also featured in the National Association of State Foresters newsletter.
- **OFS Arbor Week tree planting in Pauls Valley** –This tree planting was featured nationally in Morning Ag Clips. <https://www.morningagclips.com/oklahomans-recognized-in-arbor-week-kickoff-celebration/https://youtu.be/xuMrcorLOtk>

## STATE FORESTER ACTIVITIES – MARCH/APRIL

---

- Attended weekly ODAFF Director’s Meetings
- Participated in numerous Oklahoma State Department of Health COVID-19 Vaccine Distribution coordination calls
- Attended three virtual meetings with the Southern Group of State Foresters’ Executive Board
- Participated in two Northern Rockies Coordinating Group Incident Commander coordination calls
- Participated in one virtual meetings of the NWCG Medical and Public Health Advisory Team
- Attended two Land Mobile Radio Public Safety Interoperable Coordination Cooperative meeting

- Assisted Oklahoma Forestry Services Forest Inventory and Analysis personnel with data collection on one FIA plot in Okmulgee County
- Participated in coordination call with the NWCG Incident Position and Standards Committee to review Safety Officer, Type 3 and Line Safety Officer Incident Position Descriptions
- Met with Dave Martin (USFS) to prepare for a US Congressional Briefing regarding the Southern Area Wildfire and Hurricane Outlook for 2021
- Conducted a 'Dry Run' of the Congressional Briefing with USFS and Southern Group of State Foresters Executive Board members
- Reviewed, commented and edited the revision of Oklahoma's Smoke Management Plan
- Conducted a briefing for Southern States US Congressmen on the Southern Area Wildfire and Hurricane Outlook for 2021
- Participated in a Long-term Compensation Reform meeting with ODAFF Directors
- Attended a meeting in Idabel with US Senator James Lankford and the Oklahoma Forestry Association
- Attended one S-520 Advanced Incident Management course Steering Committee meeting
- Attended the April Board of Agriculture meeting
- Attended one virtual meeting of national Operations Section Chief's Incident Remote Response
- In-briefed FEMA Paramedics on their assignment as COVID-19 vaccinators in support of the Oklahoma State Department of Health
- Attended the April NWCG Risk Management Committee Conference Calls via MS-Teams
- Virtually attended the two-day meeting of the Northern Rockies Coordination Group Annual Incident Management Team meeting
- Virtually attended Northern Rockies Incident Management Team #1 coordination meeting
- Attended the meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Subcommittee on Technology
- Participated in the review of Oklahoma's Smoke Management Plan with DEQ, Farm Bureau, OSU-Extension, and the Oklahoma Cattlemen's Association
- Attended the April meeting of the NWCG Executive Board
- 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 thru 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, FEMA Contractors and OSDH to coordinate the deployment of veterinarians and Paramedics to serve as vaccinators at points of dispensing. (NOTE: The USDA APHIS veterinarians assignment ended on April 3<sup>rd</sup>)

Respectfully Submitted,

Mark E. Goeller  
Director/State Forester

## MAY 5, 2021 BOARD MEETING

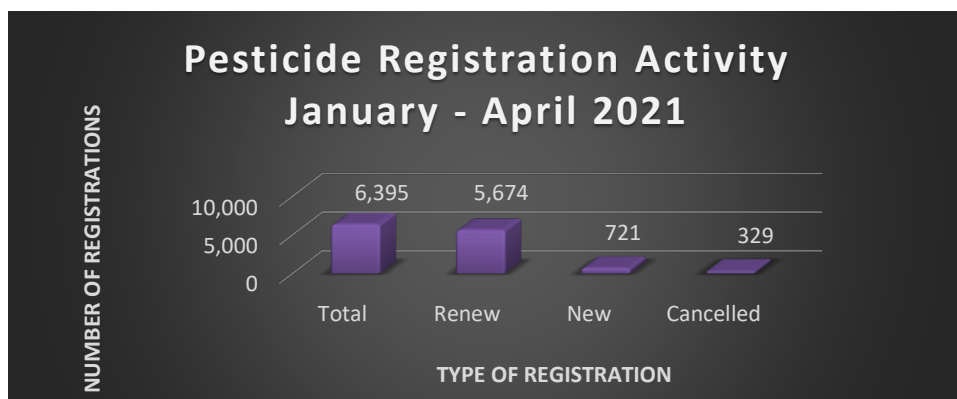
### CONSUMER PROTECTION SERVICES DIVISION

#### REPORT FOR FEBRUARY/MARCH 2021

##### PESTICIDE SECTION

###### *Pesticide Registration Activity*

Pesticide registrations for January 1<sup>st</sup> to April 14<sup>th</sup> in 2021 are presented in the following chart. A total of 6395 products were registered, of the products registered 5674 were renewals and 721 were new. There were 329 products cancelled.



###### *Pesticide Samples*

Pesticide samples taken February-March 2021 are presented in the following chart. A total of 20 Residue, 27 Concentrate, 5 Tank Mix, 2 Pollution, and 58 Documentary samples were taken.

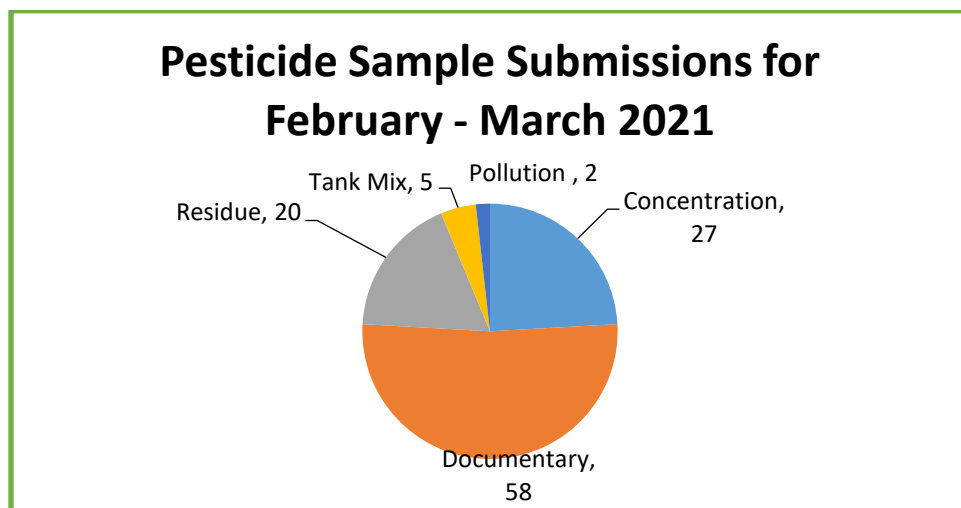


Table 1. Inspection Count for February-March 2021\*

Inspection Type	Number of Inspections		
	February	March	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	23	29	52
Pesticide Applicator Facility	8	44	52
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	8	11	19
Container Containment Inspection	0	0	0
Producer Establishment	3	2	5
Use	18	130	148
Termite	0	0	0
Wood	0	1	1
Pre-treat	0	2	2
Drift Investigation	0	0	0
Pesticide Label	1677	2076	3753
Worker Protection	0	0	0
<b>Total</b>	<b>1737</b>	<b>2295</b>	<b>4032</b>

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

Along with the above inspections CPS inspectors also took 18 nonagricultural use samples, 10 agricultural use samples, 73 producer establishment samples and 12 market samples for a total of 113 samples.

### *Unwanted Pesticide Disposal*



Figure 1: DDT

ODAFF held an unwanted pesticide disposal on April 1<sup>st</sup>, 2021 at the McClain County Fairgrounds. The collection was scheduled from 8:00am until 1:00pm, during that time ODAFF collected 54,032 pounds of unwanted pesticides. ODAFF works with our hazardous waste contractor, CleanEarth to dispose of these pesticides. ODAFF will be conducting a second collection April 27<sup>th</sup> in Claremore at the Rogers County Fairgrounds. Below are some pictures of items collected at the April 1<sup>st</sup> collections.



Figure 3: Chlorane Spray



Figure 2: Chlorane Dust





Figure 4: Unwanted Pesticide site collection in Purcell

## Licensing

Pesticide Applicator's License - 1,889

RUP – 475

PPE – 56

## Pesticide Testing & Updates

### PSI Testing

All locations are now working at full capacity. The number of exams taken per day has increased from an average of 9 to 16 exams.

### Private Applicators

Updates for private applicators have been released to the public. Open-book exams will no longer be accepted starting June 1, 2021.

All exams must be taken through PSI Services, and private applicators may now receive CEUs.

### *Pesticide Complaints*

PESTICIDE COMPLAINTS	March 9, 2021 – April 14, 2021			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	8	3	3	2
MUSK THISTLE	0	0	0	
CASES REFERRED TO OGC:	3			

## ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

### Plant Protection Program

#### *Compliance Agreements*

In 2021, we had 31 nurseries in Oklahoma that required compliance agreements when shipping out of state. Contact has been made with all these nurseries and 30 nurseries have completed all there agreements. There is only 1 nursery left that has not returned their signed agreement to ODAFF.

We have also worked with the California Department of Agriculture to certify 3 firms in Oklahoma & Texas selling cotton seed free from Cotton Boll Weevil to be able to ship cotton seed to California without treatment. The permit from California has been obtained, agreements have been signed by the producers, and shipping certificates have been issued.

### *Phytosanitary Certificates*

Federal Phytosanitary Certificates Issued from March 1, 2021 – March 31, 2021

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

22 Federal Phytosanitary certificates issued @ \$106.00 each

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

9 Federal Phytosanitary Certificates issued @ \$61.00 each

<u>Federal Phytosanitary Certificates (March 1, 2021 - March 31, 2021)</u>			
Country	Product	Quantity	Phytos Issued
Canada	Sesame Seed	130 lbs	2
Canada	Barrelclover Seed	1 gram	1
China	Barrelclover Seed	5 grams	1
France	Barrelclover Seed	3 grams	2
Italy	Barrelclover Seed	1 gram	1
Japan	Sesame Seed	2,422,560 lbs	5
Mexico	Sesame Seed	473,564 lbs	11
Republic of Korea	Sorghum	40,000 kgs	2
Thailand	Miscanthus Seed	176,369 lbs	2
Vietnam	Miscanthus Seed	4,410 lbs	2
Vietnam	Logs	27.102 m <sup>3</sup>	1
United Kingdom	Barrelclover Seed	5 grams	1

State Phytosanitary Certificates Issued from March 1, 2021 – March 31, 2021

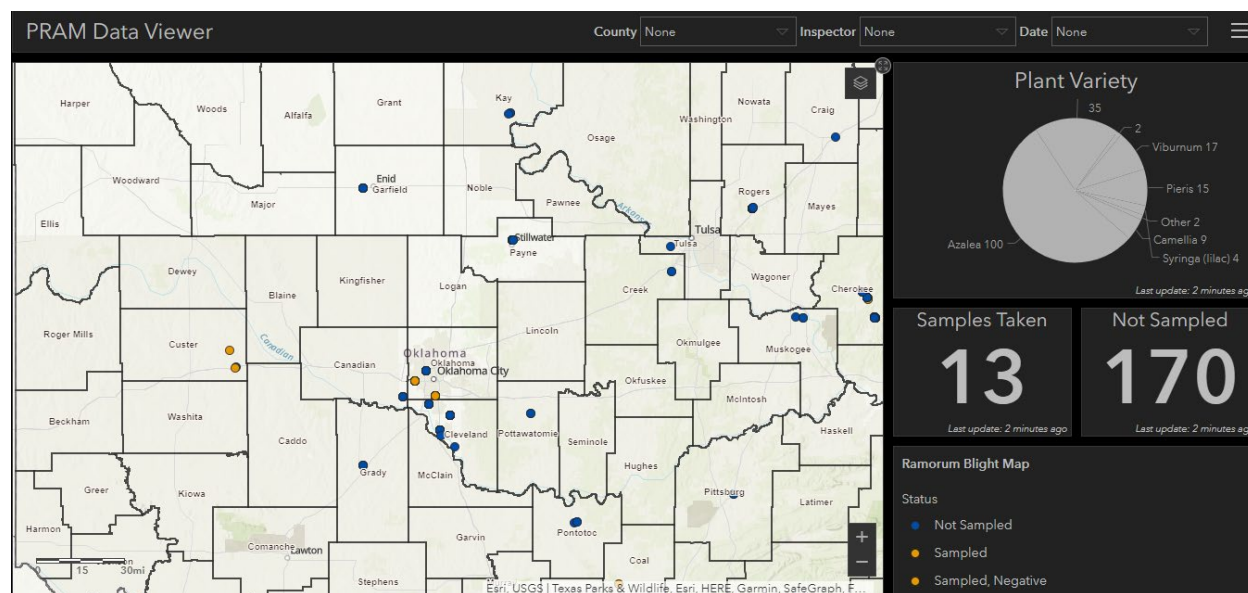
220 Phytosanitary Certificates issued @ \$20 each

<u>State Phytosanitary Certificates (March 1 - 2021 - March 31, 2021)</u>		
State	Product	Certificates Issued
Arizona	Nursery Plants/Parts	7
California	Nursery Plants/Parts	51
Colorado	Nursery Plants/Parts	47
Hawaii	Nursery Plants/Parts	4
Idaho	Nursery Plants/Parts	5
New Mexico	Nursery Plants/Parts	11
Nevada	Nursery Plants/Parts	16
Oregon	Nursery Plants/Parts	14
Tennessee	Nursery Plants/Parts	34
Washington	Nursery Plants/Parts	30
Utah	Nursery Plants/Parts	1



## OU GIS Data Collection Software

In collaboration with OU, GIS software is being developed for data collection in the field. This software is meant for use with some of the nursery and CAPS surveys including Forest Pest, Imported Fire Ant, Japanese Beetle, Karnal Bunt, Sudden Oak Death (*P. ramorum*), and Sweet Potato Weevil. Many maps within these surveys have already been created and tested, and some are currently in use. Below is an example taken from the *P. ramorum* map within the app, which already has data recorded from this year's survey samples.



### *Phytophthora. ramorum* (SOD) Survey

State inspectors are watching for symptomatic host-associated plants (HAP) species during their general nursery inspections. If they see any plants showing symptoms for *P. ramorum*, they are taking samples and sending to the OSU Diagnostic lab for identification. We have only taken a few samples so far this year that have tested positive for *Phytophthora* but none that have tested positive for *P. ramorum*.

CPS inspectors also do trace forwarding on HAP plants shipped from Sudden Oak Death (SOD) positive nurseries. Nurseries that have had positive SOD samples are required to report shipment of HAP to each state they ship.

Using the Collector app and Data Viewer/Editor within the GIS system makes it very easy to look at survey results. Here is an example of the data records of a few *P. ramorum* inspections completed in the last few weeks.

Remorum Blight Map												
Counties												
Options Filter by map extent Zoom to Clear selection Refresh												
created_user	created_date	last_edited_user	last_edited_date	County	Facility Name	Facility Town	Host	Cultivar	Number of plants	sample_status	Sample Number	Plant Source
R.London	3/10/2021, 12:08 PM	R.London	3/10/2021, 12:18 PM	Delaware (041)	Lowe's #1752	Grove	Pieris	Valley Rose	21	Not Sampled	PRAM	Means Nurseries Scappoose, OR
R.London	3/10/2021, 12:12 PM	R.London	3/10/2021, 12:16 PM	Delaware (041)	Lowe's #1752	Grove	Rhododendron	P.J.M.	35	Not Sampled	PRAM	Means Nurseries Scappoose, OR
J.Nunnery	3/10/2021, 12:29 PM	J.Nunnery	3/10/2021, 12:29 PM	Cherokee (021)	Park Hill Nursery	Park Hill	Azalea	Midnight Flare	33	Not Sampled	PRAM	Park Hill Nursery
J.Nunnery	3/10/2021, 12:47 PM	J.Nunnery	3/10/2021, 12:47 PM	Cherokee (021)	Park Hill Nursery	Park Hill	Azalea	Macrantha Orange	33	Not Sampled	PRAM	Park Hill Nursery
J.Nunnery	3/10/2021, 12:49 PM	J.Nunnery	3/10/2021, 12:49 PM	Cherokee (021)	Park Hill Nursery	Park Hill	Azalea	Autumn Twist	22	Not Sampled	PRAM	Park Hill Nursery
J.Nunnery	3/10/2021, 12:51 PM	J.Nunnery	3/10/2021, 12:51 PM	Cherokee (021)	Park Hill Nursery	Park Hill	Azalea	Elsie Lee	30	Not Sampled	PRAM	Park Hill Nursery
Joe.Rackley	3/11/2021, 1:09 PM	Joe.Rackley	3/26/2021, 6:33 PM	Cherokee (021)	PHN	TAHLEQUAH	Camellia	C. japonica and C hybrid Mountain Snow	0	Sampled	PRAMpond2a	n/a
Joe.Rackley	3/11/2021, 1:14 PM	Joe.Rackley	3/26/2021, 6:34 PM	Cherokee (021)	Park Hill Nursery	Tahelquah	Camellia	C. japonica x C. hybrid mountain snow	0	Sampled	PRAMpond2b	n/a
Joe.Rackley	3/11/2021, 1:27 PM	Joe.Rackley	3/26/2021, 6:35 PM	Cherokee (021)	PHN	Tahelquah	Camellia	C. japonica and C. hybrid	0	Sampled	PRAMpond1b	n/a

## Industrial Hemp Program

### Hemp

Hemp Growers	Hemp Acres	Hemp Sq. Ft
23	495	18,222

We have 10 licensed hemp processors/handlers.

Caroline Nelson, Hemp Program Administrator is currently working on a National Hemp Regulator Performance Based Sampling Committee.

### Apiary

Bee swarm season in Oklahoma has begun and we are receiving calls searching for beekeepers to collect the swarms. ODAFF has worked with the Oklahoma State Beekeepers Association and the Northeast Oklahoma Beekeepers Association to provide contacts for the public for bee swarm collection.

## AGRICULTURE RESOURCE SECTION

### Feed Program

#### Program Performance

During this reporting period there were a total of 293 official feed samples analyzed, with 1291 feed determinations made from these samples. These determinations resulted in the issuance of 9 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. Other violations include Crude Fat and Potassium

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 February 2021 – March 2021**

Nutritional Guarantee	Number of Label Violations		
	February <sup>1</sup>	March <sup>2</sup>	Two Month Total
Crude Protein	4	7	11
Non-protein Nitrogen	0	0	0
Crude Fat	0	1	1
Crude Fiber	0	0	0
Calcium	0	0	0
Phosphorus	0	0	0
Salt	0	0	0
Manganese	0	0	0
Potassium	0	1	1
Copper	0	0	0
Iron	0	0	0
Zinc	0	0	0
Vitamin A	0	0	0
Medicated Feed	0	0	0
<b>Total</b>	<b>4</b>	<b>9</b>	<b>13</b>

<sup>1</sup> 138 feed samples analyzed with 379 determinations; <sup>2</sup> 293 feed samples analyzed with 1291 determinations

**Table 2. Feed Stop Sale Summary February 2021 – March 2021**

Nutritional Guarantee	Number of Stop Sales		
	February <sup>1</sup>	March <sup>2</sup>	Two Month Total
Crude Protein	0	0	0
Non-protein Nitrogen	0	0	0
Crude Fat	2	0	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
<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>

<sup>1</sup> 138 feed samples analyzed with 379 determinations; <sup>2</sup> 293 feed samples analyzed with 1291 determinations

## Weights & Measures Program

The large capacity scale technicians inspected 17 vehicle scales and 35 ranch scales, 1 vehicle scale and 1 ranch scale were rejected for repairs.

It's not too late to get a ranch scale tested. We will be continuing ranch scale testing for about two more weeks. 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](mailto:gary.smith@ag.ok.gov) to request a scale test.

