

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

Wednesday, January 26, 2022
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 December 8, 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 – Wade Krivanek
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
- SHI – Adobe Subscription Services - \$8,019
 - FY23 - \$25,000 – purchase brush hog to maintain conservation seedling fields
 - FY23 - \$12,000 – purchase shipping bags
 - FY23 - \$25,000 - Renewal of agreement/membership with Western Gulf Forest Tree Improvement Cooperative
 - FY23 - \$12,800 – renewal of agreement/membership with Auburn Nursery Cooperative
 - FY23 - \$50,000 – fumigation to control insects, disease pathogens and weed seed.
 - FY23 - \$15,000 – pesticides for seedling production at the Forest Regeneration Center & Forest Tree Improvement Center.
 - FY23 - \$15,000 – tree and shrub seed for use at the Forest Regeneration & Forest Tree Improvement Center.
 - FY23 - \$15,000 – pinecone collection at FTIC seed orchard in Idabel
 - FY23 - \$30,000 – contract harvesting services is needed by qualified, trained workers to lift 3 million seedlings.
 - FY23 - \$7,500 – purchase up to 15 tons of sulfur 90% Pastille for Forest Regeneration Ctr.
 - FY23 - \$9,500 – purchase soil media to grow containerized seedlings at the Forest Regeneration Center and Forest Tree Improvement Center
 - FY23 - \$2,000 – purchase of tree seedling containers for FRC and FTIC
 - FY23 - \$11,500 – National Association of State Foresters is an organization composed of the directors of forestry agencies in the states, territories and the District of Columbia.
 - FY23 - \$25,000 – uniforms for OFS employees.
 - FY22 – Healthy Oklahoma Nutrition Alliance – Healthy Food Financing Grant - \$10,000
 - FY22 – Restore OKC – Healthy Food Financing Grant - \$10,000
 - FY22 – Oklahoma Local Ag Summit – facility rental – funded entirely by Specialty Crop Block Grant - \$25,000
 - FY22 – USDA Specialty Crop Block Grants - \$797,812.77.
 - \$15,000 – requesting approval for the McGee Creek

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Jim Billbe, P. O. Box 399, Collinsville, Oklahoma

Jason Black, P. O. Box 567, Jay, Oklahoma

Fred Chapman IV, 15855 W. Pat Howe Road, Sulphur, Oklahoma

Beth Weatherford, 28446 Buck Creek Road, Bokoshe, Oklahoma

Meng Yang, 8722 S. Cherokee Street, Muskogee, Oklahoma

Kalyn Zimmerman, 12625 S, HWY10, Wyandotte, Oklahoma

Consumer Protection Services

Cain's Lawn Care, 1421 N. Union Street, Ponca City, 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

Escott Aerial Spraying, 140 Airport Drive, Nowata, Oklahoma

Red Beards Wildlife Solutions, 127 W. 5th Street, Edmond, Oklahoma

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

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

10. **Consideration and Proposed Action on Proposed Permanent Rules**

ADMINISTRATIVE OPERATIONS

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

Chapter 1. Administrative Operations

Subchapter 10. Requirements for Department Programs

35:1-10-6. Date of federal regulations incorporated [NEW]

AGRICULTURAL PRODUCTS

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

Chapter 10. Agricultural Products

Subchapter 1. General Provisions

35:10-1-3 Handbook and publication editions [AMENDED]

Subchapter 17. Open Dating [REVOKED]

35:10-17-1 Open dating for perishable and semi-perishable commodities [REVOKED]

FUEL ALCOHOL

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

Chapter 13. Fuel Alcohol

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

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

35:13-1-3 Definitions [REVOKED]

35:13-1-4 Permit required [REVOKED]

35:13-1-5 Inspections [REVOKED]

35:13-1-6 Fuel alcohol fees [REVOKED]

ANIMAL INDUSTRY

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

Chapter 15. Animal Industry

Subchapter 1. General Provisions

35:15-1-2 Definitions [AMENDED]

Subchapter 5. Biological Products and Laboratories

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

Subchapter 11. Importation of Animals

Part 13. Equine Piroplasmiasis

35:15-11-52 Definitions [AMENDED]

35:15-11-53 Testing for Equine Piroplasmiasis [AMENDED]

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

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

35:15-13-7 Specific approval of livestock auction markets [AMENDED]

Subchapter 15. Equine Infectious Anemia (EIA)

Part 11. Requirements for Equidae Entering Oklahoma

35:15-15-111 General requirements for Equidae entering Oklahoma [AMENDED]

Subchapter 16. Contagious Equine Metritis

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

Subchapter 19. Poultry Regulations

35:15-19-4 Import and exhibition poultry [AMENDED]

35:15-19-8 Infectious Laryngotracheitis (Trachietis trachietis) (ILT) [AMENDED]

Subchapter 36. Scrapie

35:15-36-1 Incorporation by reference of federal regulations [AMENDED]

35:15-36-2 Deleted regulations [AMENDED]

35:15-36-3 Requirements for identification [AMENDED]

Subchapter 44. Farmed Cervidae

35:15-44-19 Entry and export requirements [AMENDED]

