

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 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]

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

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

Oklahoma City, Oklahoma
December 8, 2021

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., December 8, 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
 Nocona Cook

Others Present: Kandi Batts, Executive Secretary
 JanLee Rowlett, Deputy Commissioner
 Dan Ridings, Director, Administrative Services
 Wade Krivanek, Director, Laboratory Services
 Mark Goeller, Director, Forestry Services
 Kenny Naylor, Director, Consumer Protection Services
 Dr. Alicia Gorczyca-Southerland, Animal Industry Services
 Scott Alls, Director, Wildlife Services
 Troy Marshall, Director Agricultural Statistics
 Meriruth Cohenour, Director, Market Development Services
 Teena Gunter, Director, Agricultural Environmental
 Management Services & Office of General Counsel
 Tommy Stephens, Food Safety Services
 Morgan Vance, Communications
 James Wells, OPMA
 Jordan Vickers, A&B Pest Control
 Patrick Colvin, Jones, Gotcher & Bogan
 Brock Stockton, Superior Termite & Pest
 Jennie Melendez, eCapitol
 DeJuan Naff, ODAFF Forestry Division
 Jamie Dean, Governor's Office
 Ethan Shoemake, Job Shadow Student

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

Ms. Meriruth Cohenour introduced the guests.

Mr. James Wells introduced himself to the Board Members and ODAFF staff as the current President of the Oklahoma Pest Management Association.

A motion was made by Mr. Farris, seconded by Mr. Bolen, to approve the minutes of the regular meeting of October 28, 2021, as presented.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Abstain
Cook	Absent

The motion carried.

Mr. Cook entered the meeting at 10:05 a.m.

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

Ms. Cohenour, the Director of Market Development Services division, welcomed the Ag in the Classroom staff: Melody Aufill, Annie Davis, Emily Ague, and Brook Lankford, intern from OSU. The purpose of the Oklahoma Ag in the Classroom is to help Oklahoma school children and teachers with resources to integrate agricultural literacy into their curriculum.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

Mrs. Arthur suggested taking Agenda Item #9, Consideration and Proposed Action on Recommendation of the Administrative Law Judge, as the next Order of Business as guests were present for this item of business.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to move Agenda Item #9, Consideration and Proposed Action on Recommendation of the Administrative Law Judge as submitted and contained on pages 10 and 11.

Consumer Protection Services

Superior Termite and Pest, 205 S. 85th E. Ave., Tulsa, Oklahoma

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

Ms. Gunter, General Counsel, presented the Consideration and Proposed Action on Administrative Law Judge as included in the Board packet.

Mr. Patrick Colvin, attorney from Tulsa, Oklahoma appeared on behalf of Superior Termite and Pest regarding proposed order of the ALJ.

Mr. Colvin made argument as to why the penalty should be reduced.

After questions and comments made by the Members of the Board, Ms. Gunter and Mr. James Rucker responded to arguments made by Mr. Colvin.

A motion from Mr. Farris, seconded by Mr. Bolen, to approve the Proposed Action on Recommendation of the Administrative Law Judge, but lowering the fine to \$20,000.

The vote was as follows:

Farris	Aye
Bolen	No
Burtrum	No
Arthur	No
Cook	No

The motion failed.

A motion from Mr. Burtrum, seconded by Mr. Bolen, was made to accept the ALJ proposed recommended order.

The vote was as follows:

Farris	No
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 6 and 7.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Stipulations as submitted and contained on pages 8 and 9.

Agricultural Environmental Management Services

Brian Cox, 2139 Union Grove Road, Haworth, Oklahoma

Terry J. Hendren, 29701 S. 660 Road, Grove, Oklahoma

Navada Jeffries, P. O. Box 143, Jay, Oklahoma

Jerry Londagin, 51501 S. 690 Road, Colcord, Oklahoma

Consumer Protection Services

Mark McPhail, P. O. Box 209, Snyder, Oklahoma

Signature Landscape, LLC, 9600 N. Eastern Ave., Oklahoma City, Oklahoma

Wilkins Lawn and Landscape, 44 Westgate Drive, Sulphur, Oklahoma,

Lin Yongxin, 22150 CR 290, Morrison, Oklahoma

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	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. Mr. Farris moved, Mr. Burtrum seconded, that the meeting be adjourned at 12:02 p.m.

By _____
President

ATTEST: _____
Executive Secretary

DECEMBER 8, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

Oklahoma Management Enterprise Services (OMES) Fleet Management (AVL services)
\$114,558 –

This purchase is required per Governor Stitt's executive order 2020-04, that all state agencies are mandated to install "Automatic Vehicle Locator (AVL)" equipment all state-owned vehicles. This directive will be achieved through a "shared services agreement" with OMES Fleet Management.

Food Safety Services

Food Safety is requesting Board Approval for the purchase of three (3) 2022 F 150 Super Cab 4 WD 6 ½" bed. The total cost of this purchase will be \$86,616.00. These vehicles are needed for new employees and to replace aging fleet vehicles. These vehicles are critical to the agency mission and if not replaced or purchased may put the employee and public at greater risk.

Forestry Services

FY22 (Laptops) - \$14,000

Purchase four (4) laptops that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning and hazardous fuels mitigation. These machines will be replacing outdated models or for newly hired personnel. Acquisition cost for each unit is estimated at \$3,500. Funding for this purchase will come from the US Forest Service State Fire Assistance -Response Grant and State Fire Assistance – Mitigation Grant. Costs for these purchases will be 100% federally reimbursed.

FY 22- \$9,500

Purchase of tree seedling containers for FRC and FTIC. Container cells and trays will be used to grow seedlings for conservation plantings such as wetland restoration and forest mitigation sites. Containers seedlings are requested by customers who face more challenges on their planting sites. Without our containerized seedling options, these customers would have failure with their conservation plantings.

Market Development Services

FY 2022 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of six grant partners included in this award. Effective: 9/30/21 - 9/29/24 - \$601,281.19.

USDA Specialty Crop Block Grants - \$601,281.19

This project is entirely funded by the USDA Specialty Crop Block Grant Program. The purpose of this grant is to enhance the competitiveness of specialty crops in the state. 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 specialty crop industry through the economic impact, but also runs the risk of not being awarded money from the USDA Specialty Crop Block Grant Program in the future.

FY 2022 – Purchase of Oklahoma Grown Farmers Market bags for OK Grown Markets. -
\$14,000.00

FY 2022 – Homebuilders Association of Greater Tulsa - Tulsa Home and Garden Show -
Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate
- \$10,000.00

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

APPROVAL OF CASES

ON THIS 8th day of December 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 8th day of December 2021.

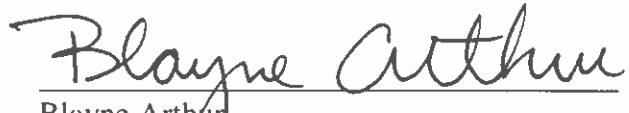

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
December 8, 2021

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Brian Cox	OGC-21-330	AEMS	\$200.00
Terry J. Hendren	OGC-21-543	AEMS	\$400.00
Navada Jeffries	OGC-21-452	AEMS	\$200.00
Jerry Londagin	OGC-21-352	AEMS	\$300.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Mark McPhail	OGC-20-851	CPS	\$250.00
Signature Landscape, LLC	OGC-21-285	CPS	\$750.00
Wilkins Lawn and Landscape	OGC-21-002	CPS	\$1,000.00
Lin Yongxin	OGC-21-212	CPS	\$500.00

Cases Resolved by Proposed Final Order

<u>Consumer Protection Services</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Superior Termite and Pest 205 S. 85th E. Ave., Tulsa, Oklahoma	OGC-19-889 and 20-005	CPS	\$30,000.00

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

**APPROVAL OF PROPOSED FINAL ORDER
OF THE ADMINISTRATIVE LAW JUDGE**

ON THIS 8th day of December, 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture The Proposed Final Order in OGC-19-889 and OGC-20-005, ODAFF v. Superior Termite and Pest Control.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the Proposed Final Order attached hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for such case; and that the penalty imposed by such Proposed Final Order is hereby adopted and incorporated herein.

WITNESS My Hand and Official Seal this 8th day of December, 2021.



Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
December 8, 2021

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Brian Cox	OGC-21-330	AEMS	\$200.00
Terry J. Hendren	OGC-21-543	AEMS	\$400.00
Navada Jeffries	OGC-21-452	AEMS	\$200.00
Jerry Londagin	OGC-21-352	AEMS	\$300.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Mark McPhail	OGC-20-851	CPS	\$250.00
Signature Landscape, LLC	OGC-21-285	CPS	\$750.00
Wilkins Lawn and Landscape	OGC-21-002	CPS	\$1,000.00
Lin Yongxin	OGC-21-212	CPS	\$500.00

Cases Resolved by Proposed Final Order

<u>Consumer Protection Services</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Superior Termite and Pest 205 S. 85th E. Ave., Tulsa, Oklahoma	OGC-19-889 and 20-005	CPS	\$30,000.00

Oklahoma Department of Agriculture, Food & Forestry

January 26, 2022, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES NOVEMBER 2021



INVESTIGATIONS		NOVEMBER	YTD	FYTD
LIVESTOCK		4	38	17
FIRE		3	16	9
PROPERTY		3	27	15
TIMBER		0	5	3
AGENCY ASSISTS	ODAFF	0	3	0
AGENCY ASSISTS	EXTERNAL	0	8	1
OTHER		1	8	5
TOTAL INVESTIGATIONS OPENED		11	105	50
CLOSED PENDING ADDITIONAL INFORMATION		3	22	14
NO CRIME		5	23	14
NO PROSECUTION		0	2	0
CLOSED - ASSIST CASE		0	8	3
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		0	10	0
REFERRED FOR ADMINISTRATIVE ACTION		0	0	0
TOTAL INVESTIGATIONS COMPLETED		8	65	31
COUNTS FILED		0	23	1
VALUE OF LOSSES - ALL CRIMES		\$143,550	\$1,399,500	\$1,076,400
RECOVERED LOSSES - ALL CRIMES		\$122,050	\$388,550	\$305,050
NUMBER OF CATTLE REPORTED STOLEN		5	277	90
NUMBER OF CATTLE RECOVERED		5	156	80

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES DECEMBER 2021



INVESTIGATIONS		DECEMBER	YTD	FYTD
LIVESTOCK		6	44	23
FIRE		3	19	12
PROPERTY		1	28	16
TIMBER		1	6	4
AGENCY ASSISTS	ODAFF	0	3	0
AGENCY ASSISTS	EXTERNAL	1	9	2
OTHER		0	8	5
TOTAL INVESTIGATIONS OPENED		12	117	62
CLOSED PENDING ADDITIONAL INFORMATION		1	23	15
NO CRIME		2	25	16
NO PROSECUTION		0	2	0
CLOSED - ASSIST CASE		1	9	4
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	11	1
REFERRED FOR ADMINISTRATIVE ACTION		0	0	0
TOTAL INVESTIGATIONS COMPLETED		5	70	36
COUNTS FILED		2	25	3
VALUE OF LOSSES - ALL CRIMES		\$38,600	\$1,438,100	\$1,115,000
RECOVERED LOSSES - ALL CRIMES		\$10,100	\$398,650	\$315,150
NUMBER OF CATTLE REPORTED STOLEN		30	307	120
NUMBER OF CATTLE RECOVERED		8	164	88