CPS inspectors checked a total of 1,368 small scales and 25 platform scales during this period, 36 scales were rejected. There were 31 random pack inspections and 72 standard pack inspections conducted that resulted in 1 stop sale orders and 3 companies receiving letters of warning. Additionally, 118 price verification inspections were conducted at various retailers. One scale company received a Letter of Warning for not submitting a placing in service report on repairs they completed.

## **Fertilizer Program**

### Program Performance

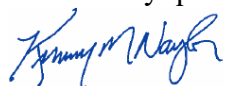
Below you will find the Performance Numbers for the Fertilizer and Agricultural Lime Programs for the listed time period.

<b>Type of Sample</b>	<b>Number</b>
Fertilizer	207
Lime	14

<b>Letters of Warning</b>	<b>Penalty Fee Letters</b>	<b>Notice of Deficiency: Stop Sales</b>	<b>Total Deficient Samples</b>
1	6	1	7

<b>Type of Investigation</b>	<b>Number</b>
Dry Fertilizer Facility	11
Liquid Fertilizer Facility	5
Pre-Site Facility	3
Anhydrous Ammonia Storage Tanks	21 (34 Total Tanks)
Anhydrous Ammonia Nurse Tanks	28 (592 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  
May 5, 2021  
Activities March 13, 2021 – April 16, 2021

**Animal Disease Traceability:**

On March 17, Dr. Gorczyca met with Randy Taylor and Dr. Barry Whitworth to continue the discussion of collaborating with OSU Extension in the distribution of the RFID tags.

We will have the opportunity again this year to apply for supplemental cooperative agreement funds to purchase RFID equipment and tag applicators. This year, the focus of the proposal will be to provide RFID readers to accredited veterinarians, veterinary technician programs, and OSU Extension. An RFID wand was purchased with last year's supplemental funds and will be provided to the OSU College of Veterinary Medicine.

**Aquaculture:**

There was no activity of note during this time period.

**Biologics:**

During this time period we completed the biological product renewals for the year. We registered 758 biological products that resulted in \$151,600 of revenue. We have begun to issue stop sale notices to biological companies that have not responded to multiple attempts to contact them to either renew or cancel products previously registered.

**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:**

We completed the testing of the beef herd in Cimarron County. We now have two complete herd tests with no additional finding of positive cattle, so the quarantine has been released. An assurance test will be required on this herd in the fall.

Assurance tests will be required on the two dairies that were involved last year as well.

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

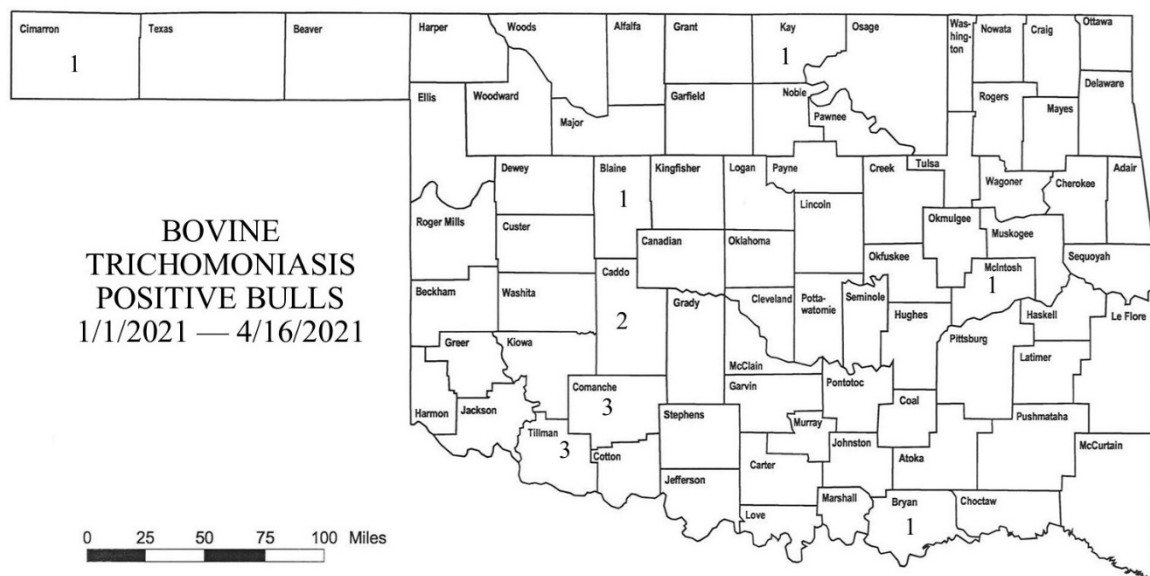
### **Johne's Disease:**

During this reporting period of 2020 we received 13 positive reports on 10 new premises and in 2021 we have 11 positive reports on 8 new premises. 2020 year to date we received 38 positive reports on 29 new premises and in 2021 we received 43 positive reports on 38 new premises. Johne's disease continues to be a disease of low priority and awareness for most producers. Education is still needed for prevention, management, and elimination. Testing strategies are important challenges for producers and veterinarians.

Dr. Stone visits with veterinarians and producers to help with testing strategy, husbandry practices, risk, and education.

### **Trichomoniasis:**

During this time period 3,301 Oklahoma bulls were tested, and 4 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.



7,058 bulls tested / 13 positive = 0.18% positive

Our current statistics compare to 2.1% positive bulls in 2011, 14% 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 (FMD Functional Exercise) planning call on March 15 and on April 19.

Dr. Gorczyca participated on the Secure Beef Supply permitting drill planning call on April 13.

Oklahoma has been invited to participate in a virtual tabletop exercise focusing on FMD vaccine planning efforts in the dairy, swine, and beef industry. This exercise will be facilitated by the Institute of Infectious Animal Diseases and be held May 24-May 27. We will be participating May 25 (swine), May 26 (beef), and May 27 (all commodities). We will provide the opportunity for participants to either attend virtually or in-person.

**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.

The spread of Equine Herpes Virus-1 in Europe has begun to slow. This outbreak started at a large equine event in Valencia, Spain and spread to 12 other countries and resulted in equine events being cancelled across Europe. That strain of EHV-1 appeared to be more contagious than what has been observed in previous outbreaks. The USDA has continued their increased monitoring for disease symptoms at the ports and brokers and haulers continue to require EHV-1 testing of horses prior to moving horses from the port of entry. There continue to be confirmed cases of EHV-1 in the United States but none of these have been traced back to the European outbreak. ODAFF hosted a video call with equine owners, event managers, and veterinarians to discuss the importance of vaccination, event preparedness, and monitoring horses during and after returning from events.

**Farmed Cervidae Programs:**

36 warning letters were mailed to program participants who did not submit their license renewal applications by the April 1<sup>st</sup> deadline.

**Feral Swine:**

26 warning letters were mailed to program participants who did not submit their license renewal applications by the April 1<sup>st</sup> deadline.

On February 9, 2021 Feral Swine APO Nichole Carrillo received an email concerning abuse of captive hogs for one of our Feral Swine Sporting facilities in Okfuskee County. The complainant had been to the facility in February 2021 and was very concerned about the condition of the hogs and their feeding practices. This gentleman had been to the facility each year for the past 5 years and said this was the worst it has ever been. AIS Field Veterinarian Dr. Gary Stone and Inspector Brice Callahan contacted the producer and completed a full investigation of the facility on April 14, 2021. They gave the producer guidelines and dietary suggestions. They will do a follow up in four to six weeks.

### **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 cases in the United States slowed through the winter months but have increased since the last board report. This virus has been detected in wild and/or domestic rabbits in 12 states. The reported positive case in Arkansas was determined to be a lab reporting error and after further laboratory review, the case was reported as negative for RHDV. 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 two FAD investigations during this time frame. One involved a flock of chickens with high death loss that potentially could have been Avian Influenza. The second was a cow with vesicular lesions that could have been Foot and Mouth Disease. Thankfully neither of the investigations revealed a FAD.

### **Livestock Market Audits:**

During this period, staff has approved the application for multiple livestock market changes. Bo Bookout and Monty Baker have leased the market at Okmulgee and begun operating Okmulgee Stockyards on April 1<sup>st</sup>. The auction plans to host a weekly cattle sale as well as monthly horse, sheep, and goat sales. Also, the Varner family has sold their Bristow facility to Rikki and Glen Vanorsdol. The new owners began operations at Mid America Livestock Marketing on April 17. The new venture plans to continue the weekly and cattle sale on Saturdays. In addition to these two new licensees, this department has been working with two other markets on the cusp of ownership change, as well as a new startup facility for sheep and goats near McAlester. Also, during this period, several livestock market custodial account audits were performed with no violations discovered.

#### **Livestock Auction Market Activities**

Auction market licenses issued	2
Auction market licenses pending	1
Market custodial audits completed	7
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

### **Outreach:**

Our LSIs and VMOs were joined by APHIS personnel in checking the livestock test and health documentation as they arrived at OYE. In an attempt to reduce the risk of pigs affected with PEDv being shown we required a Certificate of Veterinary Inspection within 72 hours of arrival and a statement on certificate "The Farm of origin of swine has not had any clinical signs or diagnosis of PEDv in the last 10 days". We encouraged



shows to develop policies for removal or isolation of all sick swine provided information on biosecurity, cleaning, and disinfecting. Our LSIs and VMOs worked to educate OYE participants on biosecurity and to report animals that were not normal. Our VMOs walked the swine barns twice a day during the show looking for early symptoms of PEDv and Seneca Valley Virus, visiting with swine participants and educating on biosecurity. In the barrow show we had three confirmed positive tests for PEDv but that was in the premium sale barrows. The gilt show was delayed for a week and they were stalled in a different barn. We had no reports of PEDv in the gilt show.

On March 24<sup>th</sup> we hosted our regular VMO meeting virtually where veterinarians from ODAFF, USDA, OSU Extension, and Arkansas meet to discuss ongoing cases, changes in regulations, and disease outbreaks that potentially can cause problems in our state.

On April 6 our Field Staff was in for a meeting we try to do quarterly. The meeting was the first in person in almost a year. It allowed the LSIs to get computers updated, re-supply their trucks, get new assignments, and conduct other necessary business.

On April 15, Dr. Gorczyca and Dr. Proctor provided a Trichomoniasis training to 4<sup>th</sup> year veterinary students that discussed testing and submission protocols as well as the regulations in the state.

#### **Poultry Programs:**

There were 13 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 30 total cases submitted for 2021.

Drs. Ruby, Stone, and I, as well as Poultry APO Sherrie Davis attended the virtual meeting of the Poultry Health Advisory Committee. PHAC is comprised of State and Federal Regulatory Officials and Industry representatives from Oklahoma, Arkansas, and Missouri.

#### **Rabies in Livestock:**

On April 8<sup>th</sup> we received a positive report of rabies in a cow with human exposure. Dr. LeMac Morris, State Public Health Veterinarian, visited with the owner. Dr. Stone called to follow up and answer concerns with the owner.

#### **Sheep and Goat Programs:**

March 2 we were notified of the purchase by 2 Oklahoma producers of sheep originating from a *Brucella ovis* culture positive flock. *Brucella ovis* is different in many ways than the more well-known *Brucella* species that affect cattle, swine, and goats. On March 30<sup>th</sup> we held a zoom meeting with national experts on the disease, testing strategy and management plans. On April 7<sup>th</sup> we held a staff meeting to develop a consensus for the plan. Since *B. ovis* is not a USDA program disease there is no funding available for indemnifications. It is not a zoonotic threat and is not as devastating to an infected flock as the other *Brucellas* are. For these reasons we made the decision to not treat this as a regulatory problem but to make the producers aware and assist them in developing strategies to reduce the impact, if any, on their flocks.

**Swine Programs:**

Prior to OYE we had received reports and test confirmation of PED virus affecting show pigs at area livestock shows. In 2019 PEDv did break at OYE and severely affected the show and gilt sale. The gilt sale is a big event and buyers from across the nation purchase these animals for addition to their herds. USDA estimates that the disease caused death to 8.8 million pigs in 2015. PEDv is most severe in the young piglets causing severe diarrhea and extremely high death rates. As pigs increase in size and age the disease becomes milder with most pigs recovering after a couple of weeks of severe diarrhea. Spreading within this show population could potentially spread the disease across a large portion of the nation.

In an attempt to reduce the risk of pigs affected with PEDv being shown we required a Certificate of Veterinary Inspection within 72 hours of arrival at the event and a statement on the certificate "The Farm of origin of swine has not had any clinical signs or diagnosis of PEDv in the last 10 days".

We believe these measures helped raise awareness of the issue and helped slow down the disease. OYE Management changed the order of the show and the housing location of gilts. We believe the combination of the actions OYE took plus the movement restrictions we placed controlled the disease and its transmission so OYE went off with very few cases.

**Miscellaneous:**

On March 19<sup>th</sup> we received a positive report of Chlamydia abortion in a goat. Chlamydia is potentially zoonotic. Dr. LeMac Morris, the Oklahoma Department of Health Public Health Veterinarian was notified and shared information. Dr. Stone consulted with the veterinarian and the owner about risk, management, and treatment options.

On March 31<sup>st</sup> Secretary Arthur, Associate Commissioner Rowlett, Dr. Gorczyca, and I met virtually with several Oklahoma Department of Wildlife Conservation personnel regarding ODWC's proposal to relocate elk from the Wichita Mountains Wildlife Refuge to private lands west of I-35 in the Arbuckle Mountains west of Davis, OK. I believe ODAFF's responsibility is to ensure that the elk have any diseases that could potentially negatively impact domestic livestock in the area of the release. We discussed potential strategies to verify disease freedom and concerns ODWC has with some of the testing we suggested. We are gathering more information and will continue the discussions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Rod Hall DVM".

Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry**  
**Wildlife Services Division**  
**Board Report for March 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 575 properties with an estimated 1,689,005 acres of land under agreement. Additionally, WS helped 228 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 \$479,201 during this period. Beaver damages accounted for losses totaling \$157,934. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$51,254. Feral swine damages accounted for losses totaling \$266,131, while other species of wildlife were responsible for \$3,882 in damages to property, agriculture, and livestock.

## Providing Wildlife Services

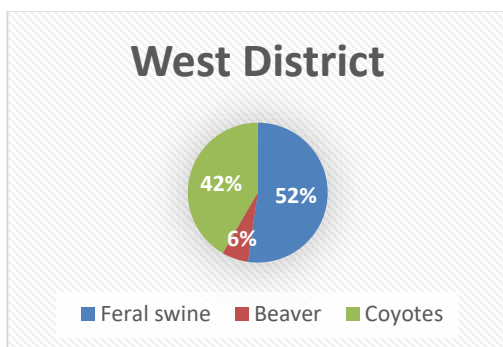


Figure 1: Percent of Species Removed in West District, March 2021

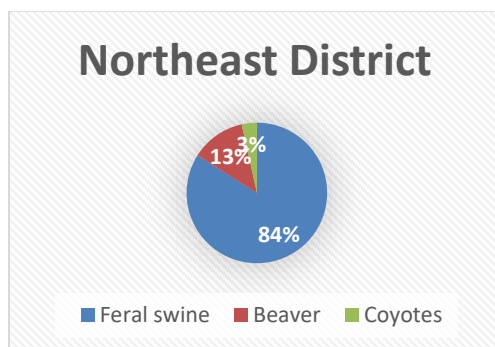


Figure 2: Percent of Species Removed in the Northeast District, March 2021

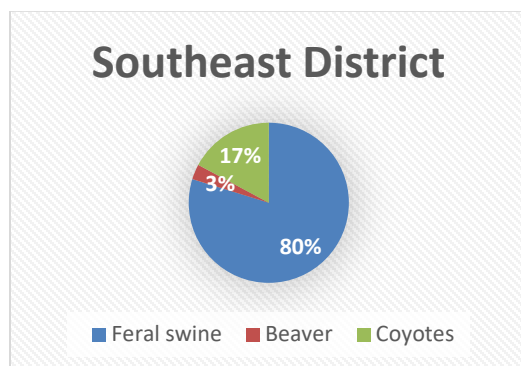


Figure 3: Percent of Species Removed in the Southeast District, March 2021

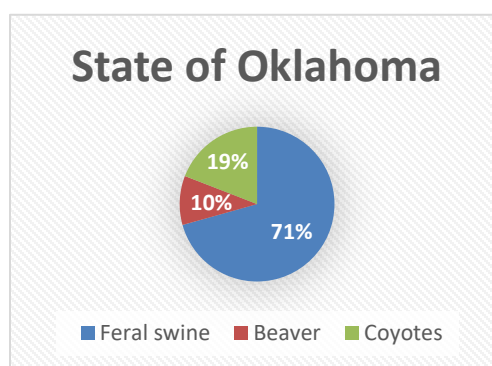


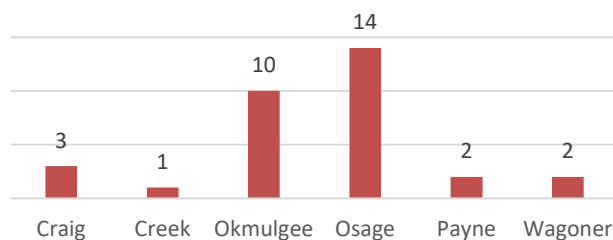
Figure 4: Percent of Species Removed in the State, March 2021

### **Coyote Damage Management**

On March 1<sup>st</sup>, a Roger Mills County livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed two calves valued at \$1,763. The Wildlife Specialist assigned to Roger Mills County examined the carcass and verified that coyotes were responsible for the loss of the calf. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. The Specialist used foothold traps and snares to remove 25 coyotes from the property. Work on this property is completed.

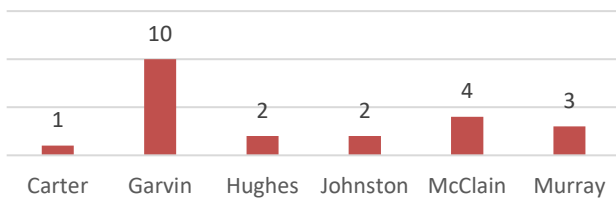
On March 1<sup>st</sup>, a Beaver County rancher contacted WS for assistance with coyote damage management. The rancher reported coyotes were responsible for killing one calf valued at \$1,500. The Wildlife Specialist for Beaver County responded to the request and verified coyotes were responsible for the predation. Management efforts were successful in quickly removing 12 coyotes from the immediate area. No further losses have been reported to date.

Figure 5: COYOTES REMOVED  
NORTHEAST DISTRICT MARCH  
2021



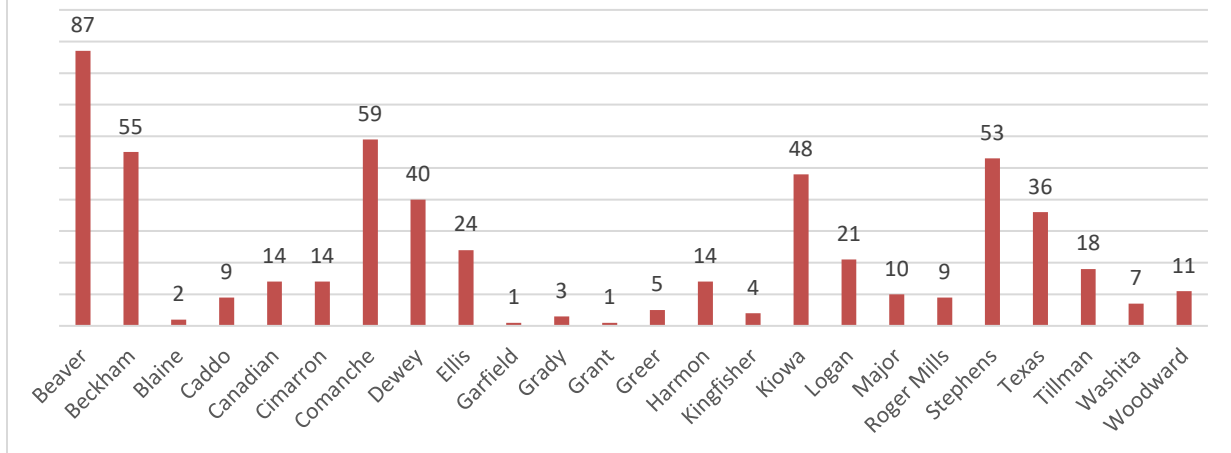
On March 8<sup>th</sup>, a Cimarron County rancher contacted WS for assistance with coyote damage management. The rancher reported that coyotes were responsible for the loss of four calves valued at \$3,526. The Wildlife Specialist assigned to Cimarron County responded and verified the loss of one calf to coyotes. Control efforts were successful in removing 17 coyotes from the immediate area with no further losses reported to date.