Subchapter 47. Chronic Wasting Disease (CWD) in Cervids

Part 7. Interstate Movement Requirements

35:15-47-18 Minimum CWD requirements for interstate movement of cervids [AMENDED]

CONSUMER PROTECTION

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

Chapter 30. Consumer Protection

Subchapter 8. Cotton Seed Bug Quarantine [NEW]

35:30-8-1 Establishment of quarantine [NEW]

35:30-8-2 Regulated area [NEW]

35:30-8-3 Regulated articles [NEW]

35:30-8-4 Conditions governing movement [NEW]

35:30-8-5 Movement for scientific purposes [NEW]

Subchapter 17. Combined Pesticide

Part 1. Commercial and Non-Commercial Categories of Pesticide Application

35:30-17-1.3 Commercial pesticide applicator license renewal [NEW]

Part 3. Certification, Conduct of Examinations, and Recertification

35:30-17-4 Examination of applicants for certification [AMENDED]

35:30-17-6 Recertification [AMENDED]

Part 6. Pesticidal Product Producing Establishments

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

Part 8. Pesticide Registrations and Permits

35:30-17-17.4 Spray adjuvant [NEW]

Part 9. Minimum Standards for Contracts and Keeping of Records

35:30-17-21 Records required for pesticide applications and restricted use pesticide sales [AMENDED]

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

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

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

Subchapter 24. Oklahoma Industrial Hemp Program

35:30-24-11.1 Allowable testing thresholds [NEW]

Subchapter 25. Seed

35:30-25-15 Schedule of seed program fees [AMENDED]

35:30-25-16 Marijuana seed [NEW]

Subchapter 29. Fertilizer

Part 5. Licenses and Complaints

35:30-29-51 Fertilizer license and schedule of fertilizer fees [AMENDED]

Subchapter 37. Nursery Stock Sales

35:30-37-13 Prohibited sale of noxious weeds [NEW]

FOOD SAFETY

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

Chapter 37. Food Safety

Subchapter 1. Eggs

35:37-1-2 Methods of grading [AMENDED]

Subchapter 3. Meat Inspection

Part 1. General Provisions

35:37-3-1 Incorporation by reference of federal meat inspection regulations [AMENDED]

35:37-3-3 Deleted regulations [AMENDED]

35:37-3-6 Oklahoma Certified Beef [NEW]

Subchapter 5. Poultry Products Inspection

Part 1. General Provisions

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

35:37-5-2 Deleted regulations and exemptions [AMENDED]

Subchapter 15. Organic Products

35:37-15-2 The Adoption of NOP Standards [AMENDED]

Subchapter 17. Produce safety

35:37-17-3 Incorporation by reference of federal produce safety regulations [AMENDED]

Subchapter 19. Homemade Food [NEW]

35:37-19-1 Purpose [NEW]

35:37-19-2 Definitions [NEW]

35:37-19-3 Sale and delivery requirements [NEW]

35:37-19-4 Labeling requirements [NEW]

35:37-19-5 Violations [NEW]

MARKET DEVELOPMENT

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

Chapter 40. Market Development

Subchapter 5. Agriculture Enhancement and Diversification Program

Part 1. Definitions

35:40-5-1 Definitions [AMENDED]

Part 3. Applicant Eligibility

35:40-5-31 Applicant eligibility [AMENDED]

Part 5. Evaluation and Funding Criteria

35:40-5-51 Evaluation and funding criteria [AMENDED]

Part 11. Terms of Loans ~~or~~ and Grants

35:40-5-111 Terms of loans ~~or~~ and grants [AMENDED]

Part 13. Marketing and Utilization Loans [REVOKED]

35:40-5-131 Marketing and utilization loans [REVOKED]

Part 15. ~~Cooperative Marketing~~ Value-added Agriculture Loans and Grants

35:40-5-151 ~~Cooperative marketing~~ Value-added agriculture loans and grants [AMENDED]

Part 17. Farm Diversification Grants

35:40-5-171 Farm diversification grants [AMENDED]

Part 18. ~~Basic And Applied~~ Product Development and Research Loans ~~Or~~ and Grants

35:40-5-181 ~~Basic and applied~~ Product development and research loans ~~or~~ and grants
[AMENDED]

Part 23. Agriculture Event Grants

35:40-5-221 Agriculture event grants [AMENDED]

Part 25. Veteran or Young Farmer Loans and Grants [NEW]

35:40-5-231 Veteran or young farmer loans and grants [NEW]

Subchapter 23. Made in Oklahoma

35:40-23-4 Product eligibility [AMENDED]

AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Chapter 44. Agriculture Pollutant Discharge Elimination System

Subchapter 1. Agriculture Environmental Permitting and AGPDES

Part 1. General Provisions

35:44-1-3 Date of federal regulations incorporated [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3 Date of federal regulations incorporated [AMENDED]

COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

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

Chapter 55. Commercial Pet Breeders and Animal Shelters

Subchapter 3. Standards of Care

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

11. Next Board meeting scheduled for Wednesday, March 9, 2022 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