Administrative Services



- Human Resources
 - Working on BrightPath/Workday system implementation projects
 - Expected to go live May 18, 2022
 - New Civil Service & Human Capital Modernization Rules went into effect January 1, 2021

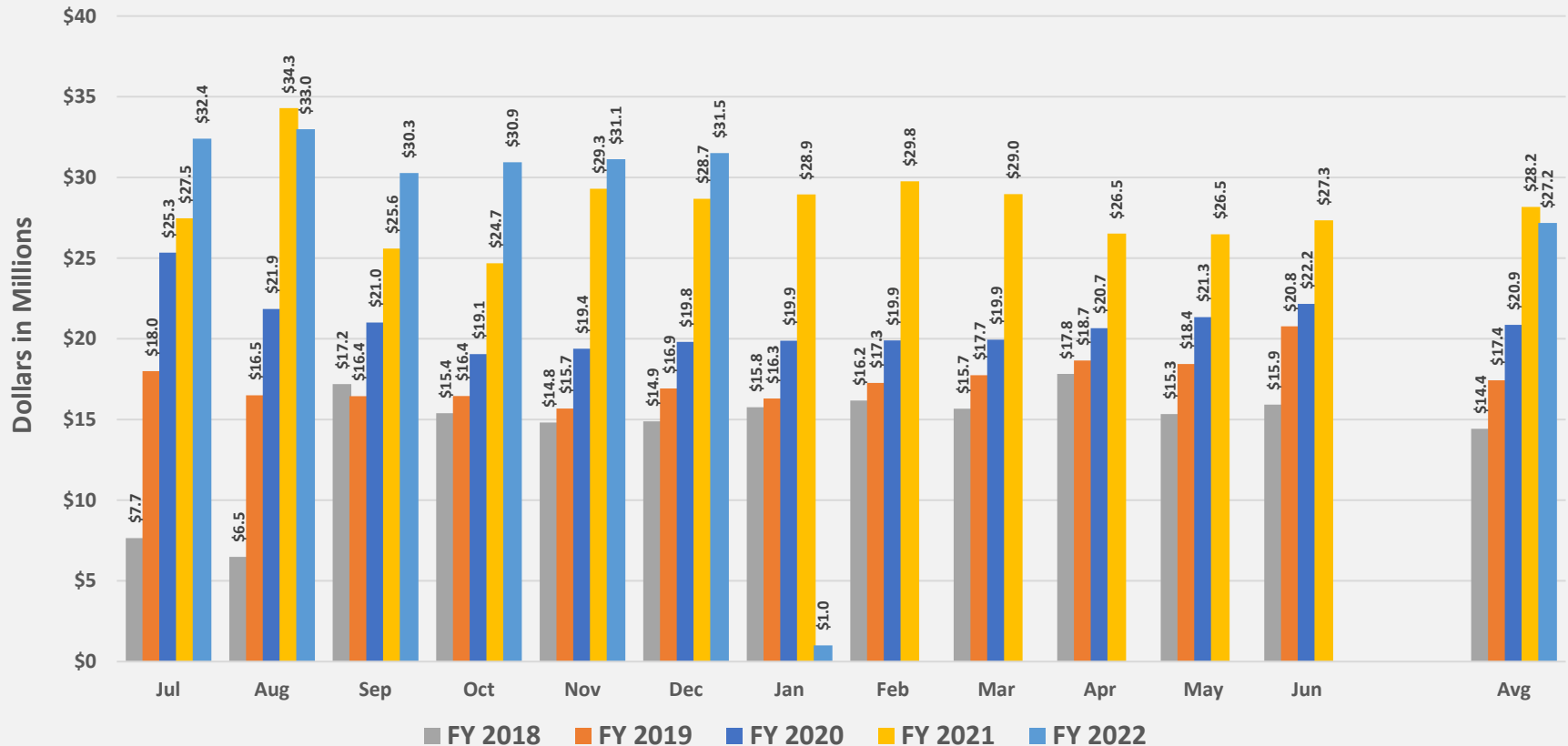
Administrative Services



- Finance & Accounting
 - Mary Finley retired after working here for almost 34 years. Mary was an excellent Accountant and a great person. We will greatly miss Mary but we wish her the best.
 - Accountant III position currently listed
 - W2's & 1099's will be mailed out in January
 - PeopleSoft financial system is scheduled to be upgraded from version 33 to 40 by January 16th

Available Cash at Month End per Allotment Budget & Available Cash Report

Months Ending: July 2017 – December 2021



Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,106,726 as of 12/31/2021.

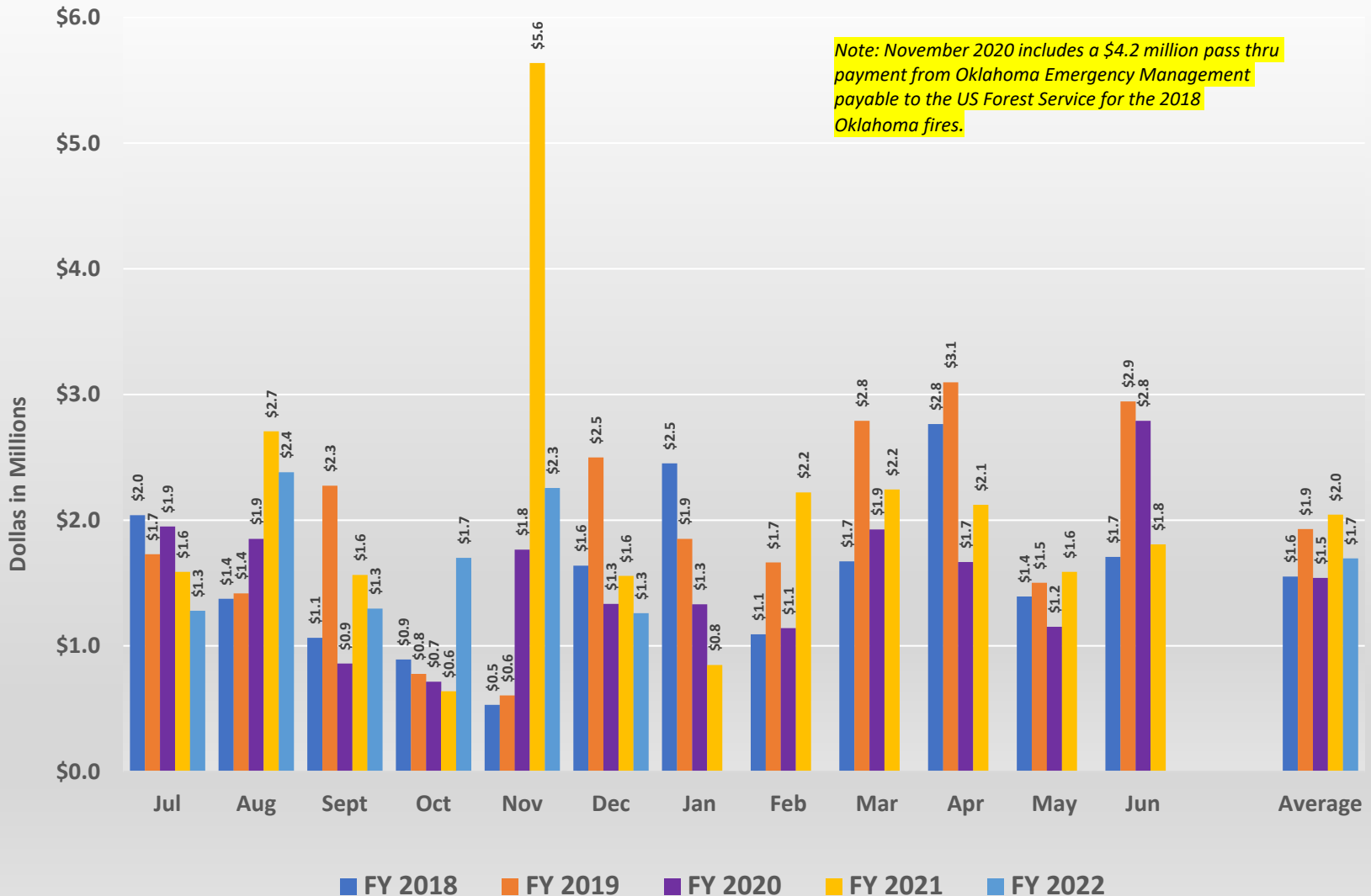
Administrative Services - Finance

- Cash balance as of 12/31/2021 was \$31.5 million compared to \$28.7 million as of 12/31/2020.
- This is an increase of \$2.8 million from the prior year and is primarily attributed to the following:
 - Frugal spending in anticipation of a possible revenue failure.
 - Covid Pandemic

Administrative Services - Finance

- Increase in Legislative directed spending's/pass thru payments to OSU
 - Annual amount increased from \$2.88 million in FY 21 to \$6 million in FY 22
 - Payments were made monthly in FY 21
 - Payments are made quarterly in FY 22.