Figure 6: COYOTES REMOVED  
SOUTHEAST DISTRICT MARCH  
2021



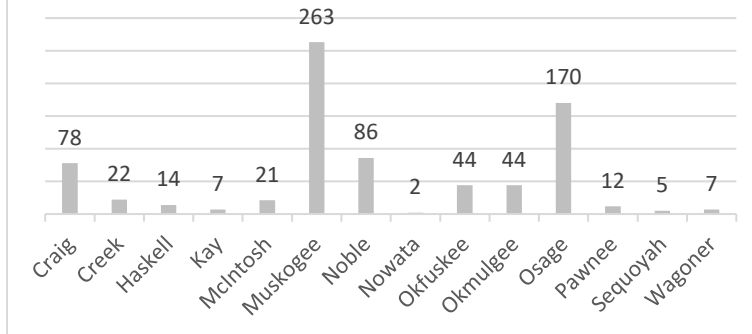
A Love County rancher contacted WS for assistance with coyote damage management on March 2<sup>nd</sup>. The rancher reported that coyotes were responsible for killing eight kid goats valued at \$820. The Wildlife Specialist for Love County responded to the request and confirmed coyotes were responsible for the predation. Management efforts were successful in removing four coyotes from the immediate area. No further losses have been reported to date.

Figure 7: COYOTES REMOVED WEST DISTRICT MARCH 2021



### **Feral Swine Damage Management**

Figure 8: FERAL SWINE REMOVED NORTHEAST DISTRICT MARCH 2021

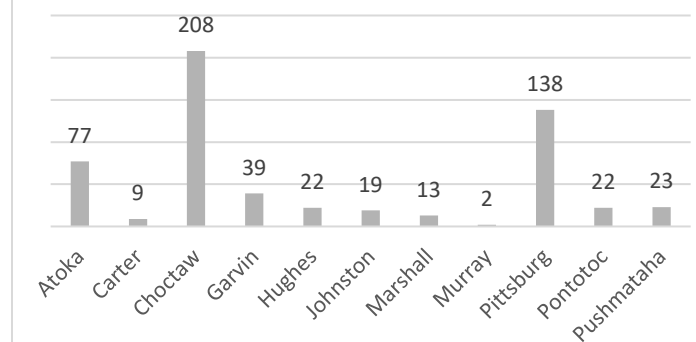


On March 16<sup>th</sup>, WS received a call from an Okmulgee County landowner that feral swine were rooting up his pasture. After investigating the property, damage was verified. WS removed 20 feral swine utilizing a live trap. Work is ongoing at this time and the landowner was instructed on fencing methods and environmental changes to help prevent future damage.

On March 5<sup>th</sup>, a Custer County landowner requested assistance with feral swine destroying stored haybales. The landowner reported that feral swine were responsible for damaging 60 bales valued at \$3,600. The Wildlife Specialist assigned to Custer County responded to the request and verified the damage. The Specialist utilized a live trap to remove 18 feral swine. Activity is being monitored to determine if further management is needed.

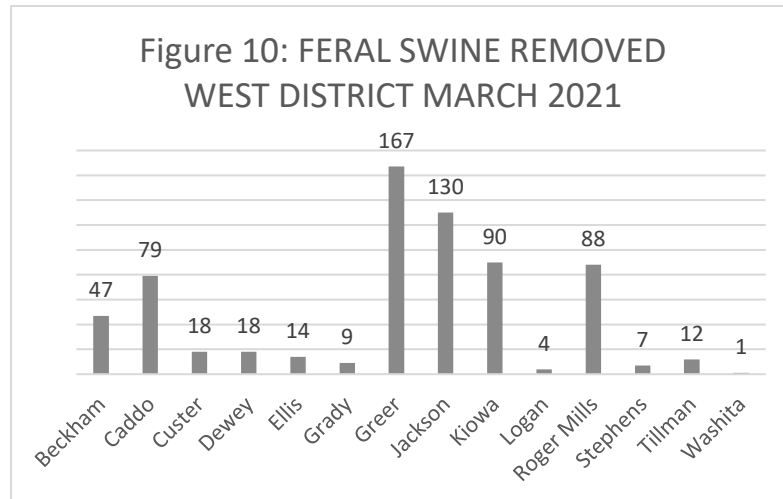
On March 8<sup>th</sup>, a Jackson County landowner requested assistance with feral swine rooting in his pastures. The Wildlife Specialist assigned to Jackson County responded to the request and verified the damage valued at \$2,000. The Specialist utilized a live trap to

Figure 9: FERAL SWINE REMOVED SOUTHEAST DISTRICT MARCH 2021



remove 37 feral swine. Activity is being monitored to determine if further management is needed.

On March 10<sup>th</sup>, a Greer County landowner requested assistance with feral swine damaging his pastures and wheatfields. The Wildlife Specialist for Greer County responded to the request and verified the damage valued at \$750. The Wildlife Specialist utilized a live trap to remove 33 feral swine from the property. Activity in this area is closely being monitored to determine if further management is needed.



On March 18<sup>th</sup>, Wagoner County landowner contacted WS with a complaint of feral swine damage to his property. WS met with the landowner and verified approximately ten acres of his 60 acres had been rooted up to the point that substantial dirt work will be required to smooth out and re-seed the pasture. Damages were estimated at \$1,800. Prebaiting in a live trap has begun, while waiting for the entire sounder to enter the trap.

The landowner has been instructed on fencing methods and environmental changes that can be employed to help prevent future damage.

On March 18<sup>th</sup>, WS was contacted by a McIntosh County farmer with a request for feral swine damage control. The farmer reported feral swine were damaging his wheat valued at \$1,500. The Specialist responded to the request and verified the damage reported. The Specialist utilized trapping to remove 32 feral swine from the area. Work is ongoing at this time and the farmer has been instructed on fencing methods and environmental changes that can be applied to help prevent future damage.

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

On March 15<sup>th</sup>, a Pontotoc County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. A Wildlife Specialist responded to the request and confirmed feral swine were responsible for an estimated \$1,200 in damages to the property. Remote camera traps and were used to remove 24 feral swine from the immediate area. No further losses have been reported to date.

On March 1<sup>st</sup>, a Murray County landowner contacted WS for assistance with feral swine. The landowner reported feral swine were responsible for rooting his wheat field and pastures. The

Wildlife Specialist for Murray County responded to the request and confirmed feral swine were responsible for an estimated \$4,000 in damages to the property. Remote camera traps were utilized to remove 78 feral swine from the immediate area. No further losses have been reported to date.

On March 17<sup>th</sup>, a Choctaw County rancher contacted WS for assistance with feral swine. The rancher reported feral swine were responsible for rooting his pastures. A Wildlife Specialist responded to the request and confirmed feral swine were responsible for an estimated \$2,500 in damages to the property. Camera traps were used to remove 47 feral hogs from the immediate area. No further losses have been reported to date.

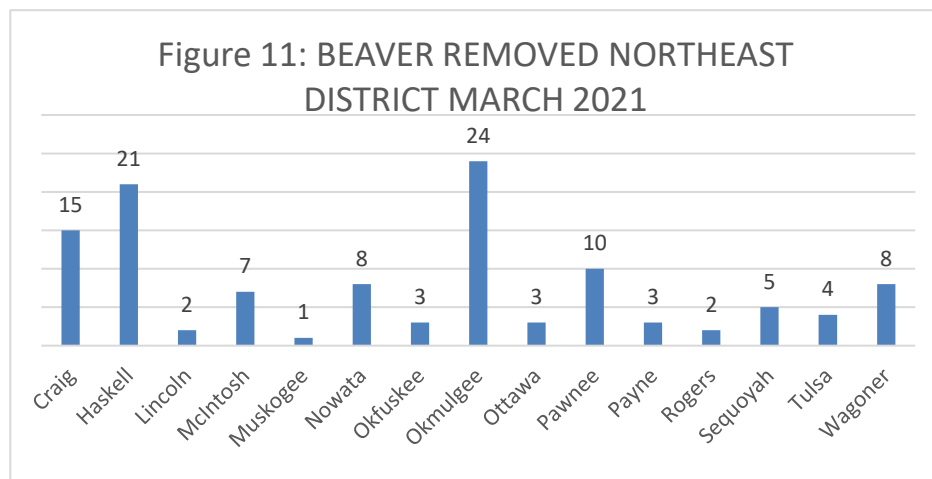
### **Aerial Gunning Operations**

On March 3<sup>rd</sup>, aerial operations were conducted on Waurika Wildlife Management Area (WMA) and on Corp of Engineers (COE) property around Waurika Lake within the Western Red River Project. Operations were conducted to reduce damage in the public use areas (camping areas) which are valued at \$10,000, to reduce damage on COE property, and to reduce damage to wildlife habitat on the WMA. Removal of hogs in these areas also helped reduce damage that was occurring on private property around the lake. Aerial operations with the helicopter were successful in removing 284 hogs from the area. Additional aerial hunting operations are planned for next month to further reduce damage in this area.

### **Beaver Damage Management**

On March 1<sup>st</sup>, a Grady County landowner contacted WS for assistance with beaver that were responsible for burrowing into his dam structure. The Specialist for Grady County responded and verified beaver were responsible for \$750 in damage to the structure. The Specialist successfully utilized conibear traps to remove five beaver from the pond. Control efforts are completed at this time and no further losses have occurred.

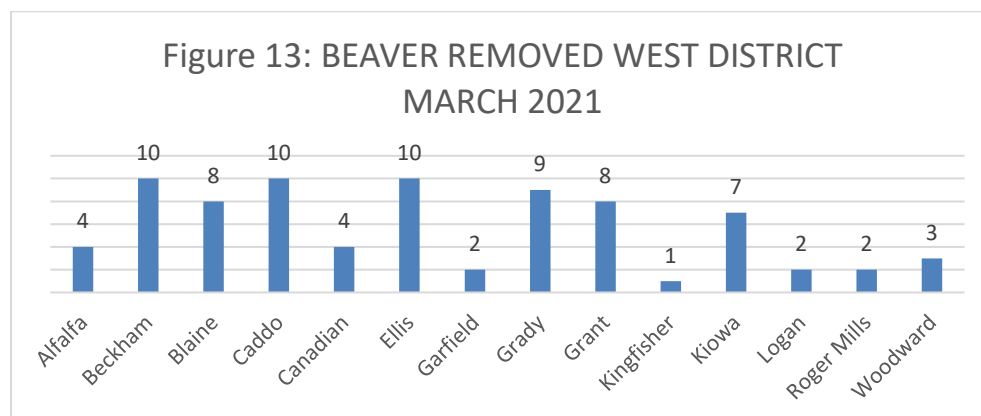
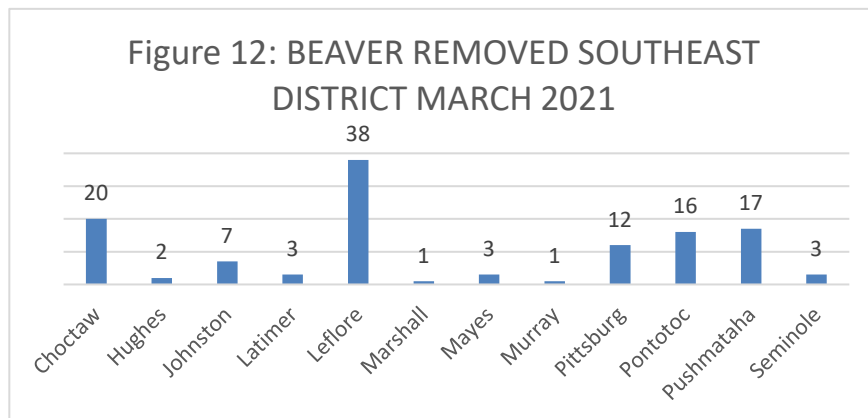
On March 8<sup>th</sup>, an Ellis County landowner contacted WS for assistance with beaver damage management. The landowner reported beaver were flooding one of his pastures. The Wildlife Specialist for Ellis County responded to the request and confirmed beaver were responsible for an estimated \$500 in damages to the area. Management efforts were successful in quickly removing the beaver.



On March 15<sup>th</sup>, WS was contacted by a Pawnee County resident with a report of beaver being responsible for an estimated \$1,000 worth of damage to his pond dam. The Specialist responded to the request and verified that beaver were responsible for the damage and is currently utilizing conibear traps and night shooting to remove the beaver causing the damage. The resident was instructed about environmental changes and beaver dam removal methods that can be applied to help prevent future damage.

A McCurtain County landowner contacted WS for assistance with beaver damage management on March 3<sup>rd</sup>. The landowner reported that beavers were responsible for damming up a creek that caused an estimated \$1,200 in flood damages to the surrounding area. The Wildlife Specialist for McCurtain County responded

to the request and verified beaver were responsible for the flood damages to the area. Conibear traps were successful in quickly removing the beaver from the area. Control efforts are complete at this time.



On March 10<sup>th</sup>, a LeFlore County Commissioner contacted WS for assistance with beaver damage management. The Commissioner reported beavers were responsible for damming up a creek and flooding an adjoining county roadway. WS responded to the request and verified approximately \$2,500 in flood damages to the area. Conibear traps were successful in removing 12 beaver from the area with control efforts completed at this time.

On March 1<sup>st</sup>, a Latimer County Commissioner contacted WS for assistance with beaver damage management. The Commissioner reported beavers were responsible for damming up a culvert and flooding an adjoining county roadway. WS responded to the request and verified approximately \$1,200 in flood damages to the area. Conibear traps were successful in removing nine beaver from the area with control efforts completed at this time.



### **Black Vulture Damage Management**

A Love County rancher contacted WS for assistance with Black vulture damage management on March 4<sup>th</sup>. The rancher reported the vultures were responsible for killing two calves valued at \$1,000. The rancher also reported that surrounding area ranchers were also experiencing damages from Black vultures. The Wildlife Specialist for Love County responded to the request and confirmed Black vultures were responsible for the losses. Management efforts were successful in removing 168 Black vultures with cage traps. No further losses have been reported to date. Predation from Black vultures on livestock have become increasingly extensive in this area. Below are live traps on farms and ranches used by WS to alleviate predation on newborn calves.



Figure 14: Black Vultures captured in Love County



Figure 15: Black vultures captured in McGee Creek

Table 1: Beaver, Coyote, and Feral Swine removal in the State, March 2021

County	Beaver	Coyote	Feral swine	District
Adair				NE
Alfalfa	4			W
Atoka			77	SE
Beaver		87		W
Beckham	10	55	47	W
Blaine	8	2		W
Bryan				SE
Caddo	10	9	79	W
Canadian	4	14		W
Carter		1	9	SE
Cherokee				NE
Choctaw	20		208	SE
Cimarron		14		W
Cleveland		1		C
Coal				SE
Comanche		59		W
Cotton				W

Craig	15	3	78	NE
Creek		1	22	NE
Custer			18	W
Delaware				NE
Dewey		40	18	W
Ellis	10	24	14	W
Garfield	2	1		W
Garvin		10	39	SE
Grady	9	3	9	W
Grant	8	1		W
Greer		5	167	W
Harmon		14		W
Harper				W
Haskell	21		14	NE
Hughes	2	2	22	SE
Jackson			130	W
Jefferson				SE
Johnston	7	2	19	SE
Kay			7	NE
Kingfisher	1	4		W
Kiowa	7	48	90	W
Latimer	3			SE
Leflore	38			SE
Lincoln	2			NE
Logan	2	21	4	W
Love				SE
Major		10		W
Marshall	1		13	SE
Mayes	3			SE
McClain		4		SE
McCurtain				SE
McIntosh	7		21	NE
Murray	1	3	2	SE
Muskogee	1		263	NE
Noble			86	NE
Nowata	8		2	NE
Okfuskee	3		44	NE
Oklahoma	7	7	215	C
Okmulgee	24	10	44	NE
Osage		14	170	NE
Ottawa	3			NE
Pawnee	10		12	NE

Payne	3	2		NE
Pittsburg	12		138	SE
Pontotoc	16		22	SE
Pottawatomie				NE
Pushmataha	17		23	SE
Roger Mills	2	9	88	W
Rogers	2			NE
Seminole	3			SE
Sequoyah	5		5	NE
Stephens		53	7	W
Texas		36		W
Tillman		18	12	W
Tulsa	4			NE
Wagoner	8	2	7	NE
Washita		7	1	W
Woods				W
Woodward	3	11		W
<b>TOTAL</b>	<b>326</b>	<b>607</b>	<b>2246</b>	

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

### **Wildlife Disease Sampling**

During the month of March, the Wildlife Services Disease Biologist collected samples from 80 feral swine in 6 Counties; Atoka County, Creek County, Greer County, Muskogee County, Pittsburg County, and Sequoyah 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: March 2021 Feral Swine Sampling

County	# of samples	# of locations
Atoka	27	2
Creek	10	1
Greer	4	1
Muskogee	12	1
Pittsburg	5	1
Sequoyah	22	1
6 Counties sampled	80 Feral Swine sampled	7 sample locations

\*To date, feral swine sample total for FY21 is 308 of the 368 quota

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 Fiscal Year (FY)21 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 (42)(27*)	0	12+	12+
Beckham (15)	0	4+	0
Bryan (40)	0	22+	25+
Carter (10)	0	2+	0
Coal (7)	0	2+	5+
Creek (19)(10*)	0	0	0
Greer (4)(4*)	0	0	0
Johnston (23)	0	9+	8+
Le Flore (3)	0	0	1+
Marshall (13)	0	0	2+
McCurtain (5)	0	2+	1+
Murray (28)	0	7+	0
Muskogee (20)	0	5+	5+
Pittsburg (5)(5*)	0	0	0
Pontotoc (13)	0	1+	5+
Pushmataha (24)	0	9+	14+
Sequoyah (37)	0	2+	7+
Total = 308	0%	25%	27.6%

\*some counties may have incomplete results

## **Aviation Safety**

### **Altus Air Force Base (AAFB)**

March brought the beginning of spring migration to AAFB and with it various changes to the bird strike mitigation measures associated with the changing weather. This start of migration brought an end to wintering waterfowl harassment measures at the City of Altus reservoir and surrounding area, as the associated species have mostly moved out of the local area. Songbirds, blackbirds, and other breeding species have begun to move into the local landscape in ever increasing numbers, shifting mitigation measures on the airfield to address these concerns.

A new technician for the City of Altus agreement started during March, to address damage concerns mutually shared by the city and the base, most notably waterfowl, blackbirds, and pigeons. Pigeon trapping throughout the city resumed with the addition, with general training being the focal point of work for the position for the month. In addition, meetings were held with the base/city to present the work of the agreement to the city council in order to encourage support for the renewal of the positions funding.

AAFB has begun to pursue additional funding for Bird/Wildlife Aircraft Strike Hazard (BASH) work, with a submittal to the 19<sup>th</sup> Air Force to amend the agreement for FY22 to include funding for an additional USDA technician. This funding would help ensure that current programs and efforts had the manpower needed to continue, as well as open the potential for BASH mitigation to occur at Clinton Sherman airfield (KCSM). KCSM is an airfield highly utilized by Air Force aircraft, and a number of recent bird strikes there has highlighted the need for BASH mitigation efforts to be performed.

