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
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
**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

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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
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
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 Piroplasmosis
35:15-11-52 Definitions [AMENDED]
35:15-11-53 Testing for Equine Piroplasmosis [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 Laryngo 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]
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]
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
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
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
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