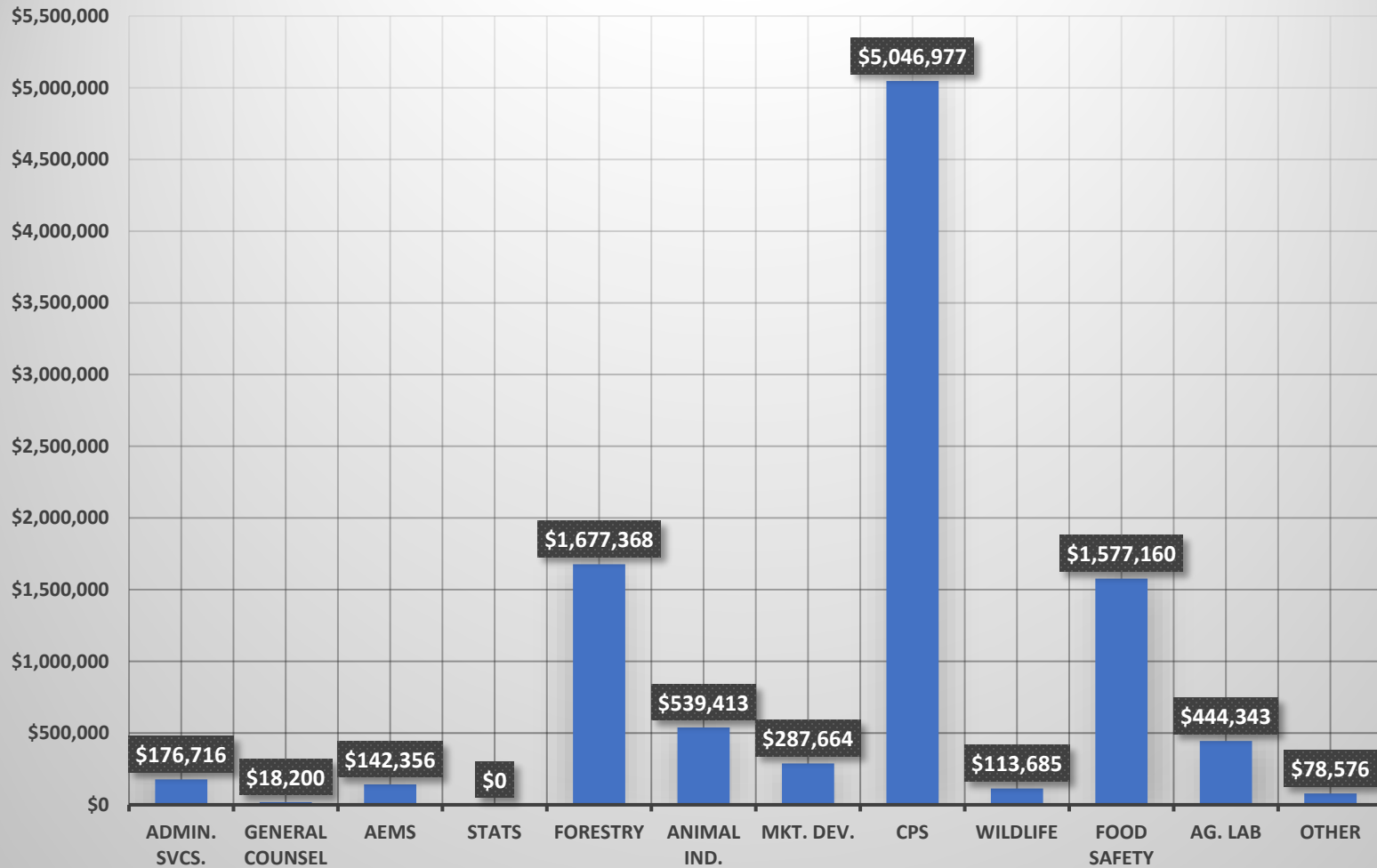
Total Revenue by Month July 2017 – December 2021



**Revenue By Division
July – December 2021**

Division	December 2021 Revenue	Fiscal Year to Date Thru Dec. 31, 2021 Revenue
Admin. Svcs.	112,741	176,716
General Counsel	11,557	18,200
AEMS	35,139	142,356
Stats	-	-
Forestry	183,479	1,677,368
Animal Ind.	256,351	539,413
Mkt. Dev.	1,747	287,664
CPS	571,747	5,046,977
Wildlife	(44,449)	113,685
Food Safety	138,147	1,577,160
Ag. Lab	38,256	444,343
Other	(35,237)	78,576
DIVISION TOTAL (see division receipts graph below)	1,269,477	10,102,458
Commodity Storage Indemnity	9,157	70,833
Appropriations	2,285,279	17,816,224
AGENCY TOTAL	3,563,913	27,989,515

Revenue By Division July – December 2021



■ Fiscal Year to Date Thru Dec. 31, 2021 Revenue

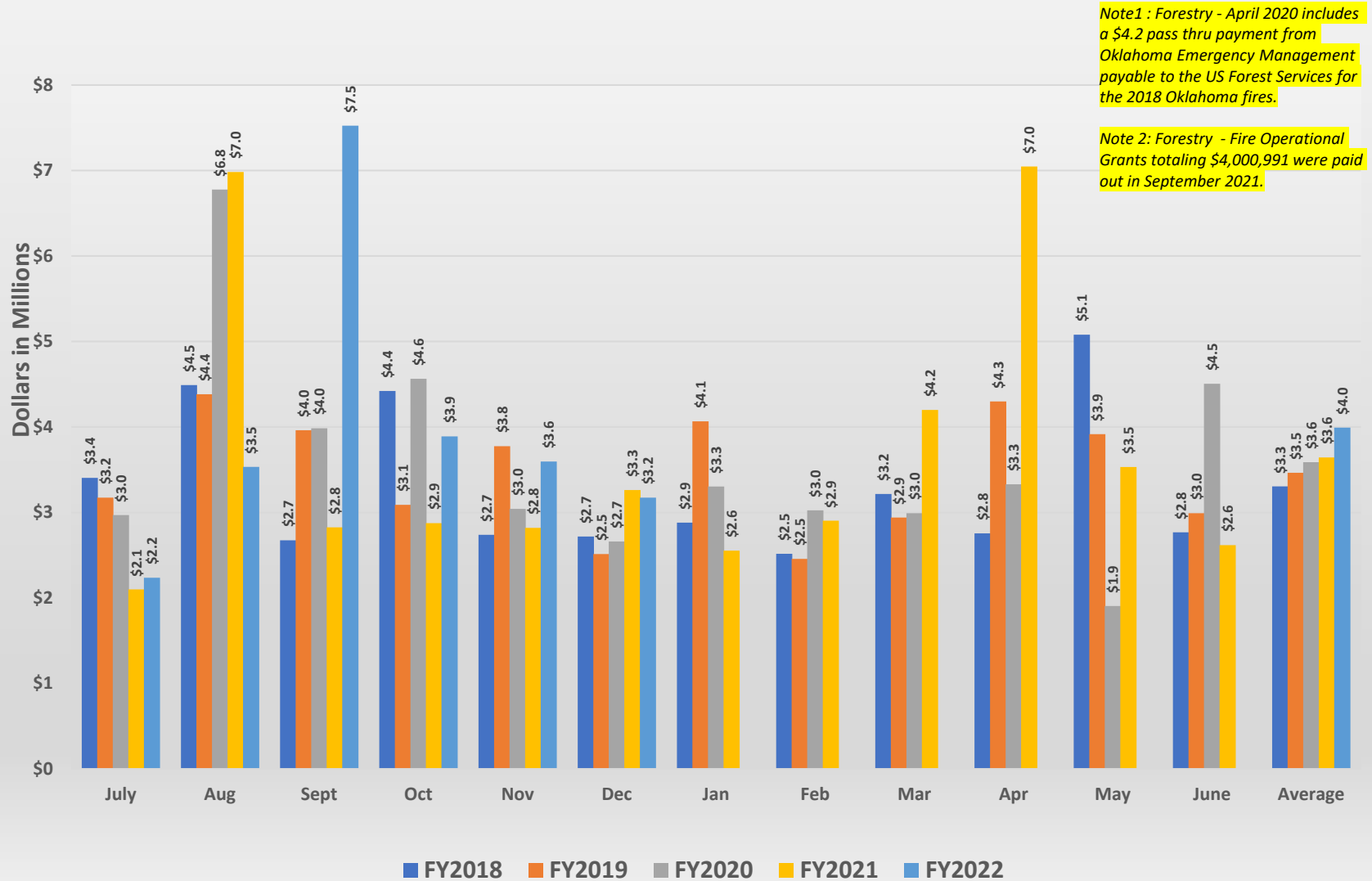
Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 thru December 2021 totaled \$10.17 million.
- This is a decrease \$3.5 million from the prior year and is primarily attributed to the following:
 - \$4.2 million pass thru payment received in November 2020 from Oklahoma Emergency Management payable to the US Forest Service for the 2018 fires in Oklahoma
 - Increased sales of surplus property

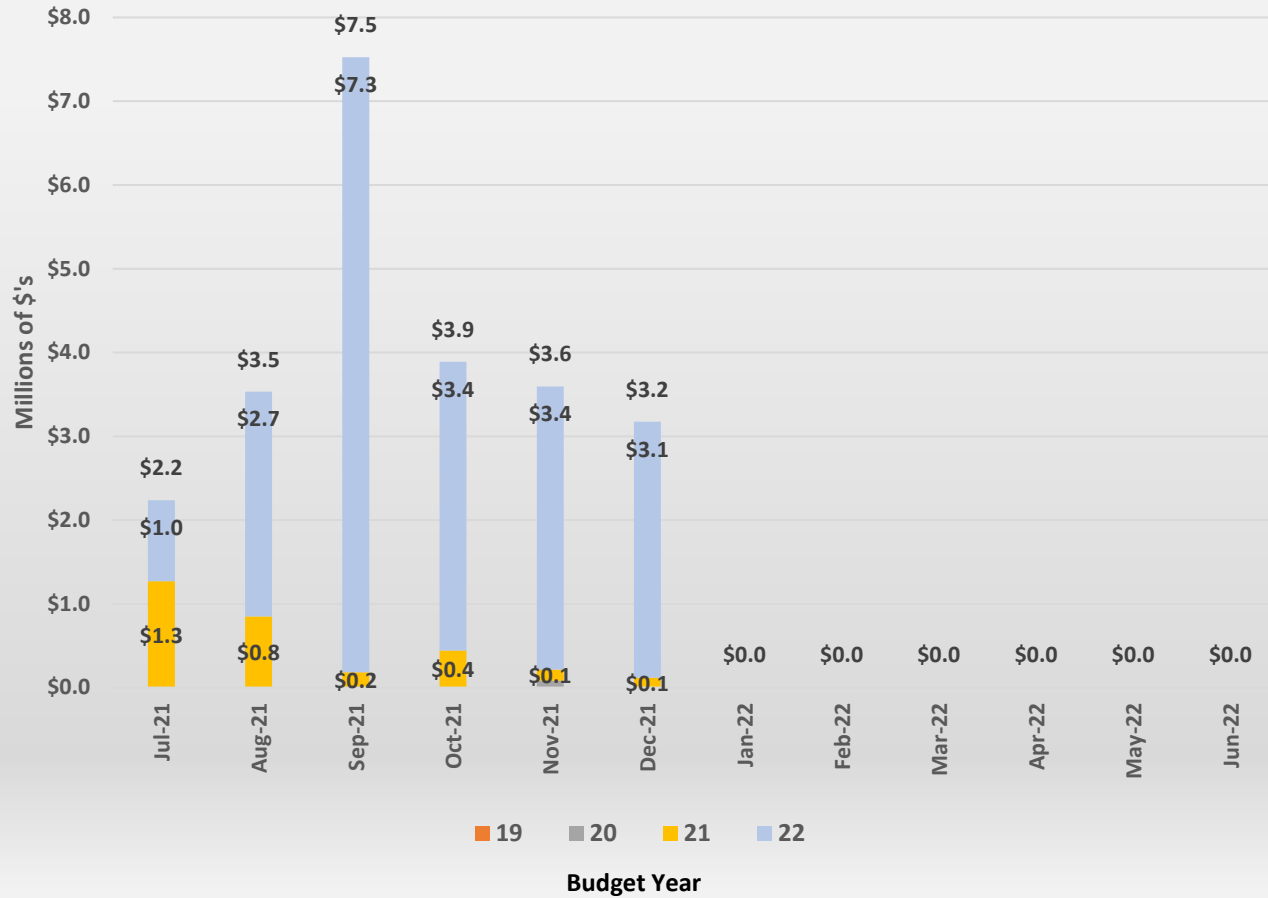
Administrative Services - Finance

- Payment from the USDA Forest Service for the reimbursement of expenditures associated with emergency wildfire suppression was received in November 2021