The Air Force Safety Center also conducted an inspection of the AAFB BASH program in March, as the last inspection was several decades old. USDA personnel facilitated the inspection. Formal results are expected in several months, but the initial findings and feedback were positive.

March saw the first BASH habitat management project initiated at AAFB in a number of years. Mitigation efforts centered on the management of Mississippi kites, which in addition to BASH concerns, also cause injuries to personnel due to their aggressive nest protection tendencies. To mitigate these issues, tree pruning or removal was conducted by USDA personnel to reduce nesting habitat in high foot traffic areas.

#### Will Rogers World Airport (WRWA)

Warmer weather brought increased wildlife activity at WRWA and nesting has begun. Mitigation efforts have been focused on ensuring that wildlife is not using the Airport Operations Area (AOA) and adjacent properties for nesting sites. Several Canada geese and multiple species of ducks (Northern shovelers, Blue-winged teal, and Mallards) have been observed attempting to nest on/near the airport and were hazed or removed during the month of March. WS has also increased mitigation efforts to deal with large numbers of European starlings and Eastern meadowlarks which have been observed on the northern half of the AOA. March has also brought the return of Turkey vultures to the area. These birds present an increased hazard to aircraft due to their large size and behavioral tendency to soar at high elevations as aircraft when they're on approach and takeoff. WS will be increasing efforts to ensure that vulture activity is minimized near the AOA. The coyote breeding season is here which means that coyotes are searching for partners and territory which leads to increases in activity and the risk of a strike. During the month of March, several coyotes were removed from airport property.

#### Tinker Air Force Base (TAFB)

During the month of March, birds have started to migrate back north from their wintering ranges. A significant increase in waterfowl activity has been observed on many of the 17 water structures on TAFB. WS successfully dispersed more than 315 birds and removed 11 Canada geese from local ponds and the golf course area. Gull activity also has been increasing and will continue to rise sporadically throughout the spring, especially during rain events that cause earthworms to surface on runways and taxiways. Pelicans are also moving into the area, a large flock was recently observed moving over the airfield which restricted flying operations for roughly 20 minutes. These birds can weigh as much as 20 pounds and are at the top of the list for damaging strikes. Non-breeding age pelicans will frequently summer in Oklahoma on large area lakes posing a risk to local flying communities.

WS responded to numerous calls of birds in hangars, warehouses, and shopping areas adjacent to TAFB. Several birds were removed and WS provided technical assistance to managers on how

to prevent birds from entering the buildings in the future. WS was successful in working with TAFB Roads & Grounds to fill gaps along airfield fence lines to prevent mammalian species from gaining access to the airfield. As a result coyote sightings on the airfield have recently declined. WS conducts daily fence line checks to monitor for new areas where animals are gaining access.

#### Vance Air Force Base (VAFB)

The Air Force Safety Center Bash team conducted a staff assistant visit (SAV) to inspect the BASH program at VAFB. Recommendations were made on improving the BASH program at VAFB. Additionally WS participated with the base on the bi-annual bird hazard working group. This group consists of TAFB personnel, WS, and other stakeholders that review the BASH program and recommend if changes need to be made, ensuring aircraft safety. WS conducted an interview for a regional radio morning show called “Warrior of the Week” which featured and highlighted WS work at VAFB.

The Air Force Wildland Fire Center assisted VAFB and WS with a prescribed burn on March 7<sup>th</sup>. A total of 192 acres were burned which completed the entire air field over a 3 year time period. The prescribed burn reduces the mowing thatch build up that meadowlarks and other ground nesting birds use for nesting material. This removal of thatch reduces the threat of wildlife/aircraft strikes at the airfield.



Figure 16: Prescribed burn at VAFB

Respectfully submitted,

Scott Alls  
Division Director  
Wildlife Services Division

**March 2021 Activity Report  
for  
May 2021 Board Meeting  
  
Agricultural Statistics Division**

**General:** Rainfall totals averaged 0.16 of an inch across Oklahoma the **first week of March**, with the North Central district recording the highest totals at 0.51 of an inch. According to the March 4th US Drought Monitor Report, drought conditions were rated 31 percent abnormally dry to exceptional drought, the same as the previous week. Additionally, 14 percent of the state was in the moderate drought to exceptional drought category, down 1 percent from the previous week. Statewide, temperatures averaged in the upper 40's to low 50's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals averaged 1.06 inches across Oklahoma the **second week of March**, with the Northeast district recording the highest totals at 2.87 inches. According to the March 9th US Drought Monitor Report, drought conditions were rated 52 percent abnormally dry to exceptional drought, 21 points up from the prior week. Additionally, 23 percent of the state was in the moderate drought to exceptional drought category, up 9 points from the previous week. Statewide, temperatures averaged in the upper 50's to low 60's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals averaged 0.50 of an inch across Oklahoma the **third week of March**, with the North Central district recording the highest totals at 1.27 inches. According to the March 16 th US Drought Monitor Report, drought conditions were rated 48 percent abnormally dry to exceptional drought, 4 points down from the prior week. Additionally, 27 percent of the state was in the moderate drought to exceptional drought category, up 4 points from the previous week. Statewide, temperatures averaged in the upper 40's to low 50's. Topsoil and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals averaged 1.37 inches across Oklahoma the **fourth week of March**, with the Southeast district recording the highest totals at 2.32 inches. According to the March 23rd US Drought Monitor Report, drought conditions were rated 37 percent abnormally dry to exceptional drought, 11 points down from the prior week. Additionally, 12 percent of the state was in the moderate drought to exceptional drought category, down 15 points from the previous week. Statewide, temperatures averaged in the 50's. Topsoil moisture and Subsoil moisture conditions were rated mostly adequate to short.

Winter wheat jointing reached 45 percent, up 3 points from the previous year and up 2 points from normal. Canola blooming reached 3 percent, up 2 points from the previous year but down 14 points from normal. Rye jointing reached 24 percent, down 4 points from the previous year and down 12 points from normal. Oats jointing reached 9 percent, unchanged from the previous year but down 8 points from normal.

Pasture and range condition was rated at 67 percent fair to good. Livestock condition was rated at 84 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:** On March 31, 2021, The Prospective Plantings Report was published. Highlights include:

Oklahoma Upland cotton is forecast at 510 thousand acres, down 3 percent from last year. Growers intend to plant 350 thousand acres of corn, down 3 percent from last year. Producers intend to plant 380 thousand acres of sorghum this year, 25 percent above last year.

Oklahoma winter wheat planted, at 4.30 million acres, is up 1 percent from a year ago. Planted acreage for oats is down 9 percent from last year, at 100 thousand acres

Oklahoma canola acreage increased 17 percent from last year to 14.0 thousand acres. Prospective soybean acreage, at 550 thousand acres, is down 2 percent from last year. Planted acreage for peanuts is forecast at 17.0 thousand acres, up 13 percent from 2020. An estimated 2.70 million acres will be harvested for dry hay this year, down 3 percent from last year.

On April 1, 2021, the Oklahoma Wheat Variety Report was published. Highlights include:

Gallagher is the number one wheat variety planted for the 2021 wheat crop in Oklahoma for the sixth season. Smith's Gold secured the second-place spot with an increase over 2020. Doublestop CL Plus holds on to the third spot. Wheat growers were surveyed by the USDA-NASS Oklahoma Field Office as part of the December Agricultural Survey and Crop Acreage and Production Survey. Funding was provided by the Oklahoma Wheat Commission in cooperation with the Department of Plant and Soil Sciences at Oklahoma State University.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 20. In addition, our internet home page was hit 11,711 times in 2021, which is up 15 percent from 2020.

**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



**Releases for April:**

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

**Relating Dates:**

April 1, 2021  
 April 1, 2021  
 2020 Year  
 2020 Year  
 April 15, 2021

**Release Dates:**

April 9, 2021  
 April 23, 2021  
 April 29, 2021  
 April 29, 2021  
 April 30, 2021

**Meetings and Events:**

OTCAC Producer Webinar AM  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar PM  
 OBHRPI Conference  
 SEB/FAC Meeting  
 NRCS State Technical Meeting  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar AM  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar AM  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar AM  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar PM  
 OTCAC Producer Webinar PM  
 SPR Wheat Object Yield Training

**Date:**

March 4, 2021  
 March 4, 2021  
 March 9, 2021  
 March 20, 2021  
 March 22, 2021  
 March 22, 2021  
 March 24, 2021  
 March 25, 2021  
 March 25, 2021  
 April 6, 2021  
 April 6, 2021  
 April 7, 2021  
 April 7, 2021  
 April 15, 2021  
 April 15, 2021  
 April 19, 2021

**Location:**

Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual  
 Virtual

Respectfully Submitted,



Troy Marshall

# MARKET DEVELOPMENT SERVICES

May 5, 2021

## Report to the State Board of Agriculture

### AG IN THE CLASSROOM

#### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 80
- Total Number of Pre-Service Teachers Impacted: 0
- Total Number of Extension Educators Impacted: 4
- Total Number of Students Directly Impacted by Coordinators: 546
- Total Number of Resources Given: 1,040
- Total Number of Teachers/PreService Teachers Resources Given to: 40
- Total Number of PreK-12th Grade Students Resources Given to: 1,028

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

- The AITC website had 8,755 visits and 7,032 unique pageview visits.
- The AITC monthly email is delivered to 15,220 accounts.
- The AITC Facebook page now has 7,079 followers.
- The AITC Twitter page now has 571 followers.
- Oklahoma AITC Instagram account now has 560 followers.
- Oklahoma AITC Pinterest account now has 144 followers.
- The AITC YouTube channel now has 7,583 views.
- Kahoot: 124 Kahoot games with 3,174 plays.

#### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
25 students - 2nd Grade and 1 teacher	Presenting AITC Coloring Contest Award to student at Timber Creek Elementary	N/A	Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative
2 students - 9th Grade	Presenting AITC Poster Contest Award to student at Timber Creek Elementary	N/A	Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative

25 Kindergarten students - 1 teacher and 1 administrator	Presenting AITC Coloring Contest Award to student at Laverne Elementary	N/A	Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative
60 students - 7th Grade - 12th Grade, 6 teachers and 1 administrator	Presenting AITC Poster Contest Award to student at Lomega High School	N/A	Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative
160 students - PK-6th Grade, 12 teachers and 2 administrators	Presenting AITC Coloring Contest Award to student at Carnegie Elementary	N/A	Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative
270 7th-12th grade students and 30 6th grade students	Morrison High School- National Excellence in Teaching Agriculture award presentation	N/A	Flowers (other awards given at Ag Day)
4 students (2nd-12th), 7 teachers, 4 administrators and 15 family members	Ag Day at the Oklahoma Department of Agriculture	N/A	The Overall Early Childhood, Elementary, Middle School, and High School winners were recognized and given their plaques, Framed picture of their coloring sheet/poster, medal, gift card from Oklahoma Beef Council, and citation from Senator and Representative. The 2020 National Excellence in Teaching Agriculture award winner, 2021 Teacher of the Year, and the 2021 National Excellence in Teaching Agriculture

			award winner were recognized.
--	--	--	-------------------------------

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

Location Resources Were Mailed Or Delivered	
Ellen Ochoa	West Field
Bray Doyle	Parkview Elementary
Tuttle Elementary	Angie Debo
Mizel Jewish Community Day School	Sand Springs Public Schools
Chisholm	Central Elementary
Bryan County Osu Extension Office	Kelley Elementary
Tuttle Elementary	Wickliffe School
Will Rogers	Stephanie Ewald
Durant Virtual School	Anna Turlington
Bennett Es	Rebecca Brandon
Washington Irving Elementary School	David Thornton
	Union City Elementary
	Southern Region AITC Coordinators
	Guymon Extension Office
	Creekwood Elementary

### Ag in the Classroom- Other Events

Event	Highlights
“Outstanding in Their Field” podcast featuring cotton 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 Melody Afill and Lisa Sizelove and Brandon Varner from Frederick, Oklahoma.
Oklahoma AITC Advisory meeting	AITC Advisory met on March 31st at Oklahoma State University. 23 members attended for a meeting, lunch, and tour of the new robotic milker at the Oklahoma State University Dairy Barn.
Oklahoma History Center Agriculture Trunk updated	AITC worked to update the Agriculture trunk for the Oklahoma History Center. The trunk is checked out by teacher’s throughout Oklahoma. Several of our resources are in the trunk and able to be used by educators.

National Ag in the Classroom Southern Region State Contacts Conference	Oklahoma AITC hosted this year's Southern Region State Contacts meeting when Alabama was unable to without people in attendance. We hosted a hybrid conference, with AITC State contacts attending in person and on Zoom. AITC State contacts from Tennessee, Kentucky, and Arkansas attended in person. Each state contact received a box before the conference paid for by National AITC with some Made in Oklahoma products and products related to our tours. They also received AITC resources listed in our resource section. The agenda of the conference is below.	
	<b>Southern Region State Contacts Agenda 2021</b>	
	<b><u>Wednesday, April 14, 2021</u></b>	
	8:00-8:15	<b>Welcome and Introductions</b> Audrey Harmon- Southern Region Representative Scott Christmas- Southern Region Representative
	8:15-8:40	<b>Professional Development Tool Kits Explained</b> Audrey Harmon will unpack and explain the tool kits State Contacts received to explain how the technology components will be used during the tours. The lessons, resources and food items connected to the tours for the day will be explained.
	8:40-9:40	<b>Tour of the OKC National Stockyards/Questions</b> Kelli Payne- Stockyards General Manager
	9:40-10:25	<b>THREE state presentations (15 min each)</b> (10 min sharing and 5 min for questions) <i>9:40-9:55 Networking time</i> <i>9:55-10:10 Tammy Maxey, Virginia</i> <i>10:10-10:25 Jordan Walker, Texas</i>
	10:25-10:30	<b>Break</b>
	10:30-11:30	<b>Tour of Express Beef Ranches/Questions</b> Mark Squires- Vice President of Express
	Beef	
	11:30-11:40	<b>NAITCO Update</b> Tammy Maxey-NAITCO President
	11:40-12:00	<b>Tour of Express Clydesdales/Questions</b> Tabitha Minshull- Clydesdale Barn
	Manager	
	12:00-1:00	<b>Lunch Break</b>
	1:00-2:00	<b>THREE state presentations (20 min each)</b> (10-15 min sharing and 5-10 min for questions) <i>1:00-1:20 Diana Collingwood, Virgin Islands</i> <i>1:20-1:40 Diana Greenough, Micronesia</i> <i>1:40-2:00 Tracy Miskelly, South Carolina</i>
	2:00-3:00	<b>Tour of Just Right Alpacas/Questions</b> John and Janice Robinson- Owners
	3:00-4:00	<b>FOUR state presentations (15 min each)</b> (10 min sharing and 5 min for questions) <i>3:00-3:15 Chris Fleming, Tennessee</i> <i>3:15-3:30 Scott Christmas, Kentucky</i> <i>3:30-3:45 Olgaly Ramos, Puerto Rico</i> <i>3:45-4:00 Matt Jackson, Arkansas</i>

		<b><u>Thursday, April 15, 2021</u></b>
	8:00-8:15	<b>Welcome and Introductions</b> Audrey Harmon- Southern Region Representative Scott Christmas- Southern Region Representative
	8:15-8:40	<b>Professional Development Tool Kits Explained</b> Audrey Harmon will unpack and explain the tool kits State Contacts received to explain how the technology components will be used during the tours. The lessons, resources and food items connected to the tours for the day will be explained.
	8:40-9:40	<b>Tour of A Bar Ranch Cattle and Horses/Questions</b> Merrit Armitage- Co-Owner
	9:40-10:40	<b>FOUR state presentations</b> (15 min each) (10 min sharing and 5 min for questions) <i>9:40-9:55 Michele Smoot, North Carolina</i> <i>9:55-10:10 Becky Sponholtz, Florida</i> <i>10:10-10:25 Lynda Danos, Louisiana</i> <i>10:25-10:40 Lauren Goble, Georgia</i>
	10:40-10:50	<b>Break</b>
	10:50-12:00	<b>Tour of Miller Pecans/Questions</b> Kalyn Grokett Brand Manager
	12:00-1:00	<b>Lunch Break</b>
	1:00-2:00	<b>THREE state presentations</b> (20 min each) (15 min sharing and 5 min for questions) <i>1:00-1:20 Clara Bilbo, Mississippi</i> <i>1:20-1:40 Kim Earwood, Georgia</i> <i>1:40-2:00 Melody Aufill, Emily Ague, Ok</i>
	2:00-2:30	<b>Virtual PD Strategies-</b> States share <i>Oklahoma- Journey 2050 Kits</i> <i>Tennessee</i>
	2:30-3:00	<b>Professional Development Tool Kits Q&amp;A-</b> Audrey Harmon will answer questions state contacts have about the tool kits State Contacts received. This will allow the state contacts to clarify how the items were used and ask any questions about the items.
	3:00-3:40	<b>NCAL Lesson Demonstration</b> Lynn Wallin- Elementary Lesson demonstration Andrea Gardner- High School Lesson demo
	3:40-4:00	<b>Wrap-up/Review/Final Questions</b>

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

Type	Website URL
Added Ag Day video to the website	<a href="https://www.youtube.com/watch?v=K2y-Mww_a6g">https://www.youtube.com/watch?v=K2y-Mww_a6g</a>
Updated Lesson: The Art of Growing Things	<a href="https://cdn.agclassroom.org/ok/lessons/intermed/artgrow.pdf">https://cdn.agclassroom.org/ok/lessons/intermed/artgrow.pdf</a>
Updated Lesson: How to Pick the Best	<a href="https://cdn.agclassroom.org/ok/lessons/intermed/buyveg.pdf">https://cdn.agclassroom.org/ok/lessons/intermed/buyveg.pdf</a>

## AGRITOURISM

### Agritourism - Site Visits

Producer	Location	Category	Highlights
OKC Farmers Public Market	OKC	Farmers Market	Visited with producers
Chesterfield Barn	Piedmont	Wedding Venue	Toured facility for potential MIO program expo.
Girls Gone Wine	Broken Bow	Winery	Met Michelle, toured facility
Vojai's Winery	Broken Bow	Winery	Met owners, discussed upcoming wine trail app and new brochures
Fish Tales Winery	Broken Bow	Winery	Met owners, discussed upcoming wine trail app and new brochures
Blue River Valley Winery	Durant	Winery	Dropped off brochures
Duncan Farmers Market	Duncan	Farmers Market	Attended vendor meeting, explained new farm hub bill and answered questions
Peach Tree Farms	Ada	Farm-to-table	Dropped off OK Grown bags

### Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Paige Farms	Coyle	Farm-to-table	Dairy goat soap item, hosting events with goats, has a very nice barn venue
Slick Chick Blooms	Slick		Flower Farm – bought OK Grown stickers, potential agritourism site
Crossed cannons brewery	Norman	Brewery	Added to agritourism and craft beer trail of Oklahoma
Frenzy brewing	Edmond	Brewery	Added to agritourism and craft beer trail of Oklahoma
Winnicki Brewing	OKC	Brewery	Added to agritourism and craft beer trail of Oklahoma
405 Brewing	Norman	Brewery	Added to agritourism and craft beer trail of Oklahoma
Mountain Fork Brewing	Broken Bow	Brewery	Added to agritourism and craft beer trail of Oklahoma
Beaver's Bend Brewery	Broken Bow	Brewery	Added to agritourism and craft beer trail of Oklahoma
Knotted Rope Winery	Broken Bow	Winery	Added to agritourism and wine trails

Lost street brewing	Durant	Brewery	Added to agritourism and craft beer trail of Oklahoma
Harbinger Beer Co	Caddo	Brewery	Added to agritourism and craft beer trail of Oklahoma
Canadian River Brewing	Chickasha	Brewery	Added to agritourism and craft beer trail of Oklahoma
Kockendorfer Brewing	Duncan	Brewery	Added to agritourism and craft beer trail of Oklahoma
Nothings Left Brewing	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma
American Solera Brewing	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma
Dead Armadillo	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma
NEFF Brewing	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma
Cabin Boys Brewing	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma
Marshall Brewing Co	Tulsa	Brewery	Added to agritourism and craft beer trail of Oklahoma

### **Agritourism – Web and Social Traffic**

Facebook: 18,661 page likes

Instagram: 1,677 followers

### **Loklahoma**

Facebook: 3,013 page likes

### **Agritourism - Other Activities**

- Phone consultations
  - Joe’s Farm, Wind Drift Orchards, Perkins Farmers Market, Ardmore Farmers Market, Sapulpa Farmers Market, Duncan Farmers Market
- Wrote a letter of support for a Christmas Tree Farm struggling with zoning issues in OKC
- Ag day – assisted with planning and execution
- Update with Ok Craft Beer Trail
- Attend Intents Conference
  - 5 ways to boost your booth sales,
  - Be an instagram success story.
  - add value to your value added products.
  - What is the nutrition incentive hub.
  - Building capacity for nutrition incentive programs.
  - Telling your story during national farmers market week.
  - Bringing New Faces of Farming to Market.
  - Anti-Racist Toolkit for Farmers Markets Update.
  - Gearing Up for the 2023 Farm Bill.
  - Farmers Market Legal Toolkit.
- Meeting with Maggie Parsons, West Virginia Department of Agriculture about starting an agritourism program.
- Produce Safety Guide.