Total Expenses by Month July 2017 – December 2021



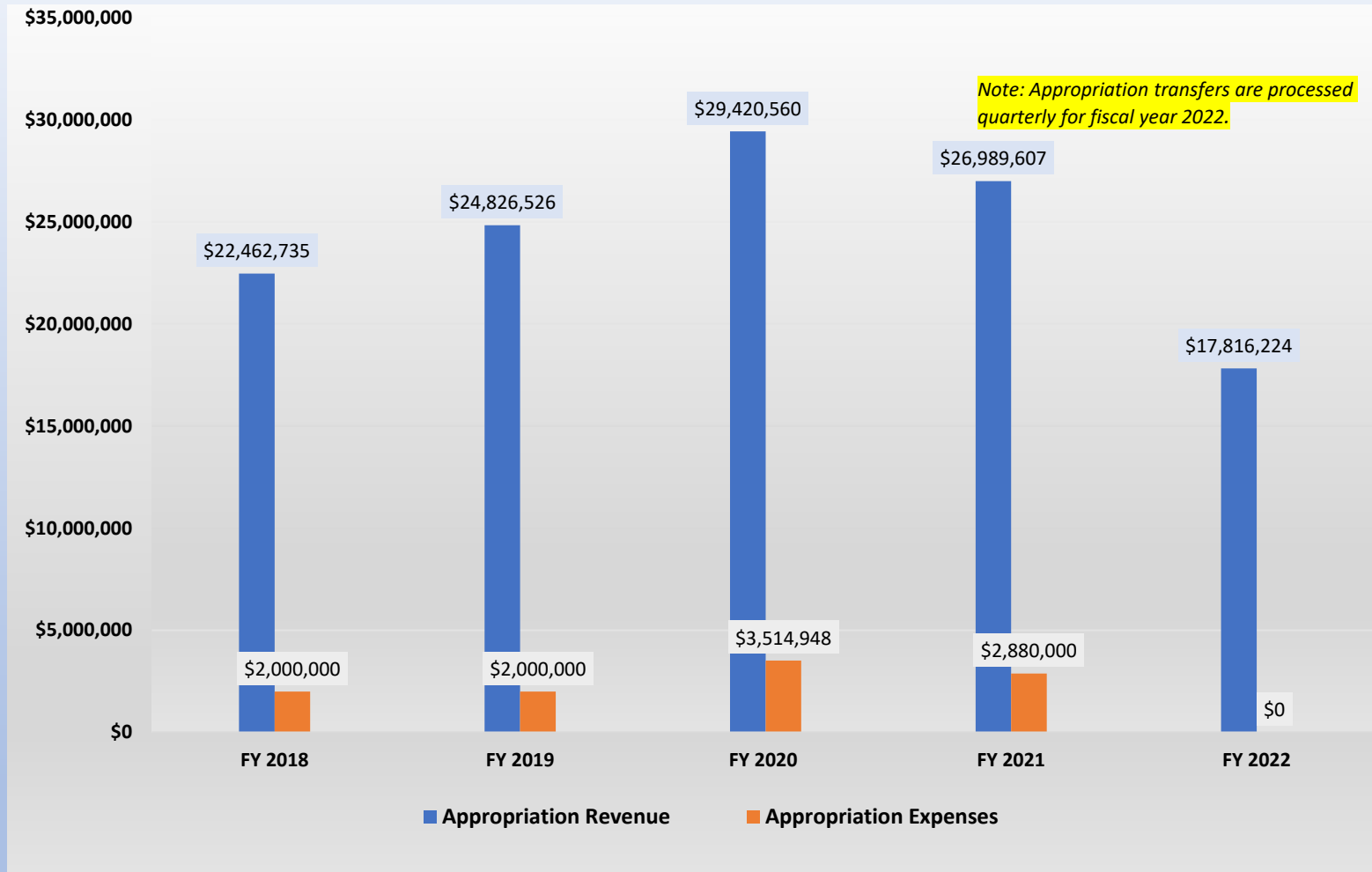
FY 2022 Total Expenses by Month with Budget Year



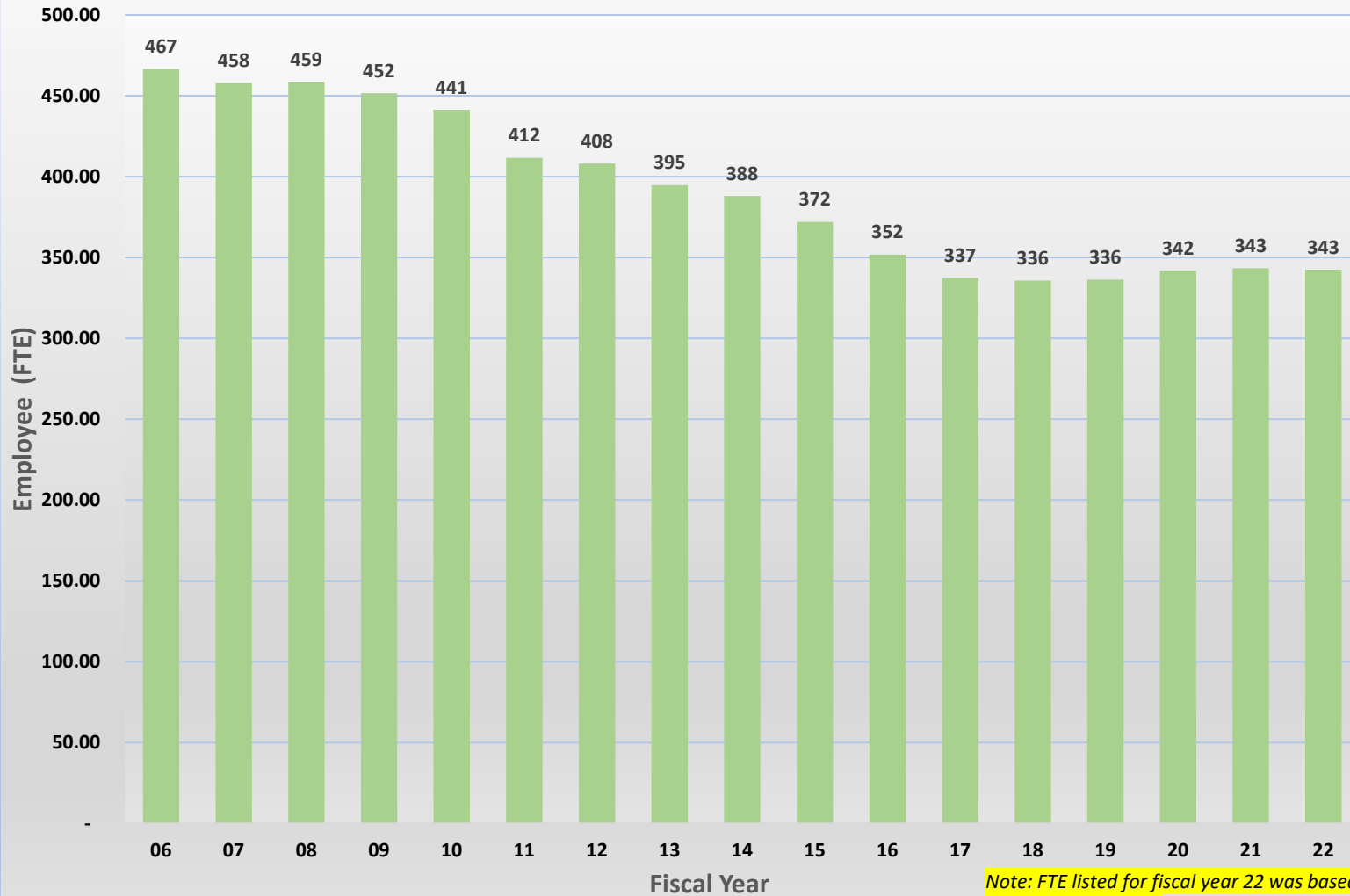
Administrative Services - Finance

- July 2021 – December 2021 expenses were \$23.9 million
 - Total expenses for the same period last fiscal year were \$31.1 million and included \$10 million in meat processing plant grants that were funded via the CARES Act.
 - Backing off this \$10 million results in an increase of \$2.8 million for July 2021 – December 2021 and was due to the following:
 - Timing of payments
 - Change in how pass thru payments to OSU are coded
 - Coded as transfers out in FY21
 - Coded as coded as expenditures in FY22
 - Increase in vehicle expenses
 - Increase in fuel costs
 - Increase in activity
 - Increased payroll expenses

Appropriations FY 2018 - thru December 2021



Employee FTE Totals Fiscal Year FY 2006 – FY 2022



Note: FTE listed for fiscal year 22 was based on the FTE as of 1/5/22.

Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of December 31, 2021			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,106,725.93
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		\$9,156.99	\$70,832.99
Reinsurance		(50,000.00)	(50,000.00)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	(\$40,843.01)	\$20,832.99
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of December 31, 2021
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru December 31, 2021

Object Code	Account Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 12/31/2021	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	18,489,183	7,624,055	16,938,888	(6,073,760)
512	Insur.Prem-Hlth-Life,etc	5,949,013	1,956,821	323,638	3,668,554
513	FICA-Retirement Contributions	4,569,311	1,793,781	-	2,775,530
515	Professional Services	2,865,945	892,370	1,541,731	431,844
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	17,222	13,398	79,330
521	Travel - Reimbursements	324,545	68,189	-	256,356
522	Travel - Agency Direct Pmts	342,620	92,692	-	249,928
531	Misc. Administrative Expenses	861,791	339,499	181,391	340,901
532	Rent Expense	592,040	176,069	430,077	(14,106)
533	Maintenance & Repair Expense	1,130,554	374,817	232,959	522,778
534	Specialized Sup & Mat.Expense	1,221,855	297,394	668,670	255,792
535	Production,Safety,Security Exp	294,156	30,766	-	263,390
536	General Operating Expenses	184,403	36,832	-	147,571
537	Shop Expense	506,681	199,568	61,271	245,842
541	Office Furniture & Equipment	2,218,372	193,709	363,316	1,661,347
542	Library Equipment-Resources	600	-	-	600
543	Lease Purchases	1,750,868	987,640	612,360	150,868
545	Land,ROW,CIP,Pass Thru Assets	-	383	-	(383)
546	Buildings-Purch.,Constr,Renov.	-	-	7,900	(7,900)
554	Program Reimb,Litigation Costs	7,171,951	4,608,245	1,703,885	859,821
555	Pmts-Local Gov't,Non-Profits	7,233,950	258,857	131,860	6,843,233
559	Assistance Pymts to Agencies	150,000	750,000	2,250,000	(2,850,000)
561	Loans,Taxes,Other Disbursements	-	13	-	(13)
564	Merchandise For Resale	120,000	-	118,800	1,200
601	AFP Encumbrances	-	-	1,478,857	(1,478,857)
810	Req Only	-	-	587,435	(587,435)
Operating Totals		56,087,788	20,698,921	27,646,436	7,742,432

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of December 31, 2021
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru December 31, 2021

Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 12/31/2021	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	1,428,800	0	(0)
19111	Carryover	168,336	50	81,623	86,664
19201	GRF - Duties	27,423,346	8,574,189	13,885,949	4,963,209
20500	Rural Fire Defense Eqp Rev Fd	236,500	-	159,300	77,200
21000	Agriculture Revolving Fund	19,384,941	5,633,828	12,033,016	1,718,097
22500	Enhancement & Diversificatn Fnd	150,000	10,002	826	139,172
23000	Okla Pet Overpopulation Fund	12,000	5,000	5,000	2,000
23500	Animal Friendly Revolving Fund	12,000	5,000	5,000	2,000
25600	Ok Viticulture Enology Revl Fd	350,000	130,879	108,501	110,620
26200	Poultry Grading Revolving Fund	1,291,463	480,124	463,867	347,472
28500	Milk & Milk Prod Inspec Rev Fd	300,000	150,909	137,255	11,836
28700	Healthy Food Financing Revl Fd	150,000	17,600	10,000	122,400
42000	Specialty Crop Federal Funds	575,851	266,313	307,215	2,324
43000	Farm and Ranch Stress Alliance	500,000	-	448,884	51,116
57602	Duties	4,104,550	3,996,228	-	108,322
	Totals	56,087,787	20,698,921	27,646,436	7,742,431

JANUARY 2022 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(November and December 2021 Activities)

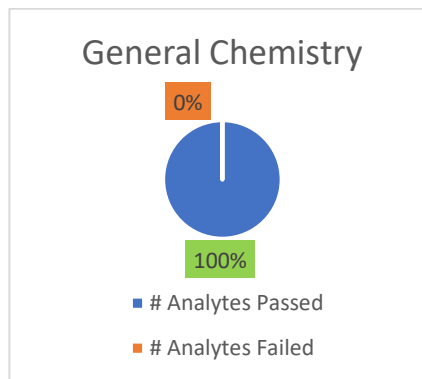
QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager; Eli Klimek, Technical Manager)

- Quality Section has discussed implementing a monitoring program for the Laboratory's DI water system. The purpose of this screening program is in part to detect/prevent future problems and to ensure consistent water quality throughout all sections of the laboratory.
- Eli Klimek spent a total of 18 hours with staff from ATL for LIMS training for the month, topics covered include:
 - Data base management and updates
 - Report and query design
 - General troubleshooting
 - Modification processes

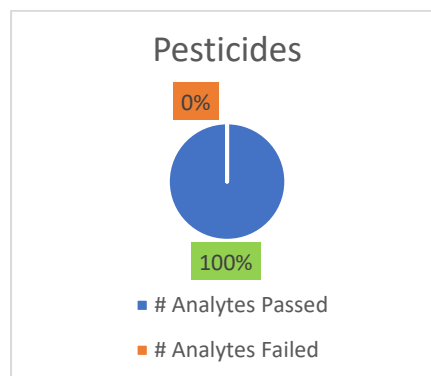
2021 November PT Results

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.

General Chemistry	
# Analyte Results Received	31
# Analytes Passed	31
# Analytes Failed	0



Pesticides	
# Analyte Results Received	6
# Analytes Passed	6
# Analytes Failed	0



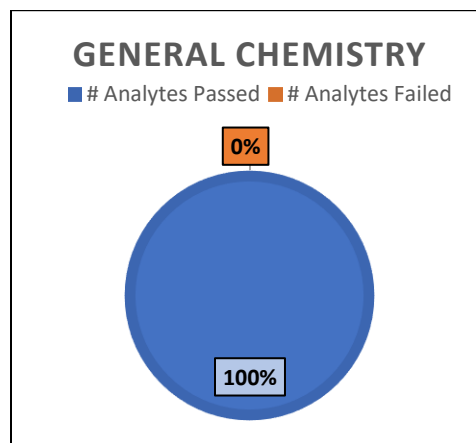
Inorganics	
# Analyte Results Received	0
# Analytes Passed	0
# Analytes Failed	0

Food & Dairy	
# Analyte Results Received	0
# Analytes Passed	0
# Analytes Failed	0

2021 December PT Results

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.

General Chemistry	
# Analytes Results Received	2
# Analytes Passed	2
# Analytes Failed	0



Inorganics	
# Analytes Results Received	0
# Analytes Passed	0

Pesticides	
# Analytes Results Received	0
# Analytes Passed	0
# Analytes Failed	0

# Analytes Failed	0
-------------------	---

Food & Dairy	
# Analytes Results Received	0
# Analytes Passed	0
# Analytes Failed	0

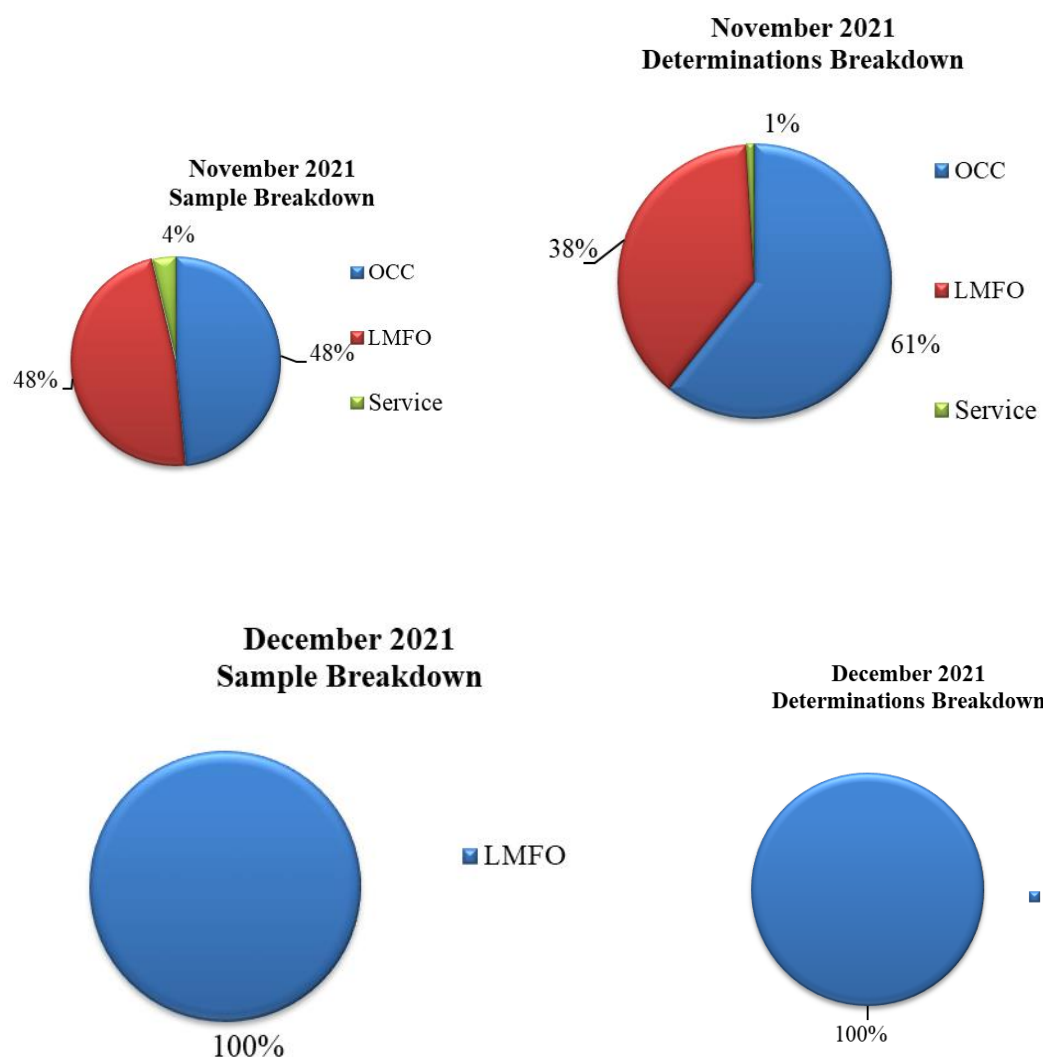
INORGANIC SECTION: (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

November 2021 Inorganic Breakdown

Customer	Samples	Determinations
OCC	79	743
LMFO	78	468
Service	6	12
Total	163	1223

December 2021 Inorganic Breakdown

Customer	Samples	Determinations
OCC	0	0
LMFO	3	18
Total	3	18



It was discovered that the Section was using an incorrect concentration of a nitrate standard. The results will be recalculated and amended reports will be issued.

DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

Sixteen dairies have gone out of business this year. There are 89 dairies operational that the Section is currently testing.

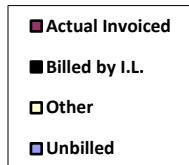
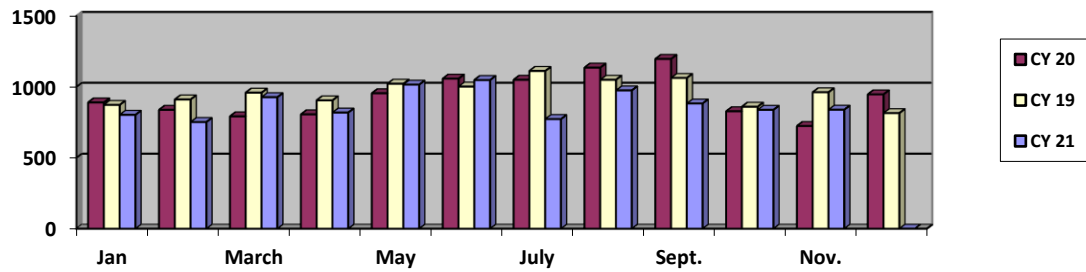
During routine testing, the Section was able to identify four *Listeria* samples in raw milk which were confirmed as *Listeria monocytogenes*. Isolated colonies were submitted to the State Health Department for Whole Genome Sequencing and determined it was a continuous contamination and matched the other submitted colonies. The Whole Genome Sequencing has been submitted to the FDA.

The FDA has requested analysis on the samples to determine if it is the same organism from the previous positive samples. The Section has not received the results yet.

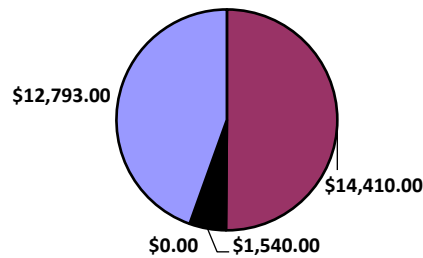
Since June 28, 2021 when the Section was notified of the situation, fifty-one samples for Listeria have been tested. There have been fourteen positive results and thirty-seven negative results.