## **ECONOMIC DEVELOPMENT**

Activity	Action
Oklahoma Healthy Food Financing Program	The deadline for applications to be submitted for the 2 <sup>nd</sup> quarter was April 1 <sup>st</sup> . Four (4) grant applications were received and will be considered by the selection committee on May 6 <sup>th</sup> .
Agriculture Enhancement & Diversification Program	The deadline for applications to be submitted for the 2 <sup>nd</sup> quarter was April 1 <sup>st</sup> . Two (2) Agriculture Event grant applications were received and will be considered by the selection committee on May 3 <sup>rd</sup> .
2021 SCBG application	<p>Eleven (11) external applications were submitted for consideration for the 2021 Specialty Crop Block Grant requesting over \$1 million. Applications were sent to a 3 person review committee and will be narrowed down to the top 7 that will be invited to participate in the 2<sup>nd</sup> phase of the selection process that will take place on April 28<sup>th</sup>. Oklahoma was notified by USDA that we will be receiving \$599,596 in funding for projects in 2021.</p> <p>Congress has also provided additional funding for the Specialty Crop industry due to COVID-19 impacts to the food system. States are encouraged to prioritize projects that respond to COVID-19 impacts. Oklahoma is eligible to receive an additional \$797,812.77 in funds for these projects.</p>

## **FARM TO SCHOOL**

ACTIVITY	ACTION
SCBG Tasteful Harvest Poster Set	<p style="text-align: center;"><b>SCBG Tasteful Harvest Grant Resources</b></p> <p>Tasteful Harvest Posters are in house and available for distribution. F2S staff has mailed out approximately 50+ so far. Connection Pages are all downloadable</p>
Tasteful Harvest Cookbook	<p style="text-align: center;"><b>Tasteful Harvest Cookbook</b></p> <p>The cookbook is in house and available for distribution.</p>
Farm to School Conference	<p style="text-align: center;"><b>Farm to School Conference</b></p> <p>Farm to School Staff and Cooking for Kids staff had the first 2 sessions for our Conference. The focus has shifted to school gardens and the response has been great. 82 participant attended first session. This session focused on funding and resource availability with grants and resources through Farm to School and Jr. Master Gardener. Dr. Shelley Mitchell and F2S Staff presented during this session. We also took a virtual tour of the Global Gardens in east Tulsa. Eugene Field Elementary. The date of the 1st session was April 8, 2021 from 1-2 pm. The second session was April 15, 2021 The focus of this session was to visit with 2 of our school garden champions. Lyndzie Bales with Oktaha Public Schools and Laurie Bone with Maple Schools. 2 very different gardens and both very successful. Oktaha has outdoor raised beds growing lots of vegetables and Maple Schools has 5 tower gardens in the cafeteria and office growing spices, herbs and lettuces. Oktaha has been doing this for almost a year and Maple between 2-4 years. There were 73 signed up to attend.</p>

Specialty Crop Grant 2020	<p style="text-align: center;"><b>Let's Get Growing with a School Garden</b></p> <p>Grant applications were dispersed to judging committee and on Tuesday, April 13, 2021 committee met and decisions were made. 3 Early Childhood Centers were chosen out of 11 applications and 5 schools were chosen out of 85-90 applications. The schools will received 4 raised garden beds with all the tools, soil, plants and seeds plus a lot more and the ECE site all receive 3 raised beds and all the resources.</p>
---------------------------	--

## **INTERNATIONAL**

Activity	Action
Certificate of Free Sale	Quality Supplement Manufacturing Bar S Lopez
Food Export	<p>Currently recruiting for Virtual Connect, a virtual trade show in July as well as the following missions:</p> <p>Focused Trade Mission to Guatemala Focused Trade Mission to Dominican Republic Focused Trade Mission to Taiwan</p> <p>Pet Food Buyers Mission at Super Zoo</p> <p>There is also a virtual Pet Food Mission to Taiwan: The FAS Agricultural Trade Office (ATO) at the American Institute in Taiwan will be hosting a virtual mission June 2-3</p>
OSU/SBDC	Met with a company called Trillion Tribes that is working on a hair product. Informed her about FAPC, MIO Program and ODAFF opportunities.
MIO Coalition	<p>Attended Meetings to update on the latest Food Export activities &amp; the latest on STEP grant for travel.</p> <p>Met with the new Outreach committee chair Taylor Neighbors to discuss Food Export &amp; STEP opportunities for members. She will helping with getting the event info out to members.</p>
OK Commerce	Met with STEP team several times to discuss updates and recruitment questions. We currently have 2 applicants: Southern Root Sisters- Expo East Value Added Products- Fancy Food Show
	Met with Christy Busch & Sarah regarding the Azerbaijan visit in June. I have been pulling research for trade data, trends and market briefings for this country in order to help Secretary Arthur prepare for visit.
Hemp Company Meeting	Met with Ryan & Jordon Early, the owners of a company called Cen-Tek Labs that have been authorized by the Ecuadorian government to export hemp products. We discussed the technical issues and of getting up and running with this export process. Following up on the marketing opportunities for Hemp.

Oklahoma Israel Exchange	Continue discussions for possible program collaboration with the Dept of Ag, possible OK wine, FFA connecting youth, livestock genetics, packaging veggies.
Misc. Meetings	<ul style="list-style-type: none"> <li>• Euromonitor Research Tutorial</li> <li>• NASDSA Spring Serious- Food Equity + Food Security: Why it matters and what we can do</li> <li>• Doing Business in South America</li> <li>• International Day @ the State Capitol (virtual)</li> <li>• GIT Meeting</li> <li>• ODEC Meeting</li> </ul>

### **MADE IN OKLAHOMA PROGRAM**

<b>Meeting</b>	<b>Location</b>	<b>Details</b>
Crossed Cannons Brewery	Norman	Meeting to add craft brewers to MIO Program and craft beer trail
Interview with OETA	Virtual	OETA did segment connecting consumers with local products, I was on the panel being interviewed on behalf of Program
Winnicki Brewery	OKC	Meeting to add craft brewers to MIO Program and craft beer trail
405 Brewing	Norman	Meeting to add craft brewers to MIO Program and craft beer trail
MIO Monthly Meeting	Virtual	Monthly meeting for MIO Coalition
Made in Oklahoma Catch-Up	OKC	Met with Jamie and Emily to discuss each program and upcoming events/how we could help each other
Nothing's Left Brewing	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail
American Solera	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail
Cabin Boys Brewing	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail
Marshall Brewing	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail
Dead Armadillo	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail
NEFF Brewing	Tulsa	Meeting to add craft brewers to MIO Program and craft beer trail

<b>Event Name</b>	<b>Date</b>	<b>Location</b>
Tulsa Home and Garden Show	March 11-14	Expo Square (Tulsa)
A Little Taste of Stockyards City	March 13 – POSTPONED TO JUNE DUE TO WEATHER	Stockyards City (OKC)

**New Producers:**

- Baskets by Linda Lou
- Cherokee Copper
- We 3 Farm LLC
- The Plaid Pansy
- Rock'n M Meats
- Durbinshire Farm
- True Chiefs
- Brave Art
- McKee Offroad Designs
- DABAKH Studios
- It's In The Bag
- Butcher Bros Meats
- Rustic Ridge Farms, LLC
- Fletcher's Gifts and More
- Timothy Roberts/Iron Cross Farms
- Sustain Your Soul
- Winnicki Brewing Company
- The Farmer's Wife
- VWR Originals, LLC
- Oklahoma Soda Company
- Fat Candy BBQ
- Biscuit's Kitchen
- Robin's Photo Nest

**New Retailers:**

- 6 Inquiries, but none established yet

**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.
- Lots of managing E-Commerce site; tagging and re-tagging products correctly, adjusting Producer names so everything is the same, adjusting categories, etc.
- Sent instructions to, and helped producers create accounts and get set up on the MIO Store, including linking their PayPal accounts to ours
- Began planning Made in Oklahoma Showcase and Marketing Workshop (June 7&8)
- FOX 25 Feature Segments – 15 companies will be featured
- Began planning for MIO Store at Oklahoma State Fair
- Gift Baskets for major Horse/Rodeo event in Oklahoma
- Ordered and met Producers to pick up products to go in gift bags for cabinet members

**MIO COALITION****Made in Oklahoma Coalition – Advertising, Web and Social Traffic**

<b>Type</b>	<b>\$ Spent</b>	<b>Highlights</b>
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

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 March 3 appearances in April	Natalie Mikels & David Brooks, MIO TV Personalities filmed remote cooking segments for the months of November-January
Restaurants of the Month	Presentation and luncheon with FS Committee	March: Savoy Restaurant, Tulsa, OK April: Café 501, OKC & Edmond Locations
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: March: Roark Acres Honey April: Mitchell's Sausage Rolls
Social Media Stats	BPM retainer	Twitter: 5,500+ Instagram: 3,000+ Facebook: 16,500+

#### **Made in Oklahoma Coalition – Other Activities**

<b>Activity</b>	<b>Information</b>
MIO Recipe Photoshoot <ul style="list-style-type: none"> <li>March 12<sup>th</sup></li> </ul>	Staff coordinated the photoshoot for the MIO recipes to be featured in April-June. MIO works with a food stylist, recipe developer and food photographer to make these happen.
MIO Breakfast at Ag Day <ul style="list-style-type: none"> <li>March 23<sup>rd</sup></li> </ul>	Staff and MIO Leadership coordinated a breakfast for Ag Day at ODAFF which showcased a variety of breakfast dishes featuring MIO products.
This is Oklahoma Podcast Interview <ul style="list-style-type: none"> <li>March 24<sup>th</sup></li> </ul>	Staff along with LocalFarmOK owner, Ashley Neal were featured on the This is Oklahoma podcast to discuss the launch of our partnership with LocalFarmOK and tell consumers about how they can sign up.
Fired Up Kitchen Radio Show Feature <ul style="list-style-type: none"> <li>March 28<sup>th</sup></li> </ul>	Staff was featured on Fired Up Kitchen Radio Show to discuss Made in Oklahoma month and the launch of MIO's partnership with LocalFarmOK.
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.
LocalFarmOK Partnership Launch <ul style="list-style-type: none"> <li>April 1<sup>st</sup></li> </ul>	<p>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.</p> <p>MIO is partnered 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.</p> <p>40 MIO bags were ordered by consumers for the month of April.</p>
MIO Membership Meetings <ul style="list-style-type: none"> <li>Friday, April 3<sup>rd</sup></li> </ul>	Staff led the monthly membership meetings in April. The retail, food service and emerging committee meetings were held and upcoming activities, promotions and events were discussed

Food Service Committee Meeting <ul style="list-style-type: none"> <li>• April 6<sup>th</sup></li> </ul>	MIO Food Service Committee Meeting
Meeting with Sooner Foods Leadership Team <ul style="list-style-type: none"> <li>• April 7<sup>th</sup></li> </ul>	Staff and MIO Retail Committee Chairs met with the leadership team at Sooner Foods in Sulphur Oklahoma. This independent grocery store chain has three stores in Davis, Sulphur and Tishomingo. They are interested in partnering with MIO to showcase locally made products in their stores.
MIO Restaurant of the Month Visit: <ul style="list-style-type: none"> <li>• April 12<sup>th</sup></li> </ul>	The MIO Restaurant of the Month for April 2021 was Café 501. They have two locations, one in Edmond and one in OKC. Staff and MIO Food Service Committee had lunch, took photos, interviewed their staff, and presented them with their Restaurant of the Month Award.
MIO Coalition, Program and International Marketing Sync-Up Lunch <ul style="list-style-type: none"> <li>• April 14<sup>th</sup></li> </ul>	Staff and MIO Program and International Marketing Coordinators met and planned out the upcoming quarters events and where we can provide support to each other.

## MARKET NEWS SERVICES

Mar. 4, 2021	April 15, 2021	DIFFERENCE
<b>WHEAT: (bu)</b> \$5.67-6.01	\$5.53-5.87	\$0.14 lower
<b>MILO: (bu)</b> \$6.52-6.92	\$6.20-6.60	\$0.32 lower
<b>SOYBEANS: (bu)</b> \$13.35-13.65	\$13.28-13.78	\$0.07 lower to \$0.13 higher
<b>CORN: (bu)</b> \$5.19-5.80	\$5.77-6.41	\$0.58 to \$0.61 higher
<b>COTTON: (lb)</b> 81.39 cents	80.02 cents	1.37 cents lower

### OKC NATIONAL STOCKYARDS (OKC) STEER CALVES AND YEARLINGS:

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

(03-01-21) \$151.00-\$177.00 Wtd. Avg. \$164.76

(04-12-21) \$166.00-\$181.50 Wtd. Avg. \$172.99

Yearlings 600-700 lbs.

(03-01-21) \$135.00-\$157.50 Wtd. Avg. \$146.36

(04-12-21) \$144.50-\$170.00 Wtd. Avg. \$154.76

Six weekly Oklahoma Market Reports were sent to 7,830 subscribers in March and April, 2021 (up from 7,609 subscribers last report).

The market news voice messaging system was accessed 6,429 times Mar. 4, 2021 to Apr. 15, 2021. It was accessed 5,181 times Mar. 1<sup>st</sup>-31<sup>st</sup>, 2,133 times Apr. 1<sup>st</sup>-15<sup>th</sup>, compared to 4,574 in March 1<sup>st</sup> to April 15<sup>th</sup>, 2020.

**USDA Hay Report:** 04-15-21: Hay trade remains somewhat slow as spring is around the corner. Many producers are reporting that with the current cool nights Alfalfa fields are in rough conditions and a very tough first cutting could be mostly grinder hay. No trades of ground alfalfa this week for a trend. Demand remains moderate as most feed yards and dairies seem to be current as of now. Demand remains light to moderate for farmers and ranchers as grass is starting to grow. Much cooler temperatures and needed moisture is in the forecast for the next several days.

## AEMS Division Monthly Activities

Meet AEMS latest employee Mackenzie Horn.  
She will be working in South East Oklahoma as our CAFO and Pet Breeder Inspector



- Representatives from the AEMS division attended the virtual US EPA Region 6 / States National NPDES Instructor / Enforcement Officer Training on April 13th - 15th.
- A representative from the AEMS division attended the virtual 2021 Ogallala Aquifer Summit on February 24th and 25th.
- Representatives from the AEMS division participated in multiple Illinois River Watershed working group calls.
- A representative from the AEMS division participated in multiple conference calls with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.

### AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 5
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 1



## Complaints and Inspections

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

30	Complaints received and investigated this reporting period.
14	Complaints closed this reporting period
Complaints Received - Breakdown	
	Cattle –10
	Swine – 1
	Poultry- 1
	Breeders – 5
	Shelters - 2
	Other - 13
88	Year to date complaints received in FY 21
57	Year to date complaints closed in FY 21
52	LMFO/CAFO inspections, plus technical assistance
191	Poultry inspections and technical assistance
6	Pet Shelter inspections and technical assistance
10	Breeders Pre-annual inspections and technical assistance

### CAFO and LMFO Activities - Month and Fiscal Year 2021

	Feb 22 –Apr. 1, 2021	FY 21 Total
Complaint or Compliance Follow-ups	34	159
Annual Inspections	61	360
Carcass Disposal Inspections	23	199
Technical Assistance with Contacts	18	96
Site Visit/Review – No contact made	24	91

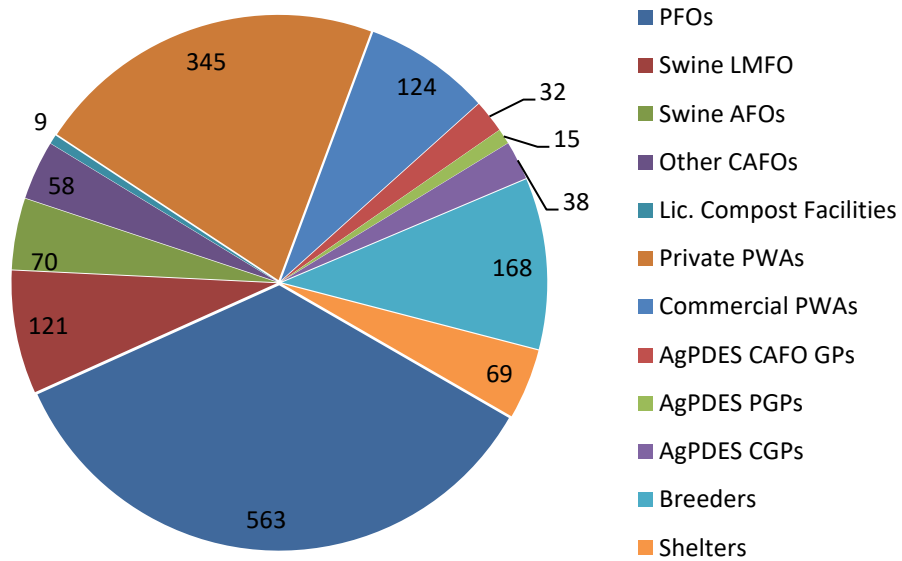
### Poultry Activities – Month and Fiscal Year 2021

	Feb 22 –Apr. 1, 2021	FY 21 Total
Complaint or Compliance Follow-ups	15	27
Annual Poultry Inspections	150	448
Poultry Technical Assistance	167	942
Soil Samples Collected	103	312
Site Visit/Review – No contact made	94	630
Construction Storm Water Inspections	0	0
Eucha-Spavinaw CNMP Written	38	99
New PFO License Pre-Site Inspections	0	0

### Pet Breeders Activities– Month and Fiscal Year 2021

	Feb 22 –Apr. 1, 2021	FY 21 Total
Complaint or Compliance Follow-ups	3	25
Shelter Annual Inspections	2	32
Site Visit/Review – No contact made	0	13
Shelter Technical Assistance	8	41
Shelter Close out	1	11
Breeder Annual Inspections	8	24
Breeder Technical Assistance	9	56
Site Visit/Review – No contact made	0	7
Breeder Close out	4	7

## Current FY 21 AEMS Numbers



Respectfully

Teena G Gunter  
AEMS Division

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

**MAY 2021 BOARD REPORT  
REGARDING MARCH 13, 2021 THROUGH APRIL 16, 2021 ACTIVITIES OF  
THE  
OFFICE OF GENERAL COUNSEL**

**ACTIONS FOR BOARD CONSIDERATION:**

<b>Matter</b>	<b>Type of Resolution</b>	<b>Amount</b>
Cody Cribbs	Stipulation	\$1,150.00
Langston Exterminating Co.	Stipulation	\$1,150.00
Terminix	Stipulation	\$300.00
Deterding Aerial	Consent	\$250.00
Triple T Machining Services, Inc.	Proposed Final Order	\$1,000.00

**CONTRACTS REVIEWED OR DRAFTED (42):**

Forestry - 4
Market Development - 7
CPS - 3
AMES - 1
Wildlife Services - 24
Administration - 2
Animal Industry - 1

**ADMINISTRATIVE HEARING PROCEEDINGS:**

<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-434: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-435: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-436: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-438: Briefed and awaiting ALJ decision.
<b>ODAFF v. Spectrum Division of United Industries</b> , OGC 18-528: Briefed and awaiting ALJ decision.
<b>ODAFF v. Terry Vigil</b> , OGC-19-606: Pending new Scheduling Order.

<b>ODAFF v. Gerald Wilson</b> , OGC-19-212. Initiated individual proceedings. Negotiations ongoing.
<b>ODAFF v. Houston Contracting Farm</b> , OGC 20-050. Initiated individual proceedings. Amended NOV to issue.
<b>W.L. Hardesty, et al v. ODAFF</b> , OGC-19-167. Petition for Declaratory Ruling. Order issued. Briefs submitted. ALJ decision rendered. Motion to reconsider filed and awaiting ALJ response.
<b>ODAFF v. Scott Termite</b> , OGC-19-958 and OGC-20-111: Awaiting scheduling order.
<b>ODAFF v. Superior Termite &amp; Pest</b> , OGC-19-889 and OGC-20-005: Awaiting scheduling order.
<b>ODAFF v. AP&amp;G Co.</b> , OGC-20-053: Service attempts ongoing. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Greg Hobbs</b> , OGC-20-025: Service attempts ongoing. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Steggs Aerial Spraying</b> , OGC-20-633: Negotiations ongoing. Prehearing conference set for June 10, 2021.
<b>ODAFF v. J.C. Ferguson</b> , OGC-20-641: Service attempts ongoing. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Shane Backus</b> , OGC-20-681: Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Dewayne Muret</b> , OGC-21-031: Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Cedar Canyon Goods LLC</b> , OGC-20-845: Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Bullseye Termite &amp; Pest Control</b> , OGC-19-1023: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Miles Termite &amp; Pest Control</b> , OGC-20-683: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Midwest Bed Bug Service</b> , OGC-20-686: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Aaron and Keturah Knepp</b> , 20-421: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Nao Tou Vang</b> , 20-356: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Niki Latendresse</b> , 19-956: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Le Ann Drain and Kaeli Seay</b> , 19-954: Initiated individual proceedings. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Ron Stock</b> , OGC-19-936: Negotiations ongoing. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Jeff Vinson</b> , OGC-19-834: Negotiations ongoing. Prehearing conference set for June 10, 2021.
<b>ODAFF v. Delashaw Farm</b> , OGC-19-824: Negotiations ongoing. Prehearing conference set for June 10, 2021.

<b>ODAFF v. Dollar General, OGC-20-557:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Mid-America Feeds, OGC-20-612:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-20-699:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. J.A. King &amp; Co., LLC, OGC-20-770:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-20-806:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-20-838:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Farmers Cooperative, OGC-20-849:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Circle K, OGC-21-15:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Fairbanks Scale, OGC-21-887:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-21-890:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-21-891:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.
<b>ODAFF v. Sooner Scale, OGC-21-892:</b> Initiated individual proceedings. Prehearing conference set for May 13, 2021.

#### **OTHER ACTIONS AND PROCEEDINGS:**

<b><i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i></b> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020).
<b><i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i></b> , 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.
<b><i>Steven Scantling v. ODAFF</i></b> , MPC-21-025. Appeal of termination of employment with Forestry Division. Pending resolution.
<b><i>Kirk Marshall v. ODAFF</i></b> , 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 June 2021.
<b><i>Sam Withiam v. OK State Dept of Agriculture</i></b> , 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.
<b><i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i></b> , 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.
<b><i>Upton's Naturals Co v. Stitt and Arthur</i></b> , 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.
<b><i>William Grossman v. Lori Howard et al.</i></b> , 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.
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed.

### **MEETINGS:**

<b>Date</b>	<b>Activity</b>
March 16, 2021	Director's Meeting
March 16, 2021	GovQA Sales
March 16, 2021	Collections Meeting
March 22, 2021	Senate Agriculture Committee
March 22, 2021	Director's Meeting
March 23, 2021	Ag Day
March 25, 2021	OGC Staff Meeting
March 25, 2021	GovQA Demo
March 26, 2021	Oklahoma Bar Association Environmental Law Section
March 29, 2021	Senate Agriculture Committee
March 30, 2021	Director's Meeting
March 30, 2021	House Agriculture Committee
March 31, 2021	State Board of Agriculture
April 5, 2021	Senate Agriculture Committee
April 6, 2021	House Agriculture Committee
April 7, 2021	Focus on Food: Legislation That Would Change Meat Processing
April 8, 2021	Vanguard Law Magazine
April 8, 2021	House Wildlife Committee
April 9, 2021	Recalibrating Your COVID Wellness Strategy
April 9, 2021	Duty to Serve: Lawyer's Responsibility to the Community
April 13, 2021	Director's Meeting
April 15, 2021	Illinois River Watershed: Check in and Technical Meeting

### **RULE ACTIVITIES:**

<b>Chapter 2. Fees (Permanent FY 2021):</b> 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.
<b>Chapter 3. Fine Matrices (Permanent FY 2021):</b> 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.
<b>Chapter 10. Agricultural Products (Permanent FY 2021):</b> 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.
<b>Chapter 13. Fuel Alcohol (Permanent FY 2021):</b> 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.
<b>Chapter 15. Animal Industry (Permanent FY 2021):</b> 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.
<b>Chapter 17. Water Quality (Permanent FY 2021):</b> 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.
<b>Chapter 18. Carcass Disposal (Permanent FY 2021):</b> 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.
<b>Chapter 20. Forestry (Permanent FY 2021):</b> 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.
<b>Chapter 25 Laboratories (Permanent FY 2021):</b> 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.
<b>Chapter 30. Consumer Protection (Permanent FY 2021):</b> 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.
<b>Chapter 37. Food Safety (Permanent FY 2021):</b> Permanent rules adopted by Board February 3, 2021. Agency Rule Report submitted to the Governor and Legislature February 10, 2021.

February 10, 2021. Statement of Submission filed with Office of Administrative Rules February 10, 2021.
<b>Chapter 40. Market Development (Permanent FY 2021):</b> 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.
<b>Chapter 44. AgPDES (Permanent FY 2021):</b> 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.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2021):</b> 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.
<b>OHRC</b>
<b>Chapter 1. Commission Powers and Jurisdiction (Permanent FY 2021):</b> 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.
<b>Chapter 15. Licensing (Permanent FY 2021):</b> 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.
<b>Chapter 20. Racing Officials and Racing Personnel (Permanent FY 2021):</b> 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.
<b>Chapter 35. General Conduct (Permanent FY 2021):</b> 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.
<b>Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2021):</b> 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.
<b>Chapter 60. Running the Race (Permanent FY 2021):</b> 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.
<b>Chapter 65. Pari-Mutuel Wagering (Permanent FY 2021):</b> 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.
<b>Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2021):</b> 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.
<b>Chapter 75. Oklahoma-Bred Program (Permanent FY 2021):</b> 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.
<b>Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2021):</b> 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 (24):**

AEMS: 11
AIS: 1
CPS: 10
Forestry: 2

### **OKLAHOMA HORSE RACING COMMISSION**

<b>Litigation: <i>OQHRA v. OHRC</i></b> , Oklahoma County Case No. CV-2019-1513-643: Hearing held June 28, 2019. Order of Dismissal entered. Petition in Error from OQHRA filed in Supreme Court. OHRC Response to Petition in Error filed. Designation of Record filed and Record completed. Case placed on “fast-track” docket by Order of the Oklahoma Supreme Court. Plaintiff’s Motion to Retain in the Supreme Court DENIED. Reversed and remanded by Court of Civil Appeals. Briefing cycle in progress. Hearing pending.
<b>Litigation: <i>Alfredo Gomez and Cruz Villafranco v. OHRC</i></b> , Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners’ Motion for Partial Summary Judgment responded to. Pending hearing.
<b>Litigation: <i>Samuel Valdivia v. OHRC</i></b> , Sequoyah County Case No. CV-2020-26. Petition for Temporary Restraining Order and Petition for Injunction served and emergency hearing held. Temporary Restraining Order entered. Hearing set for March 19, 2020 not held due to closure of the Sequoyah County Courthouse due to COVID-19. Amended Petition filed. Motion hearing scheduled May 6, 2021.
<b>Litigation: <i>Samuel Valdivia v. OHRC</i></b> , Sequoyah County Case No. CV-2020-169. Petition for Review of Final Agency Order. Motion hearing scheduled MAY 6, 2021.
<b>Litigation: <i>Oscar Nunez v. OHRC</i></b> , Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Pending rehearing further appeal from final agency order.
<b>Litigation: <i>Josue Ponce v. OHRC</i></b> , Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.
<b>Litigation: <i>Miguel Pena v. OHRC</i></b> , 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.
<b>Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC,</b> 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.
<b>Litigation: Carlos Ruiz v. OHRC,</b> 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.
<b>Litigation: Sammy Howard v. OHRC,</b> 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 to Settle Order
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:**

Participate in OU Ag Law Association Panel
Discuss aerial spraying cases with outside counsel
Compile quarterly report information for CPS
Discuss hemp seed issue with CPS
Discuss farm corporation requirements with outside counsel
Demonstration of potential open records request platform
Attend meat processing legislation webinar
Discuss hemp and animal feed inquiry with CPS
Discuss enforcement case details with CPS
Collections
Communicate with OMES legal counsel regarding administrative contracts
Discussions with outside counsel regarding agency licensing agreements
Respond to various division requests regarding liability issues

Communicate with respondents in enforcement cases
Attend ELS meeting
Attend ELA webinar
Meeting with Market Development regarding case
Communication with Latimer County
Communication with respondents in collection cases
Communications with respondents in AEDB cases
Research various issues
Prepare MPC case for hearing
Complete MPC case discovery
Communicate with opposing counsel regarding MPC case

Respectfully Submitted,



Teena G. Gunter  
General Counsel

## **FOOD SAFETY REPORT MARCH 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 80,328 pounds of poultry – boneless/skinless leg meat. ODAFF inspectors provided USDA Shell Egg grading on 41,428 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. At Dorada Foods in Ponca City a Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement.

#### **Organic Foods Section**

Organic inspectors completed compliance and certification inspections at:

- Eleven organic crop producers
- Two organic livestock producers
- Seven organic processors
- Collected seven organic samples
- Five retail organic inspections
- The organic section had requests for 4,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 6 requests for organic crop applications, 3 requests for organic processing applications and 2 requests for organic livestock applications.

#### **Produce Safety Section**

- Outreach and Education during Oklahoma Local Ag Summit
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Conducted an On Farm Readiness Review to help producer prepare for inspection
- Held two online Produce Safety Alliance Grower Training courses
- Updated program information on ODAFF website and on program brochure
- Working on FDA produce grant application and budget
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Completed FDA FD326 Produce and Sprouts 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	10
Random Compliance Reviews	254
Person-to-Person Contacts	29
Special Investigations and/or Projects	03
Reports of Apparent Violations	01
Detentions	01
Consumer Complaints	04
Verbal Warnings Issued	03
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

No Activities

## Meat Inspection

Meat Sample Activity:	
Samples Submitted for Analysis	12
Samples Not Analyzed	0
Samples Analyzed	12
Samples Non-Compliant	2
Samples Negative results	10

March 31

Met with Roger and Dr. Hardage in Tulsa to interview new inspectors for the Northeast district.

April 6

Met with Roger to review plants in Jennings and Dewey.

April 13

Met with Dr. Hardage and Craig Young to reviews the plant in Harrah.

April 14

Met with Dr. Hardage and Jason Hoel to review new plants in Weatherford, Canute, Sayer, Arnett and Shattuck.

April 15

Met with Roger and Dr. Hardage to review the plant in Nowata and meet with the new owners.

April 20

Met with Dr. Hardage and Craig Young in El Reno to review the new plant.

## MEAT INSPECTION

<b>Number of Cattle</b>	<b>322</b>
<b>Total Beef Condemned</b>	<b>4,900 lbs</b>
<b>Number of Swine</b>	<b>107</b>
<b>Total Pork Condemned</b>	<b>728 lbs</b>
<b>Number of Sheep and Goats</b>	<b>255</b>
<b>Total Condemned</b>	<b>0 lbs</b>
<b>Number of Rabbits</b>	<b>0</b>
<b>Total Condemnations</b>	<b>0 lbs</b>
<b>Number of Exotic Deer</b>	<b>0</b>
<b>Total Condemnations</b>	<b>0 lbs</b>
<b>TOTAL MEAT INSPECTED</b>	<b>350,250 lbs</b>

## PROCESSED MEAT INSPECTED

<b>Processed Red Meat</b>	<b>563,129</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>16,332 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Rabbit Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Exotic Deer Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>TOTAL PROCESSED MEAT INSPECTED</b>	<b>579,461 lbs</b>

A total of 4 water samples were taken with 0 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 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*.

Gary Lewis recently completed a survey for Hiland Norman. The survey resulted in passing scores for sanitation and enforcement compliance. These passing scores are listed on FDA's Interstate Milk Shippers List website and allows for the interstate shipment of milk processed by Hiland Norman.

Dairy Services staff continues to sample Swans Dairies for campylobacter. Samples where all negative for campylobacter.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a large, stylized "S" and a long, sweeping underline.

Scott Yates  
Director of Food Safety



# Communications Board Report

March – April 2021

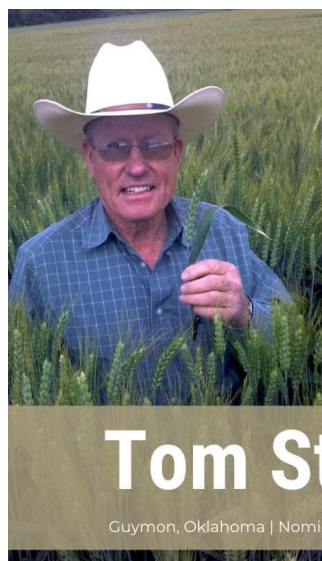


**Standing Ovation Winner**– Mr. Brad Carey is the April Standing Ovation Awardee. Mr. Carey has been a Vocational Agriculture Educator for 20 years, with the most recent being at Harrah High School. “Mr. Carey’s teaching style has impacted our kids in a big way,” said Troy Marshall. “We have watched him give our kids every tool they need for success and then step back and allow them to put those tools to use on their own. It has fostered independence as well as built up their self-esteem.”

**2021 Hall of Fame Award Winner** – We are extremely proud to announce Mr. Tom Stephens as the recipient of the Governor’s Outstanding Achievement Award in Agriculture. The Guymon farmer and rancher became the 24th inductee into the Oklahoma Agriculture Hall of Fame, the state’s most prestigious agricultural award. Stephens has worn countless different hats within the agriculture industry – FFA member, rancher, wheat farmer, rural servant and agriculture industry pioneer. Each of his roles within the agriculture industry have been vastly different, but one thing has remained constant: his passion for the industry, hard work and learning new things runs deep.

“I am exceptionally proud to represent all of our great Oklahoma farmers and ranchers, but we are especially excited to honor Tom Stephens this year as an outstanding agriculturist and service-minded citizen,” Secretary of Agriculture, Blayne Arthur, said. “He has continually worked to improve our industry and we are proud to recognize him.”

Stephens was nominated for this honor by Mike Schulte with the Oklahoma Wheat Commission. Schulte applauded Stephens for being a progressive agriculturist known for his commitment to his conservation practices and his selfless acts in giving back to the wheat industry time and time again.



**2021 ODAFF  
Hall of Fame  
Recipient**

**Tom Stephens**

Guymon, Oklahoma | Nominated by the OK Wheat Commission

**Summer Intern** – Audrey Ochsner has been chosen as our 2021 Executive Office intern! Audrey, hailing from Stillwater, is an Oklahoma State University Junior majoring in Agriculture Communications. “There is no doubt Audrey will be a fantastic addition to our team this year,” said Morgan Vance, Chief of Communications. “We are looking forward to her joining us this summer with boots on the ground across our state promoting Oklahoma agriculture.”

**Ag Youth Council Applications Out– 2021-2022 Agriculture Youth Council Applications** are out now! We are excited to select our third class of AYC students in May. If you know an upcoming senior in high school who is interested in agriculture, personal and professional development and building a network, be sure and send the application their way!  
<https://ag.ok.gov/agriculture-youth-council/>



**Regional Food Bank of Oklahoma Campaign** – During our #MeatAllWeek celebration, we challenged Oklahomans to #purchaseaprotein and support the Regional Food Bank of Oklahoma by donating to their backpack program. The backpack program allows hunger ridden students to take a backpack home each weekend packed with protein items. We had a goal set to raise \$500 dollars for the week. Because of your generosity, we were able to more than double our goal for the Regional Food Bank of Oklahoma. This will allow for 5,296 meals to hungry Oklahomans!

**Tenaciously Teal Service Event**– During our Celebrate Ag Day event, ODAFF partnered with Tenaciously Teal, a non-profit organization dedicated to meeting the needs of cancer fighters through care packs and other donation means to host a care packing party. The Agriculture Youth Council, Oklahoma 4-H members and multiple ODAFF employees packed over 350 care packs to send around the U.S.



**EHV -1 Webinar** – In March ODAFF hosted a webinar regarding EHV – 1. The webinar discussed the spread of the virus across the U.S. right now, biosecurity measures, event preparedness and a Q+A session for any event managers, horse owners or equine industry representatives to get answers directly from ODAFF.

<https://youtu.be/2rR-UQ1mn84>

**Black Vulture Permits** – Black vulture attacks on livestock are a serious issue for Oklahoma producers. Because of this, ODAFF has obtained a master depredation permit through the USDA and the U.S. Fish and Wildlife Services and is now offering sub-permits to Oklahoma residents free of charge to dispose of black vultures attacking their livestock.

Our statewide depredation permit allows livestock producers an opportunity to apply for a livestock protection depredation sub-permit -- allowing 5 legal “takes” of black vultures at no charge to the livestock owner.



THE OK DEPARTMENT OF  
AGRICULTURE, FOOD AND  
FORESTRY PRESENTS

# AG ON LINCOLN

MADE IN OKLAHOMA PRODUCTS,  
AG GROUPS, FREE COITS HOT  
DOGS, CONTRABANDZ ICE CREAM  
LAB FOOD TRUCK, LIVE MUSIC  
AND MORE!

MAY 13, 2021

11:30 A.M. - 6:00 P.M.

2800 N. LINCOLN BLVD.

QUESTIONS?

CALL TANDY KIDD AT 405.534.0417



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.