The Section has seen an increase in the number of meat samples. For calendar year 2020, 140 samples have been tested. A total of 164 samples were tested during the 2021 calendar year with some samples for the month of December still yet to be reported.

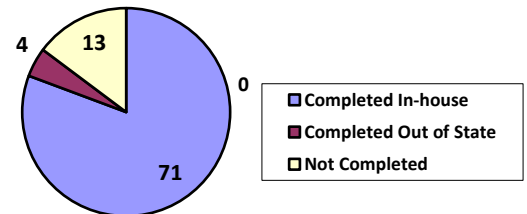
Total Determinations

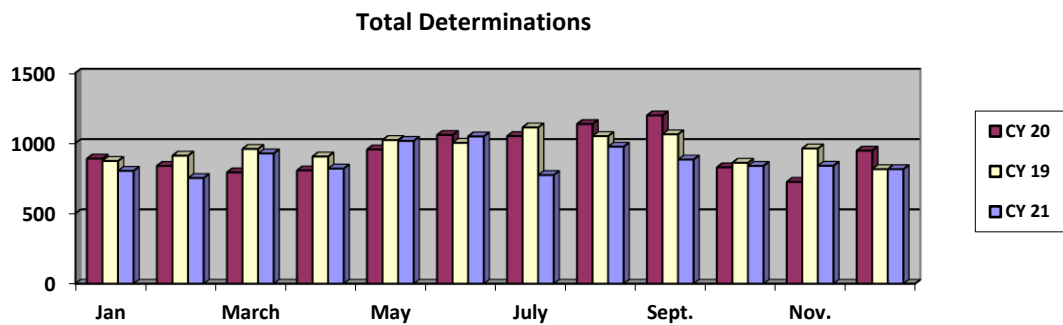


Revenue Breakdown

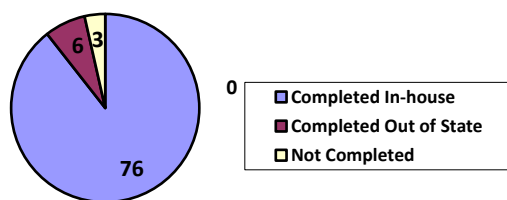


Dairy Farms





Dairy Farms



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

A total of 127 samples were received during November for the Section. Most of the crops tested consisted of fall season turf grasses, native grass and bermudagrass. Approximately 47% were taken from carryover seed lots that required new germination test dates. Seed quality was acceptable for all official samples. There were no Seed Law violations discovered.

The Board of Directors of the Oklahoma Crop Improvement Association (OCIA) held their quarterly meeting at the Oklahoma Wheat Commission on December 9th. New Seed Section Supervisor Tori Gillispie was introduced at the meeting and Laboratory Director Wade Krivanek provided activity reports involving the Department's seed testing program.

Officials from OCIA reported that certified wheat sales were excellent last fall with most growers reporting that their inventories were sold out. Current certified wheat crop updates reported at the meeting indicated that wheat conditions were good but suffering from lack of moisture in all areas of the state. Drought conditions are also hindering the opportunity for winter wheat pasture in some areas.

A new crabgrass variety, Quick N Big Spreader, was introduced to the Board for certification request. Owner R.L. Dalrymple from Thomas, OK developed the variety and has current variety protection through the USDA Plant Variety Protection Act. Research presented by Mr. Dalrymple revealed the new variety has excellent drought resistance and has good potential for a forage producer for the cattle industry.

Seed testing activity for the section remained normal for December. A total of 78 samples were received for testing. Most crops that were tested consisted of native grasses such as yellow bluestem, crabgrass, and noxious weed checks. There were no Seed Law violations discovered.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

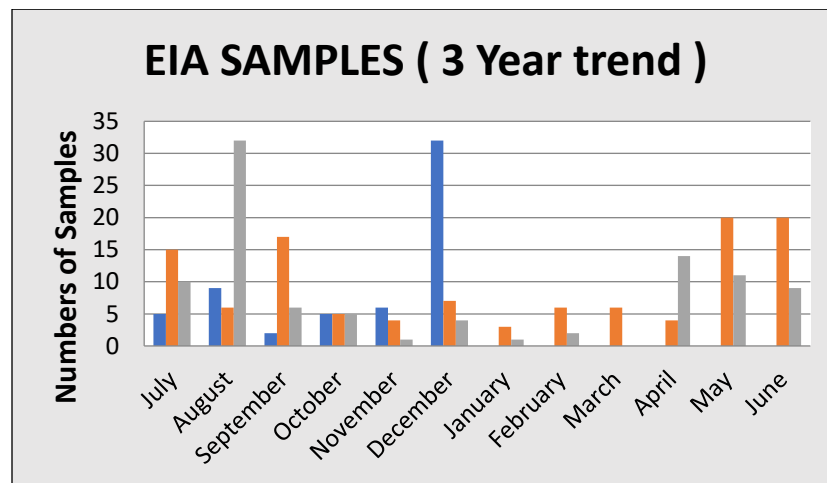
The Section is gearing up for ‘Pig Hell’ which starts on December 1st. The number of Pseudorabies samples that the Section receives in the first couple of weeks in December is about half of all the samples that are received the whole year (approximately 20,000 a year). There will be a number of employees from other sections that will be helping out with this task.

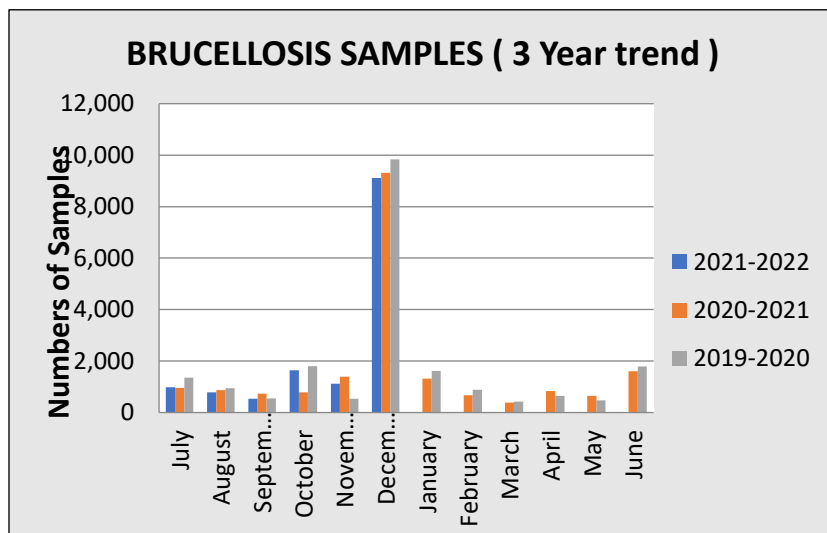
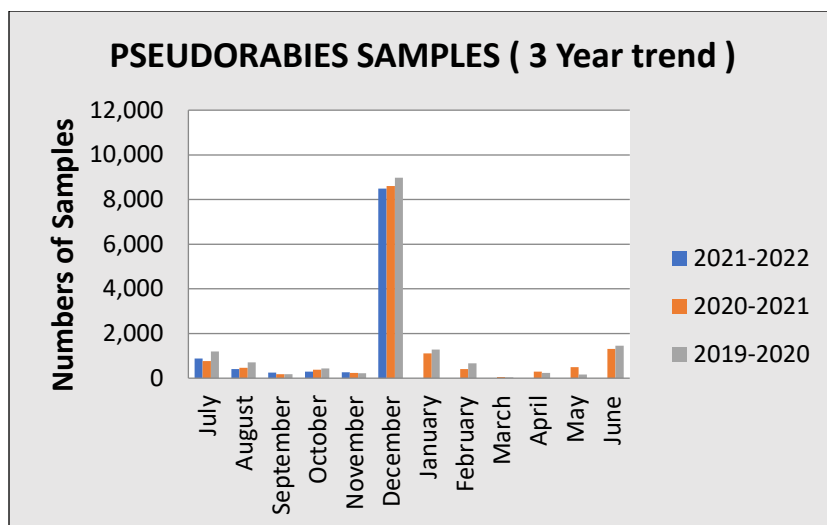
November

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	1118	265	6
2020	1397	233	4
2019	534	219	1

December

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	9114	8483	32
2020	9315	8608	7
2019	9834	8978	4





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

Overview of November Section Numbers

	Feed	Fertilizer	Lime	Total
Samples Received	289	19	3	311
Samples Completed	223	50	3	276
Determinations	708	131	18	857
Violations	76	9	0	85
Violation %	10.73%	6.87%	0.00%	9.92%

In discussion with CPS, it seems that the increased temperatures have farmers utilizing forage instead of switching to feed. This causes a slower turnover of product in the stores to be inspected.

Overview of December Section Numbers

	Feed	Fertilizer	Lime	Total
Samples Received	258	2	2	262
Samples Completed	248	8	3	259
Determinations	838	25	18	881
Violations	88	5	2	95
Violation %	10.50%	20.00%	11.11%	10.78%

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

In November, the Section participated in Fire Extinguisher Safety training. The supervisor attended the second Annual Hemp Science & Technology Virtual Symposium.

Pesticide Section samples completed:

The Section completed 72 samples this month and completed the highest number of determinations for FY22 to date.