# **MAY 5, 2021 BOARD MEETING**

## **PURCHASES/CONTRACTS**

### **Administrative Services**

**FY22 – OMES Central Printing - \$7,000**

**FY22- Presort Mail Services - \$6,000**

**FY22- ImageNet Consulting – \$13,000**

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

**FY22 - Compsource - Rural Firefighters Workers Compensation for FY22 - \$171,300**

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

**FY22 - Rural Fire Pension Fund for FY22 - \$92,000**

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

**FY22 AT&T Wireless - \$120,000.00**

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

**FY22 Comdata Inc. - \$1,500,000**

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

**FY22 Agency Workers Comp Insurance premium - \$340,000**

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

**FY22 Onsite Security Guard Services (Superior Security) - \$68,300**

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

**FY22 Bank of America – Credit Card charges - \$30,000**

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

**FY22 Federal Express - \$60,000**

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

**FY22 Petroleum Traders (Bulk Fuel) - \$60,000**

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

**FY22 National Association of State Departments of Agriculture (NASDA) - \$16,900**

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

**FY22 Oklahoma Capital Improvement Authority – Bond Payments - \$1,698,308**

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

**FY22 Oklahoma Employment Security Commission – Unemployment benefits - \$32,000**

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

**FY22 Oklahoma Public Employees Retirement System – Retirees unused sick leave \$100,000**

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

**FY22 Oklahoma Management Enterprise Services (OMES) – Risk Management- \$77,000**

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

**FY22 Oklahoma Management Enterprises Services (OMES) FICA Savings \$25,000**

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

**FY22 Oklahoma Management Enterprises Services (OMES) - Facility Services - \$333,477**

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

**FY22 Oklahoma Management Enterprises Services (OMES) – Information Technology -\$703,000**

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

**FY22 Oklahoma Management Enterprises Services (OMES) – OPM - \$26,000**

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

**FY22 Pitney Bowes – Mail Machine Lease - \$20,000**

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

**FY22 Oklahoma Turnpike Authority – Pikepass - \$21,000**

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

**FY22 United State Postal Services (Postage) - \$90,000**

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



**FY22 (Walnut Storage Building) - \$16,000**

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

**FY22 Xerox - \$78,500**

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

**FY22 Galt Temporary Services - \$150,000**

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

**Animal Industry Services**

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

**USAHerds - \$27,318.17** – USAHerds maintenance contract allows us to receive yearly enhancements that make the USAHerds program more efficient, user friendly and to offer maintenance hours that we use to correct errors and problems and to personalize the program for us.

**Consumer Protection Services**

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

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

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

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

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

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

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

**Unwanted Pesticide Disposal Program --\$350,000.00**

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

Pursuant to 2 O.S. § 3-82(J) (3), ODAFF is required to collect a registration fee of \$210.00 for each pesticide or device label registered. A portion of these fees, in the amount of \$300,000.00 annually, shall be dedicated for conducting programs for unwanted pesticide disposal. This amount shall be deposited into the State Department of Agriculture Unwanted Pesticide Disposal Fund and shall be dedicated for this use only. Since not all of the \$300,000.00 in the funds is utilized each year they are then carried forward into the next fiscal year and the amount available for unwanted pesticide disposal in fiscal year 2022 exceeds \$350,000.00.

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

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

**Verizon Wireless --\$25,000.00**

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

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

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

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

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

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

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

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

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

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

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

## **Laboratory Services**

### **Purchase of a Sulfur Determinator Add-On Analyzer - \$26,682.60**

Purchase of a LECO S832 Add-on Sulfur Combustion Analyzer is necessary to replace gravimetric testing for about 95% of sulfur samples. The gravimetric analysis requires use of an extremely hazardous solvent that some people are unable to detect, thus creating a bigger safety risk than other solvents used in the laboratory. Because of this, the laboratory has only performed this analysis on a complaint basis so this purchase will broaden our analytical capability and minimize the need to run by the gravimetric method. Sulfur analysis by the combustion method is considerably faster than gravimetric analysis so while we will be taking on more sample analysis, it will take considerably less time than if we did all of the analysis gravimetrically.

## **Market Development**

FY2021 – Agritourism printing – Hunting, Western Experience and Land Bounty brochures and wine and jelly trail maps – \$2,867.71 – printing price on bids was more than \$18,500.00 that went to board in March. The total printing cost is \$21,367.71.

FY2021 – Contract with Freestyle – graphic design - Agritourism and Ag in the Classroom informational tear sheets and Soils, Plants & Animals Oh My! book - \$36,000.00

The graphic design work includes three different projects in collaboration with the Agritourism and Ag in the Classroom programs. Having one firm create all the graphics creates a consistent brand awareness that will have immediate impact in the field with returnable data utilizing QR code for further activities. One of these projects is also partially funded by the Specialty Crop Block Grant. If this is not funded, teachers and Agritourism venues will not have updated resources to distribute and educate students and consumers across the state.

FY2021 – Ag in the Classroom educational resources - printing - \$35,000.00

Without updated Ag in the Classroom resources, students and teachers will not have the most current statistics and information about agriculture in our state and around the world. It is vital Oklahoma educators have appealing, modern resources to place in students' hands to teach them about agriculture because increasingly more students continue to be many generations removed from the farm, and yet, they will shortly become adults who will vote and make decisions involving all aspects of agriculture.

FY2022 – Ag in the Classroom Summer Teacher Conference – facility rental, A/V, food - \$15,500.00

FY2022 – Agreement with Oklahoma Tourism and Recreation Department to promote the Agritourism industry through the development of consumer marketing campaigns. - \$35,000.00

The Agritourism program is entering a partnership with Oklahoma Tourism and Recreation Department (OTRD) as part of our marketing plan for FY2022. As a part of this partnership, Agritourism gets to use their existing marketing channels including free ads in their guides, website presence, travel show co-ops and brochure inventory, warehousing and distribution. If this proposed expense is not approved, we will lose an opportunity to share in a campaign that gains exponentially more reach than we could obtain on our own. OTRD already has the channels set up and by not partnering we would be looking at well over \$100,000 to replace what they can give us in ad placement, website presence and Search Engine Optimization. We have evaluated the warehousing and postage costs, this alone would be over \$50,000 in hard costs and does not include the advertising and marketing part of our agreement.

FY2022 – Agreement with Discover Oklahoma, Oklahoma Tourism and Recreation Department, for the promotion of Agritourism venues through the development and production of an advertising campaign on *Discover Oklahoma* television shows. - \$15,000.00

FY2022 – Renewal of contract with Freestyle, graphic design firm, for Year 2 of 4 to work with the Agritourism program in creating promotional and print items to further promote the program and help establish continuity with advertising and marketing pieces. - \$30,000.00

This is Year 2 of 4 for the graphic design firm that maintains the Agritourism brand while developing new print materials, refreshing website content, strategically updating social media channels and assisting with social and website analytics. It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize social channels for seasonal promotions within the many categories of Agritourism. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 350+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2022 – Contract for graphic designer to work with Ag in the Classroom creating promotional and print items to further promote the program and establish continuity with advertising and marketing pieces. - \$9,500.00

FY2022 – Agreement with Food Export Association of the Midwest USA (Food Export – Midwest) for membership to provide small and medium size food and agricultural companies' access to international markets through a variety of exporter programs and to increase volume and value of agricultural exports from the region in represents. - \$7,000.00

FY2022 – Addendum with Oklahoma State University for Year 2 of 4 - Viticulture and Enologist Extension Specialist – Project funded entirely by the Viticulture and Enology Revolving Fund Grant - \$70,000.00

### **Wildlife Services**

\$106,500.00 - ODAFF Wildlife Services is requesting approval for fuel, maintenance and hangar rent for the two (2) Federal helicopters for FY22 that is used in the state's aerial control of wildlife. The breakdown is as follows:

- \$55,000 for fuel;
- \$4,800 hangar rent
- \$11,700 hangar rent
- \$35,000 maintenance

\$21,984.75 - ODAFF Wildlife Services is requesting approval to purchase three (3) ATV's. These ATV's will allow the wildlife specialist to move trapping equipment into remote locations unable to be accessed with a traditional vehicle, additionally they will be used to survey land looking for wildlife damage more efficiently.

Not approving of this purchase will mean we continue operating in a less efficient way. Currently, traps are moved manually into remote locations increasing the risk of injury to the employee and surveying for wildlife damage by foot decreases productivity. This way of operation is less efficient and costs the agency more dollars due to longer and fewer visits daily.

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

**APPROVAL OF CASES**

ON THIS 5<sup>th</sup> day of May 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 5<sup>th</sup> day of May 2020.

---

Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A**  
**Board of Agriculture**  
**May 5, 2021**

**Cases Resolved by Stipulation**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Cody Cribbs	OGC-21-885	CPS	\$1,150.00
Langston Exterminating Co.	OGC-20-373	CPS	\$1,150.00
Terminix	OGC-20-672	CPS	\$300.00

**Cases Resolved by Consent Order**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Deterding Aerial	OGC-20-638	CPS	\$250.00

**Cases Resolved by Proposed Final Order**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Triple T Machining Specialties, Inc.	OGC-20-012	CPS	\$1,000.00



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. CODY CRIBBS  
Case File No: OGC-20-666**

**CODY CRIBBS  
P.O. BOX 347  
ALTUS, OK 73034**

**Summary of Facts:** Respondent applied a pesticide in a negligent manner resulting in an off-target drift and failed to supply ODAFF with notice of intent to apply in a restricted area

**Statute or Rule Violation:** 2 O.S. 3-86(A)(3); OAC 35:30-17-24.1(B)

**Proposed Administrative Penalty:** The penalty was assessed at \$1,150. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Shelby Turner

## RECEIVED

29 2021

COUNSEL CULTURE

) Case No: OGC-21-885

RESPONDENT.

## 11

## CONCLUSION

RESPONDENT:

Signature

Printed Name and Title:

Date: \_\_\_\_\_

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

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

**COMPLAINANT,**

**v.**

**CODY CRIBBS  
P.O. BOX 347  
ALTUS, OK 73034**

**RESPONDENT.**

**FILED**  
MAR 17 2021  
STATE BOARD OF AGRICULTURE

) Case No: OGC-21-885

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 pm on **Thursday, June 10, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

**JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

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

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

**2 O.S. 3-86(A)(3)**

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

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

**OAC 35:30-17-24.1(B)**

Applications of products containing 2,4-D, dicamba, picloram, triclopyr, or clopyralid as an active ingredient to agricultural lands shall not be made in Jackson and Tillman counties between 12:01 a.m. of May 1 of each calendar year through 11:59 p.m. of October 15 of each calendar year except in accordance with the provisions of this section.

**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 August 6, 2020, a complaint investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.
19. As part of the investigation, ODAFF's inspector visited a cotton field located in the W1/2 of section 9-1S-19W in Tillman County.
20. ODAFF's inspector observed effects of 2,4-D herbicide in the southwest portion of this field.
21. Samples taken from the cotton field showed amounts of 2,4-D.
22. It was reported that Respondent had made an herbicide application to a crop field fence line and cattle fields located to the south and west of the cotton field.
23. Samples were also taken from the areas Respondent sprayed; these samples detected 2,4-D, Dicamba, and Glyphosate.
24. As a result of ODAFF's investigation, it was determined that Respondent's application resulted in an off-target drift of herbicide from his application area to the nearby cotton field.
25. Further, Respondent failed to supply ODAFF with a notice of intent to apply these herbicides in the restricted area.

26. On or about January 20, 2021, a Letter of Warning detailing the above violations was sent to Cody Cribbs.

#### **ALLEGED CONCLUSIONS OF LAW**

27. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 OS 3-86(A)(3) and OAC 35:30-17-24.1(B) by applying a pesticide in a manner that resulted in an off-target drift and by failing to supply ODAFF with notice of intent to apply herbicides in a restricted area.

#### **ATTORNEY CONFERENCES**

28. 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.

29. 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.

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

#### **ENFORCEMENT PROCEEDINGS**

31. 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.

32. 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.

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

34. 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**

35. 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**

36. 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**

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

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

39. 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

40. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of One Thousand One Hundred Fifty Dollars (\$1,150.00).

41. 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 09 day of March, 2021.

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



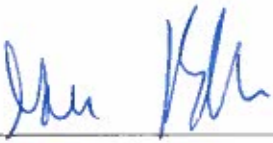
---

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 17 day of Nov, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CODY CRIBBS  
P.O. BOX 347  
ALTUS, OK73034**

  
\_\_\_\_\_  
Gina Blaylock

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: <u>OGC-21-885</u></b>
	)	
<b>CODY CRIBBS</b>	)	
<b>P.O. BOX 347</b>	)	
<b>ALTUS, OK 73034</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of One Thousand One Hundred Fifty Dollars (\$1,150.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. LANGSTON EXTERMINATING CO.  
Case File No: OGC-20-373**

**LANGSTON EXTERMINATING CO.  
PO BOX 88  
MIAMI, OK 74355**

**Summary of Facts:** Respondent failed to keep required records, performed commercial structural pest applications without proper licensing, and failed to meet the minimum standards for termite application.

**Statute or Rule Violation:** OAC 35:30-17-21; OAC 35:30-17-21; OAC 35:30-17-25(B); OAC 35:30-17-67; OAC 35:30-17-67; OAC 35:30-17-68; and OAC 35:30-17-69

**Proposed Administrative Penalty:** The penalty was assessed at \$1,150. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Shelby Turner

FILED  
APR 01 2021  
STATE BOARD OF AGRICULTURE

**RESPONDENT.**

) )  
)  
)  
)  
)  
)  
)  
)  
)  
)  
Y  
)  
)

) Case No: OGC-20-373

## Page 12 of 12

**FILED**  
JAN 28 2021  
STATE BOARD OF AGRICULTURE

**RESPONDENT.**

[illegible]

**Case No: OGC-20-373**

## PREHEARING CONFERENCE NOTICE

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

## **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial structural pest applications as Langston Exterminating Co., PO Box 88, Miami, OK 74355.

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

### **OAC 35:30-17-21**

(a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:

- (1) Start and stop time of application.
- (2) Total amount of pesticide used.
- (3) Name and address of the commercial or non-commercial company.
- (4) Name and address of person for whom applied.
- (5) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
- (6) Date of application.
- (7) Application rate.
- (8) Dilution rate for mixing.
- (9) Total quantity tank mix used.
- (10) Complete trade name of pesticide product used.
- (11) EPA registration number of pesticide product used.
- (12) Name of adjuvants used when the label requires specific adjuvants.
- (13) Name of drifting agents used when the label requires specific drifting agents.
- (14) Target pest for the application.
- (15) Site where the pesticide was applied.
- (16) Restricted Entry Interval as stated on the product label.
- (17) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
- (18) Copies of any contracts issued.



- (19) Copies of any wood infestation reports issued.
- (20) Other information as required by the Board.
- (b) Private applicators of restricted use pesticides shall keep accurate records pertaining to applications, which, at a minimum, show:
  - (1) Start and stop time of application.
  - (2) Total amount of pesticide used.
  - (3) Name and address of the private applicator.
  - (4) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
  - (5) Date of application.
  - (6) Application rate.
  - (7) Dilution rate for mixing.
  - (8) Total quantity tank mix used.
  - (9) Complete trade name of pesticide product used.
  - (10) EPA registration number of pesticide product used.
  - (11) Name of adjuvants used when the label requires specific adjuvants.
  - (12) Name of drifting agents used when the label requires specific drifting agents.
  - (13) Target pest for the application.
  - (14) Site where the pesticide was applied.
  - (15) Restricted Entry Interval as stated on the product label.
  - (16) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
  - (17) Other information as required by the Board.
- (c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:
  - (1) Complete brand name of the pesticide.
  - (2) EPA registration number of the pesticide.
  - (3) Date the pesticide was sold.
  - (4) Total amount of restricted use pesticide sold.
  - (5) Name of the person to whom sold.
  - (6) Name and license or certification number of the certified or private applicator.
  - (7) Other information as required by the Board.
- (d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.
- (e) Records retained pursuant to this section shall be easily accessible for inspection by authorized agents of the Board during reasonable business hours.
- (f) Commercial and non-commercial applicators shall maintain records retained pursuant to this section at their principle place of business. A commercial or non-commercial applicator's principle place of business shall not be located in a closed gated community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.

**OAC 35:30-17-25(B)**

- (b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.

**OAC 35:30-17-67**

- (a) Voids shall be drilled or otherwise entered and treated. Drill holes shall be securely plugged after treatment except in crawl spaces, unless required by the label. Application pressure shall not exceed 25 psi.
- (b) Masonry veneer voids shall be entered and treated.
  - (1) Veneer resting on unbroken concrete that extends more than twelve inches (12") above the outside grade shall not require treatment.
  - (2) Masonry veneer shall be treated by drilling at intervals no greater than sixteen inches (16") and applying termiticide into the void at the label rate.
  - (3) The treatment holes shall be no higher than the level of the top of the slab.
- (c) Voids in a given row of a concrete block wall, except those sitting on an unbroken concrete slab floor, shall be drilled or entered and treated.
  - (1) Drilling may follow the grade contour, but shall not be made in the bottom row of blocks. The concrete blocks that sit on an unbroken concrete slab floor shall not be drilled and treated. Where termite activity is present, the floor slab shall be drilled or rodded underneath.
  - (2) Where concrete block foundations have adequate openings at the top, treatment may be applied at the opening in lieu of drilling so long as stated in the contract.
- (d) Chimneys shall be treated in all critical areas.
  - (1) Critical areas to be treated are the expansion joints between the floor slab and stem wall, the fireplace and chimney base and stemwall, and the outer voids.
  - (2) The fireplace and chimney base and stemwall may be treated by long rodding.

**OAC 35:30-17-68**

The exterior soil along the foundation or veneer wall shall be trenched or trenched and rodded through the bottom of the trench. Treatment of the backfill of the trench is permitted. Rod holes shall not be spaced more than twelve inches (12") apart. The size of the trench shall be consistent with product label requirements.

- (1) Where the footing is exposed at ground level, trench or trench and rod through the bottom of the trench along the outside edge of the footing.
- (2) Where trenching or trenching and rodding is not possible due to presence of masonry walls, gutters, terraces, sidewalks, and other similar locations, holes shall be drilled at not more than twelve inch (12") intervals and the soil shall be treated adjacent to the structure.

- (a) The minimum standard for existing structure concrete slabs shall include the following:
- (1) Termiticide shall be injected immediately under and adjacent to the slab at the rate specified on the label by drilling and treating to create a continuous barrier between the soil and the outside perimeter walls of the structure. Use of a sub-slab injector or similar device to prevent backflow is recommended. All drill holes shall be securely plugged. Application pressure shall not exceed 25 psi. Monolithic, supported slab with thickened perimeter or post tension slabs, with or without footing, shall be treated by drilling only in areas where known cracks exist.
  - (2) Where evidence of termite infestation exists on interior walls, the slab shall be treated by drilling the slab and treating the soil under the slab at the base of the wall where the termite activity is present and continue for a minimum of three (3) feet in at least two (2) directions from the termite activity. The treatment may be performed on either side of the wall if construction elements prevent treatment on the side of termite activity, so long as the reason for treating only one side of the treatment is discussed on the contract and the customer consents in writing.
  - (3) Maximum spacing for drilling shall be twelve inches (12") except where long rodding of the perimeter is performed.
  - (4) Termiticide shall not be applied to any area intended as a plenum air space unless permitted by the label.
  - (5) Soil applied termiticide shall not be used to treat any structure containing a well or cistern unless allowed by the label.
  - (6) Basement concrete slab floors shall not be drilled and treated unless there is evidence of termite infestation in the basement area.
  - (7) Where wooden parts are resting on known cracked concrete or expansion joints, including but not limited to garage floor, patio, porches, or interior, holes shall be drilled on one or both sides of the wooden part and the soil below treated. Where wood parts extend into or through concrete slab or are adjacent to an expansion joint, the slab adjacent to the wood part shall be drilled at a maximum of twelve inch (12") intervals on one or both sides and treated.
  - (8) Dirt filled porches, entry platforms, sidewalks, patios, and other similar areas shall be treated by drilling or rodding. If drilled, holes shall not be in excess of twelve inches (12") apart.

## **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 13, 2020, ODAFF received a consumer report stating that Respondent was making commercial structural pest applications that did not meet the minimum standards set forth by the Oklahoma Combined Pesticide Law and Rules.
19. On or about April 24, 2020, an inspector for ODAFF investigated this complaint.
20. As a result of this inspection, it was discovered that Respondent did not properly address the voids in the concrete blocks at the treatment site.
21. Further review showed that Respondent's sub slab drill hole spacing in the concrete slab was 18 inches instead of the 12 inches required.
22. Respondent's records indicated that Respondent failed to drill the back patio concrete stone slab or lift the stones to trench and treat underneath; instead, Respondent treated only the crack between the patio and concrete step.
23. An inspector for ODAFF then performed a facility inspection and discovered that Respondent was not keeping all required application records for each application.
24. Further, Mrs. Donna Clover, the owner of Langston Exterminating Co., informed ODAFF's inspector that her son, Jeremy, performed the treatment alone. At the time of the investigation, Jeremy was not a licensed certified applicator or service technician.
25. On or about May 27, 2020, a Letter of Warning detailing the above violations was sent to Langston Exterminating Co.

### **ALLEGED CONCLUSIONS OF LAW**

26. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-21, OAC 35:30-17-21, OAC 35:30-17-25(B), OAC 35:30-17-67, OAC 35:30-17-67, OAC 35:30-17-68, and OAC 35:30-17-69 by failing to keep required records, performing commercial structural pest applications without proper licensing, and failing to meet the minimum standards for termite applications.

### **ATTORNEY CONFERENCES**

27. 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.

28. 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.

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

### **ENFORCEMENT PROCEEDINGS**

30. 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.

31. 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.

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

33. 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**

34. 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**

35. 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**

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

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

38. 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

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand One Hundred Fifty Dollars (\$1,150.00)**.

40. 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 28 day of Jan., **2021**, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**LANGSTON EXTERMINATING CO.  
PO BOX 88  
MIAMI, OK 74355**

  
\_\_\_\_\_  
Gina Blaylock



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

V.

**RESPONDENT.**

[illegible]

**) Case No: OGC-20-373**

## Page 12 of 12

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. TERMINIX  
Case File No: OGC-20-672**

**TERMINIX  
9340 POLE RD  
MOORE, OK 73160**

**Summary of Facts:** Respondent failed to meet the minimum standards for termite treatment.

**Statute or Rule Violation:** OAC 35:30-17-67; OAC 35:30-17-68; OAC 35:30-17-69

**Proposed Administrative Penalty:** The penalty was assessed at \$300. Respondent stipulated and paid the penalty in full.

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Shelby Turner

**FILED**  
APR 01 2021  
STATE BOARD OF AGRICULTURE

) Case No: OGC-20-672

pd by credit card  
3-31-21  
sticky note in  
safe A

**FILED**  
JAN 28 2021  
STATE BOARD OF AGRICULTURE  
672

**COMPLAINANT,**

**Case No: OGC-20-672**

**RESPONDENT.**

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.

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 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.

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of termite treatment as Terminix, located at 9340 Pole Rd., in Moore, OK 73160.

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

#### **OAC 35:30-17-67**

(a) Voids shall be drilled or otherwise entered and treated. Drill holes shall be securely plugged after treatment except in crawl spaces, unless required by the label. Application pressure shall not exceed 25 psi.

(b) Masonry veneer voids shall be entered and treated.

(1) Veneer resting on unbroken concrete that extends more than twelve inches (12") above the outside grade shall not require treatment.

(2) Masonry veneer shall be treated by drilling at intervals no greater than sixteen inches (16") and applying termiticide into the void at the label rate.

(3) The treatment holes shall be no higher than the level of the top of the slab.

(c) Voids in a given row of a concrete block wall, except those sitting on an unbroken concrete slab floor, shall be drilled or entered and treated.

(1) Drilling may follow the grade contour, but shall not be made in the bottom row of blocks. The concrete blocks that sit on an unbroken concrete slab floor shall not be drilled and treated. Where termite activity is present, the floor slab shall be drilled or rodged underneath.

(2) Where concrete block foundations have adequate openings at the top, treatment may be applied at the opening in lieu of drilling so long as stated in the contract.

(d) Chimneys shall be treated in all critical areas.

(1) Critical areas to be treated are the expansion joints between the floor slab and stem wall, the fireplace and chimney base and stemwall, and the outer voids.

(2) The fireplace and chimney base and stemwall may be treated by long rodding.

**OAC 35:30-17-68**

The exterior soil along the foundation or veneer wall shall be trenched or trenched and rodded through the bottom of the trench. Treatment of the backfill of the trench is permitted. Rod holes shall not be spaced more than twelve inches (12") apart. The size of the trench shall be consistent with product label requirements.

- (1) Where the footing is exposed at ground level, trench or trench and rod through the bottom of the trench along the outside edge of the footing.
- (2) Where trenching or trenching and rodding is not possible due to presence of masonry walls, gutters, terraces, sidewalks, and other similar locations, holes shall be drilled at not more than twelve inch (12") intervals and the soil shall be treated adjacent to the structure.

**OAC 35:30-17-69**

(a) The minimum standard for existing structure concrete slabs shall include the following:

- (1) Termiticide shall be injected immediately under and adjacent to the slab at the rate specified on the label by drilling and treating to create a continuous barrier between the soil and the outside perimeter walls of the structure. Use of a sub-slab injector or similar device to prevent backflow is recommended. All drill holes shall be securely plugged. Application pressure shall not exceed 25 psi. Monolithic, supported slab with thickened perimeter or post tension slabs, with or without footing, shall be treated by drilling only in areas where known cracks exist.
- (2) Where evidence of termite infestation exists on interior walls, the slab shall be treated by drilling the slab and treating the soil under the slab at the base of the wall where the termite activity is present and continue for a minimum of three (3) feet in at least two (2) directions from the termite activity. The treatment may be performed on either side of the wall if construction elements prevent treatment on the side of termite activity, so long as the reason for treating only one side of the treatment is discussed on the contract and the customer consents in writing.
- (3) Maximum spacing for drilling shall be twelve inches (12") except where long rodding of the perimeter is performed.
- (4) Termiticide shall not be applied to any area intended as a plenum air space unless permitted by the label.
- (5) Soil applied termiticide shall not be used to treat any structure containing a well or cistern unless allowed by the label.
- (6) Basement concrete slab floors shall not be drilled and treated unless there is evidence of termite infestation in the basement area.
- (7) Where wooden parts are resting on known cracked concrete or expansion joints, including but not limited to garage floor, patio, porches, or interior, holes shall be drilled on one or both sides of the wooden part and the soil below treated. Where wood parts extend into or through concrete slab or are adjacent to an expansion joint, the slab adjacent to the wood part shall be drilled at a maximum of twelve inch (12") intervals on one or both sides and treated.

(8) Dirt filled porches, entry platforms, sidewalks, patios, and other similar areas shall be treated by drilling or rodding. If drilled, holes shall not be in excess of twelve inches (12") apart.

### **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 July 13, 2020, ODAFF was informed of a recent inspection by Oklahoma Termite Specialist that found termites at the home located at 2326 Serenade Drive in Oklahoma City, OK.

19. Upon further investigation, it was discovered that the homeowners were under a bait system contract with Respondent and that on or about June 28, 2020, Respondent visited the home and applied Termidor Foam into the baseboard, as well as CY-Kick Aerosol into the wall voids in the Northeast bedroom.

20. An inspector for ODAFF then performed an inspection and observed evidence of termite activity in the North bedroom, Northeast bedroom, and the master bedroom's closet.

21. After this inspection, Respondent was contacted and asked to provide records for the spot treatment job.

22. Records obtained indicated that Respondent trenched and treated using Termidor HE.

23. Despite Respondent's records, ODAFF inspectors found no evidence of a treatment trench along the outside foundation wall adjacent to the area of the termite activity.

24. ODAFF inspectors further noted that the brick veneer voids were not drilled and treated in the location of the termite activity, nor was the concrete slab drilled and treated in the area of the termite activity.



25. On or about October 6, 2020, a Letter of Warning outlining the above violations was sent to Terminix.

#### **ALLEGED CONCLUSIONS OF LAW**

26. Based upon the application of the above law to the aforementioned facts, Respondent violated OAC 35:30-17-67, OAC 35:30-17-68, and OAC 35:30-17-69 by failing to meet the minimum standards for termite treatment.

#### **ATTORNEY CONFERENCES**

27. 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.

28. 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.

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

#### **ENFORCEMENT PROCEEDINGS**

30. 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.

31. 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.

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

33. 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**

34. 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**

35. 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**

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

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

38. 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

39. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Three Hundred Dollars (\$300.00)**.

40. 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 28 day of Jan, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TERMINIX  
9340 POLE RD  
MOORE, OK 73160**

  
\_\_\_\_\_  
Gina Blaylock

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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: <u>OGC-20-672</u></b>
	)	
<b>TERMINIX</b>	)	
<b>9340 POLE RD</b>	)	
<b>MOORE, OK 73160</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Three Hundred Dollars (\$300.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. DETERDING AERIAL  
Case File No: OGC-20-638**

**DETERDING AERIAL  
701 W. CEDAR DR.  
POND CREEK, OK 73766**

**Summary of Facts:** Respondent applied a pesticide in a manner inconsistent with its labeling by applying near a sensitive area.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$1,000.

**Deviations:** The penalty was reduced to \$250 to remain consistent with other cases and Respondent agreed to consent order reflecting that reduction.

**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.**

**DETERDING AERIAL  
701 W CEDAR DRIVE  
POND CREEK, OK 73766**

**RESPONDENT.**

**FILED**

**APR 06 2021**

**STATE BOARD OF AGRICULTURE**

**) Case No: OGC-20-638**

**SETTLEMENT AGREEMENT AND CONSENT ORDER**

**PARTIES**

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and **DETERDING AERIAL** (the "Respondent").

**AUTHORITY**

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

**DEPARTMENT'S NOTICE**

3. On January 28, 2021, the Department issued a Notice of Violation in Case No. OGC-20-638, ("Notice") to Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

**ORDER AND AGREEMENT**

4. In compromise and full settlement of this matter, respondent shall pay to the Department an administrative penalty of Two Hundred Fifty Dollars (\$250.00). Upon the execution of this agreement by both parties, payment shall immediately be made by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel  
Oklahoma Department of Agriculture, Food, and Forestry  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298

### **EFFECT OF THE AGREEMENT**

5. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
6. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
7. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

### **NO ADMISSION.**

8. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.



### **NON-ADMISSIBILITY.**

9. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

### **HEARING WAIVER**

10. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

### **MISCELLANEOUS**

11. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
12. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
13. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
14. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
15. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
16. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
17. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

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

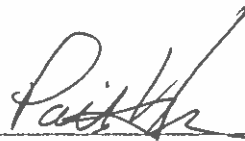


Shelby Turner  
2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4298  
Telephone: (405) 522-6104

COMPLAINANT

Date: 3/12/2021

- and by -



Patrick Hullum  
Corporate Tower, Thirteenth Floor  
101 N. Robinson Ave.  
Oklahoma City, OK 73102  
Telephone: (405) 235-4100

COUNSEL FOR RESPONDENT

Date: 4/2/2021

# Exhibit A

**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.**

**Deterding Aerial  
701 W Cedar Dr.  
Pond Creek, OK 73766**

**RESPONDENT.**

**FILED**

**JAN 28 2021**

**STATE BOARD OF AGRICULTURE**

**Case No: OGC-20-638**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at 1:30 pm on **Thursday, March 11, 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.**

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of 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)(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 June 24, 2020, an investigation was performed by the Oklahoma Department of Agriculture, Food, and Forestry.

19. As a result of this investigation, it was discovered that on June 1, 2020, Respondent made a pesticide application for Dale Dewitt in section 30-29N-1W.

20. Respondent's application records indicate that Shredder 2,4-D LV-6, Brash, and Alligare MSM 60 were applied with a 10 mph South wind.

21. Further investigation revealed that a cotton field is farmed approximately 1/8<sup>th</sup> of a mile North of where the application took place. A soybean field was also noted approximately 1/8<sup>th</sup> of a mile North of the application area.

22. The spray drift management (susceptible plants) section of the Brash label states: "Do not use aerial equipment to apply Brash when sensitive crops are growing in the vicinity of area to be treated."

23. On or about August 25, 2020, a Letter of Warning that detailed the above violation was sent to Deterding Aerial.

### **ALLEGED CONCLUSIONS OF LAW**

24. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. 3-86(A)(4) by negligently using a pesticide in a manner inconsistent with its labeling.

### **ATTORNEY CONFERENCES**

25. 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.
26. 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.
27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

28. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
29. Pursuant to 2 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.
30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.



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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

32. 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**

33. 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**

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

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

36. 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**

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

38. 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 03 day of November, 2020.

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

*Shelby Rice*


---

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

**CERTIFICATE OF MAILING**

This is to certify that on this **03** day of **November**, **2020**, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Deterding Aerial**  
**701 W Cedar Dr.**  
**Pond Creek, OK73766**

  
\_\_\_\_\_  
Gina Blaylock

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

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

**COMPLAINANT,** )

**v.** )

**Case No: OGC-20-638**

**Deterding Aerial** )  
**701 W Cedar Dr.** )  
**Pond Creek, OK 73766** )

**RESPONDENT.** )

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
v. TRIPLE T MACHINING SPECIALTIES, INC.  
Case File No: OGC-20-012**

**TRIPLE T MACHINING SERVICES, INC.  
DBA MOLECAT  
11243 S. BEUTEL RD  
OREGON CITY, OR 97045**

**Summary of Facts:** Respondent sold a pesticide that was not registered and for which a registration fee had not paid in the State of Oklahoma.

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

**Proposed Administrative Penalty:** The penalty was assessed at \$1,000. Respondent failed to appear at prehearing conference after good service on the Notice of Violation. Respondent did not make contact after good service on a Notice of Default. Administrative Law Judge Richard Herren signed ODAFF's Proposed Final Order of Default at the April 8 docket.

**Deviations:** None.

**Other Actions Required:** Collection of \$1,000 penalty

**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. )**

**TRIPLE T MACHINING SPECIALTIES, INC. )  
DBA MOLECAT )  
11243 S. BEUTEL RD )  
OREGON CITY, OR 97045 )**

**RESPONDENT. )**

**Case No: OGC: 20-012**

**Stop Sale #4651**

**FILED**  
APR 08 2021  
STATE BOARD OF AGRICULTURE

**PROPOSED FINAL ORDER**

On the 3<sup>rd</sup> day of January 2020, this matter came on for consideration. Respondent was provided a copy of the Notice of Violation entered in this matter. See Exhibit "A", Notice of Violation. The Notice of Violation advised Respondent that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondent may result in a default judgment being entered against Respondent.

**FINDINGS OF FACT**

1. Respondent was properly served with process. The Notice of Violation was delivered by certified mail on January 30, 2021 (receipt # 9171999991703765246491) to Triple T Machining Specialties at 11243 S. Beutel Rd in Oregon City, OR. Proof of service is attached as Exhibit "B", Proof of Service.

2. The administrative hearing was March 11, 2021, at 1:30 p.m. The Complainant appeared through its Counsel of Record and the Respondent appeared not.

3. Complainant requested entry of judgment against Respondent for penalty of One Thousand Dollars (\$1,000.00).

4. A penalty in the amount of One Thousand Dollars (\$1,000.00) was proposed by the Notice of Violation.

#### **CONCLUSIONS OF LAW**

5. Respondent is in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

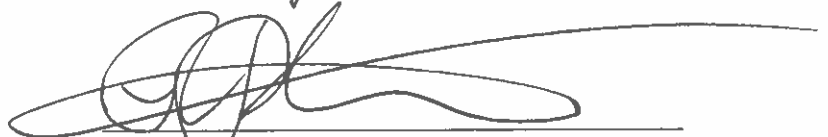
6. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

7. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation (Exhibit "A", Notice of Violation) are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

#### **RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Notice of Violation entered in this matter on March 11, 2021 be adopted as a Final Order and a penalty of One Thousand Dollars (\$1,000.00) be imposed on the Respondent.

WITNESS My Hand and Official Seal this 8<sup>th</sup> day of April 2021.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Honorable Richard Herren  
Administrative Law Judge

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

**TRIPLE T MACHINING SPECIALTIES, INC.  
11243 S. BEUTEL RD  
OREGON CITY, OR 97045**

A handwritten signature in dark ink, appearing to read "Gina Blaylock", is written over a horizontal line.

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. )**

**TRIPLE T MACHINING SPECIALTIES, INC. )  
DBA MOLECAT )  
11243 S. BEUTEL RD )  
OREGON CITY, OR 97045 )**

**RESPONDENT. )**

**Case No: OGC-20-012**

**Stop Sale: #4651**

**FILED**  
MAR 19 2021  
STATE BOARD OF AGRICULTURE

**AMENDED NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, March 11, 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.

---

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

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

#### **HEARING AND RIGHT TO COUNSEL**

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

#### **DEFAULT**

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

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

### **JURISDICTION, VENUE, AND APPLICABLE LAW**

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the distribution of pesticides to a retail store, Lumber 2 Farm & Ranch Store, 7200 S Sooner Rd., Oklahoma City, OK 73135.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

#### **2 O.S. §3-82(J)(1)**

Every pesticide or device distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Board.

#### **2 O.S. §3-82(J)(3)**

Each registrant shall pay to the Board an annual registration fee of Two Hundred Ten Dollars (\$210.00) for each pesticide or device label registered.

### **ALLEGATIONS OF FACT**

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

- On or about November 6, 2019, ODAFF conducted a routine inspection at a retail store, Lumber 2 Farm & Ranch Store, 7200 S. Sooner Rd., Oklahoma City, OK 73135.
- The Inspector found Molecat Kills Burrowing Pest on Contact being sold on the premises.
- Molecat Kills Burrowing Pest on Contact is manufactured by Triple T Machining Specialties, Inc. dba Molecat and is not a registered pesticide with the Oklahoma Board of Agriculture.
- On or about November 7, 2019, a Letter of Warning and a Stop Sale Order (#4651) that detailed the above violation was sent to Lumber 2 Farm & Ranch Store and Triple T Machining Specialties, Inc.

#### **ALLEGED CONCLUSIONS OF LAW**

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(J)(1) and (3) by selling a pesticide not registered with the State of Oklahoma for which a registration fee has not been paid.

#### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

### **ENFORCEMENT OF JUDGMENTS**

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

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

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

### **STIPULATION**

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

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



---

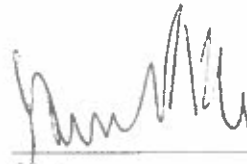
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574

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

**CERTIFICATE OF MAILING**

This is to certify that on this 16 day of Jan, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TRIPLE T MACHINING SPECIALTIES, INC.  
DBA MOLECAT  
11243 S. BEUTEL RD  
OREGON CITY, OR 97045**



Gina Blaylock



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

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

**COMPLAINANT, )**

**v. )**

**Case No: OGC-20-012**

**TRIPLE T MACHINING SPECIALTIES, INC. )  
11243 S. BEUTEL RD )  
OREGON CITY, OR 97045 )**

**Stop Sale: #4651**

**RESPONDENT. )**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

Date: \_\_\_\_\_

91 7199 9991 7037 6524 6491

OAC-20-612

Track Another Package +

Tracking Number: 9171999991703765246491

Remove X

Your item was delivered to an individual at the address at 10:18 am on January 30, 2021 in OREGON CITY, OR 97045.

 **Delivered, Left with Individual**

January 30, 2021 at 10:18 am  
OREGON CITY, OR 97045

Feedback

Get Updates ▾

Text & Email Updates	▾
Return Receipt Electronic	▾
Tracking History	▾
Product Information	▾

See Less ^



## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

Feedback