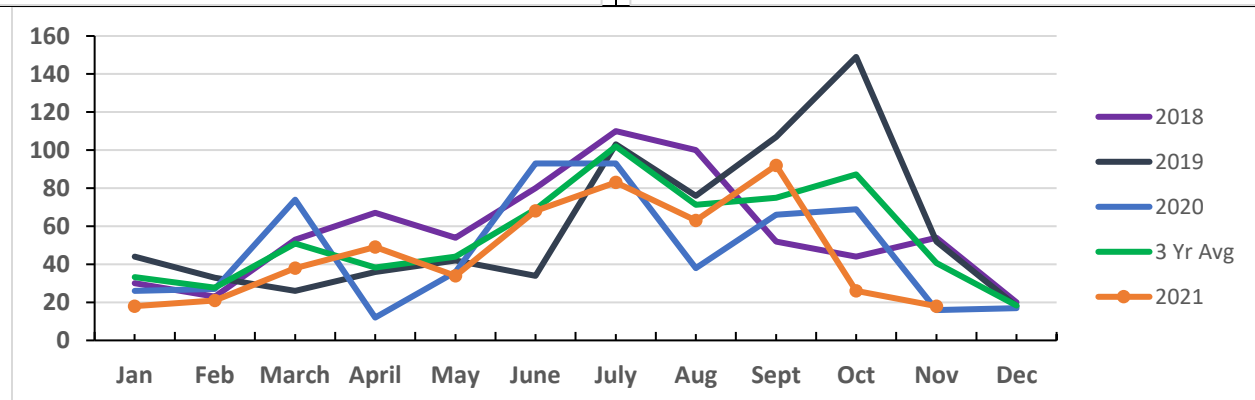
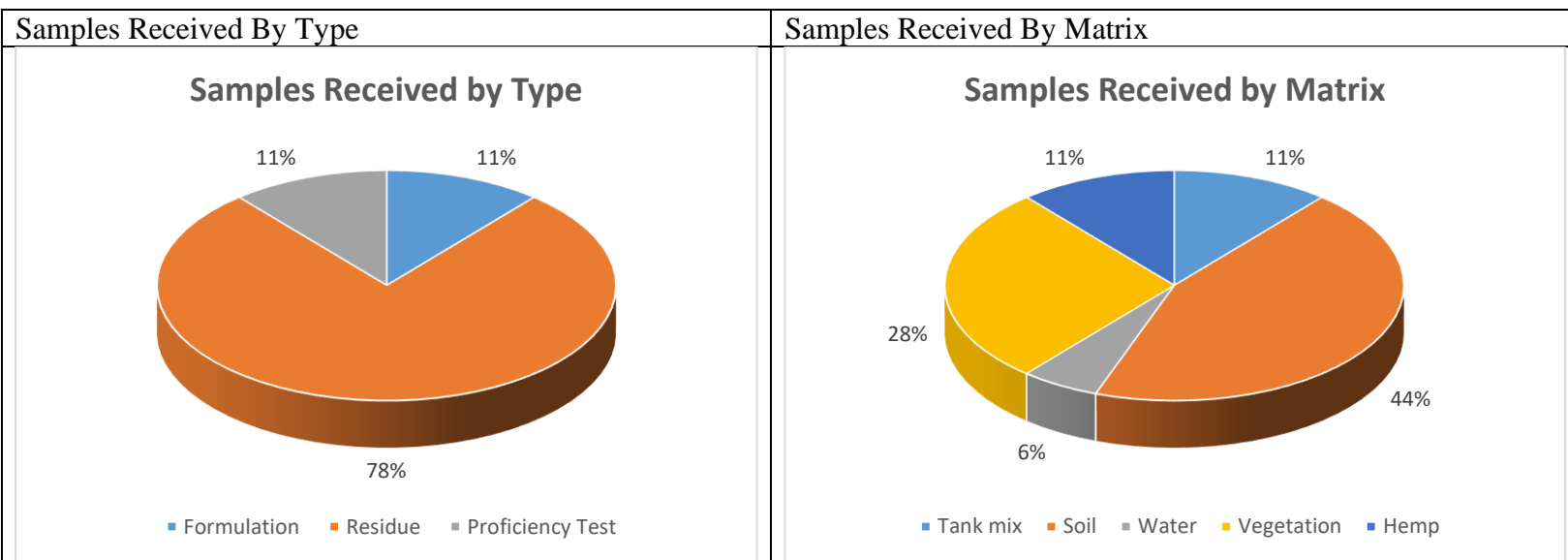
	Number	Test	Det	Average TAT (days)
Residue Vegetation	20	42	280	104
Residue Soil	12	13	31	29
Residue Water	1	3	14	46
Organic Act	1	1	1	34
Pollution Water	23	87	457	69
Concentrate	12	22	38	53
Pesticide, other	2	2	2	33

Average Residue Turnaround Time: 70 days

Average Formulation Turnaround Time: 64 days

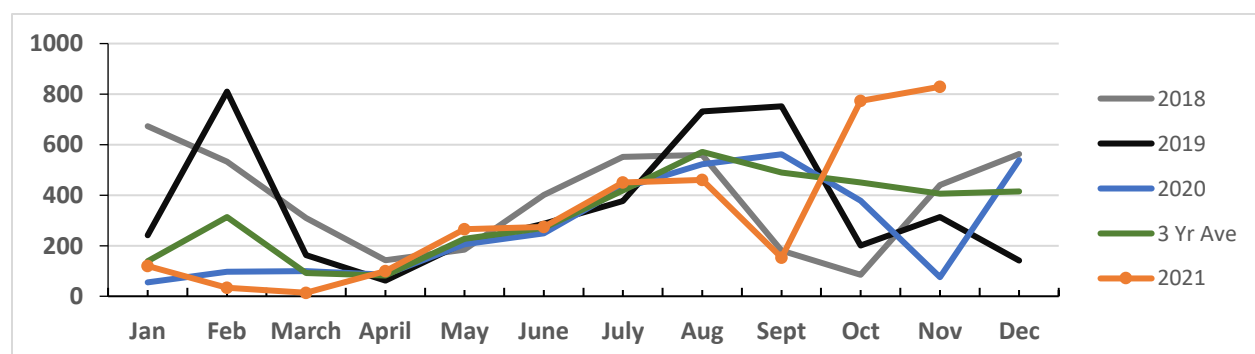
Totals		
# of Samples	# of Tests	# of Determinations
72	171	829

Samples the Section received by month:



The Section received 18 samples this month which is about 31% less compared to last month. Most of the samples received were residue.

Determinations the Section completed by month:



The majority of determinations completed were from pollution water samples (55%) and vegetation samples (34%).

In the month of December, the Section completed routine work. The Section received one private coffee bean skin sample for analysis.

Pesticide Section samples completed:

The Section completed 45 samples this month. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT).

	Number	Test	Det.	Average TAT (days)
Residue Vegetation	25	45	304	79
Residue Soil	11	13	48	39
Residue Water	2	3	19	40
Tank Mix	3	7	18	27
Hemp	2	2	2	13
Proficiency Test	2	2	2	35

Average Residue
Turnaround Time: 65 days

Average Formulation
Turnaround Time: 27 days

Average Hemp
Turnaround Time : 13 days

Totals		
# of Samples	# of Tests	# of Determinations
45	72	393

Samples the Section received by month:

The Section received 15 samples this month (see Fig B) which is the lowest number of samples received in 2021. This month the majority of samples received are formulation samples, 73% (see Fig A). The Section received a total of 525 samples in 2021, an 8% decline compared to last year.

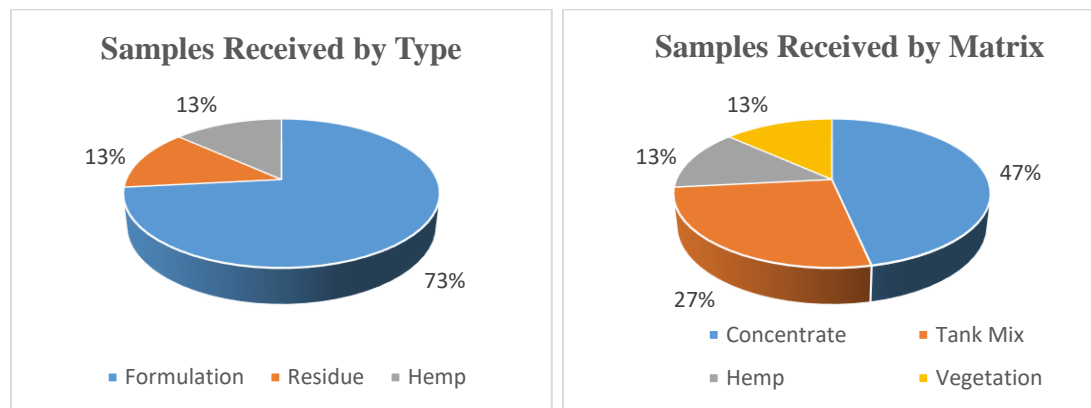
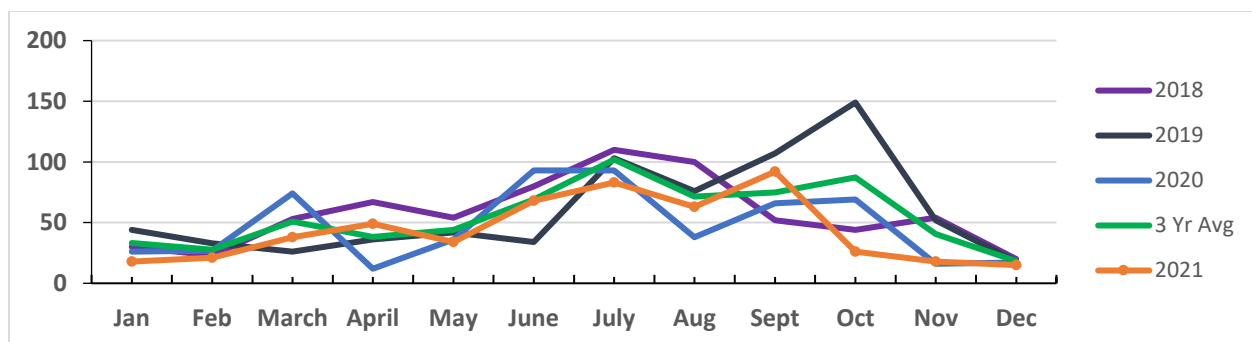


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right)



.Fig B. Graph showing the number of samples received by the section each month.

Determinations the Section completed by month:

This month the Section completed 393 determinations which is 37% lower compared to last month. In total, the Section completed 3866 determinations in 2021 which is 15% higher than last year.

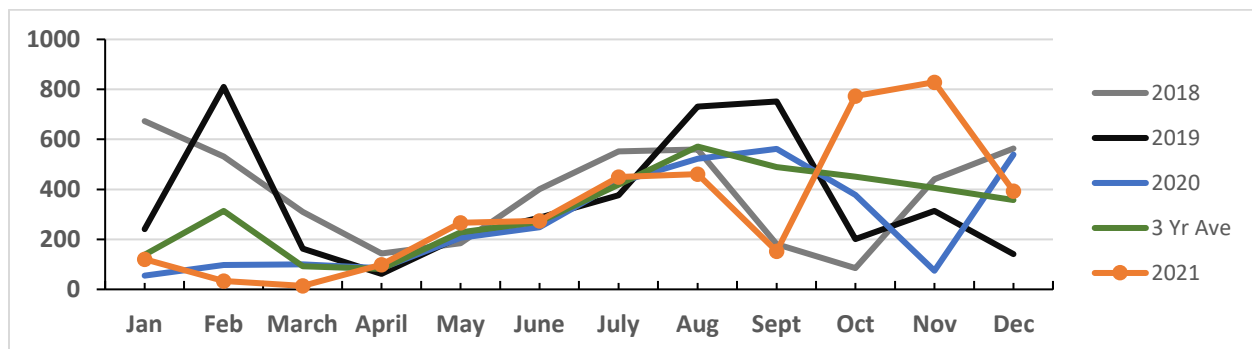


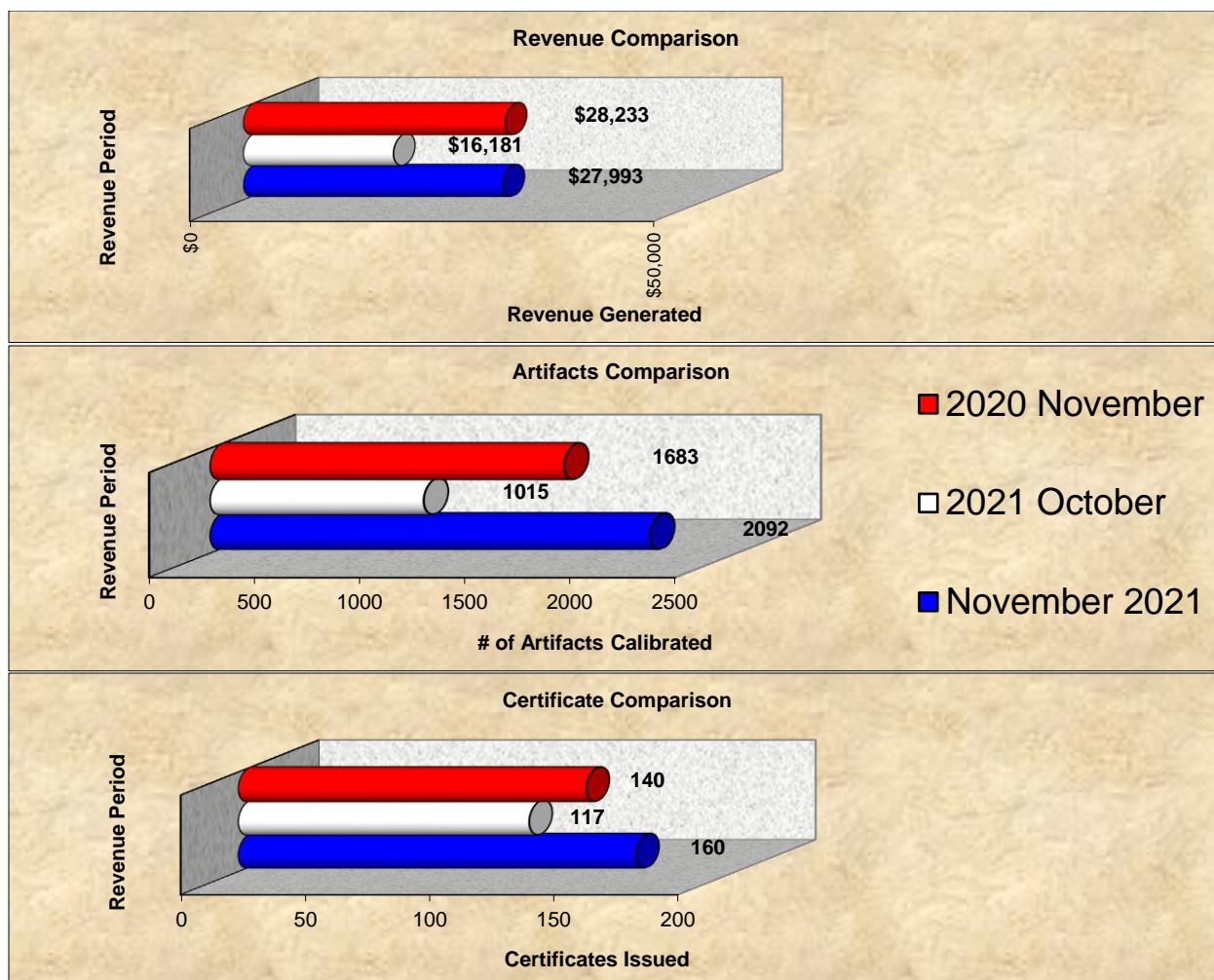
Fig C. Graph showing the number of determinations completed each month.

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

The following is a workload summary for November 1st through 30th. The Bureau staff participated in a Mass Echelon III PT. The Bureau also calibrated standards for all of Consumer Protection Services small service trucks.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	5	\$6,938.00	25 %	140	7 %
In-State Customers	19	\$21,055.00	75 %	1952	93 %
Totals	24	\$27,993.00	100 %	2092	100 %

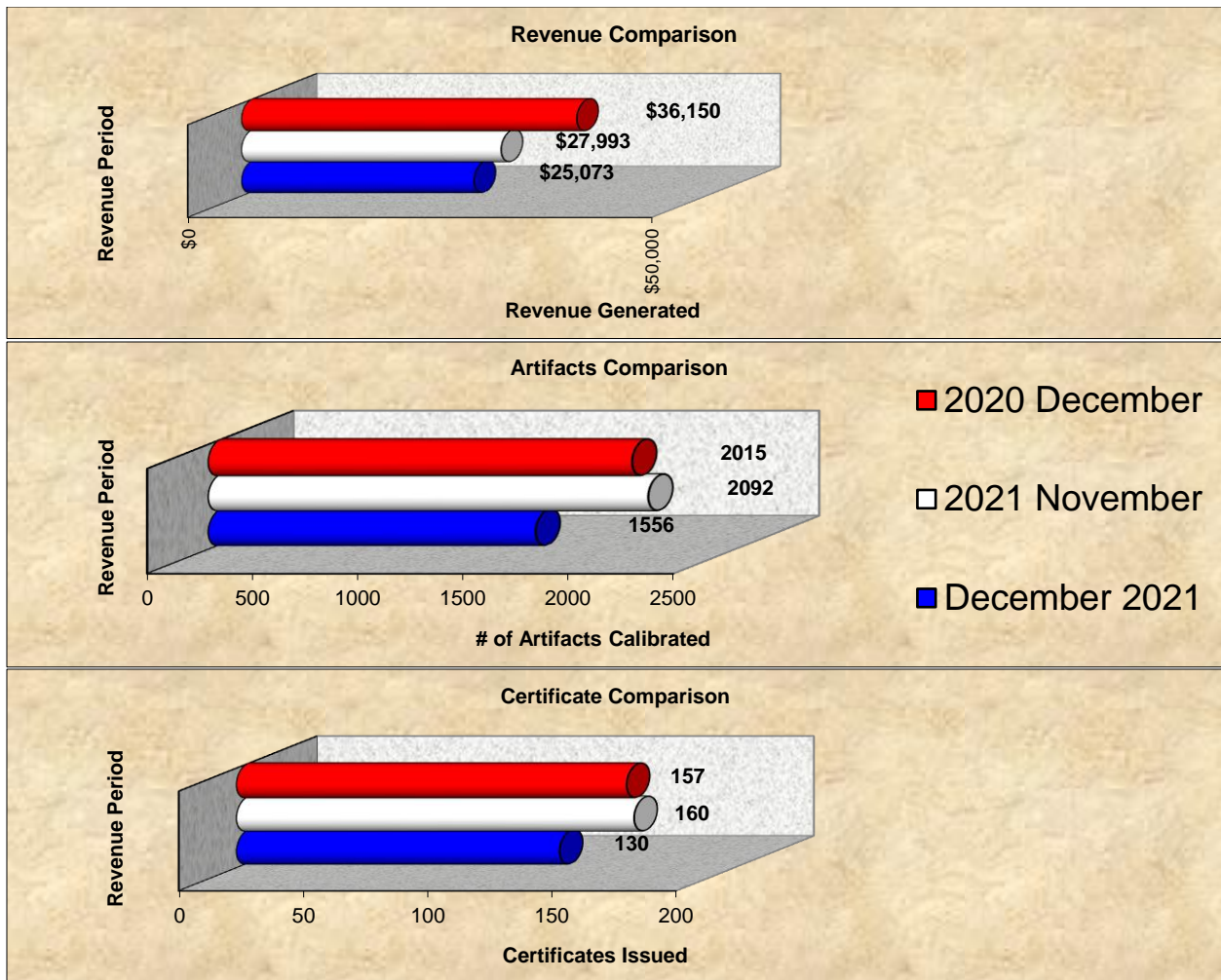
Total Fees not Charged		# Working Days Lead Time to Next Available Date for Calibration			
\$7,555.00		Mass I / II		20	
Fees not Charged ODAFF CPS		Mass III		18	
\$6,247.00		Volume		18	



The following is a workload summary for December 1st through 31st. The Bureau calibrated standards for the Florida Department of Agriculture and participated in a proficiency test for Volume Echelon I. The Bureau is preparing for the departure of the supervisor in early January and will likely not be able to perform higher level calibrations once he is gone due to lack of training availability during Covid-19.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	4	\$3,300	13%	83	5%
In-State Customers	8	\$21,773	87%	1473	95%
Totals	12	\$25,073	100%	1556	100%

Total Fees not Charged		# Working Days Lead Time to Next Available Date for Calibration	
\$1,700		Mass I / II	N/A due to staffing changes
Fees not Charged ODAFF CPS		Mass III	6
0		Volume	6



Respectfully Submitted,

Wade Krivanek
Laboratory Director
Laboratory Services Division

BOARD REPORT
AGRICULTURAL LABORATORY SERVICES
NOVEMBER 2021 ACTIVITIES

FEED SAMPLES	289
FEED DETERMINATIONS	708
POSSIBLE VIOLATIONS	76
 FERTILIZER SAMPLES	 19
FERTILIZER DETERMINATIONS	131
POSSIBLE VIOLATIONS	9
 LIME SAMPLES	 3
LIME DETERMINATIONS	18
POSSIBLE VIOLATIONS	0
 PESTICIDE SAMPLES	 72
PESTICIDE DETERMINATIONS	829
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 163
DETERMINATIONS	1223
 STATE-FEDERAL VET. LAB. SAMPLES	 1389
STATE-FEDERAL VET. LAB. DETERMINATIONS	1617
NUMBER POSITIVES	0
 SEED SAMPLES	 67
SEED DETERMINATIONS	64
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 130
NUMBER OF STANDARDS CALIBRATED	1556
FEE CHARGES	\$25,073.00
 DAIRY SAMPLES	 385
DAIRY DETERMINATIONS	815
POSSIBLE VIOLATIONS	19
 TOTAL SAMPLES	 2517
TOTAL DETERMINATIONS	6961
TOTAL POSSIBLE VIOLATIONS	104

BOARD REPORT
AGRICULTURAL LABORATORY SERVICES
DECEMBER 2021 ACTIVITIES

FEED SAMPLES	258
FEED DETERMINATIONS	838
POSSIBLE VIOLATIONS	88
 FERTILIZER SAMPLES	 2
FERTILIZER DETERMINATIONS	25
POSSIBLE VIOLATIONS	5
 LIME SAMPLES	 2
LIME DETERMINATIONS	18
POSSIBLE VIOLATIONS	2
 PESTICIDE SAMPLES	 45
PESTICIDE DETERMINATIONS	393
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 3
DETERMINATIONS	18
 STATE-FEDERAL VET. LAB. SAMPLES	 17629
STATE-FEDERAL VET. LAB. DETERMINATIONS	18284
NUMBER POSITIVES	0
 SEED SAMPLES	 56
SEED DETERMINATIONS	68
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 130
NUMBER OF STANDARDS CALIBRATED	1556
FEE CHARGES	\$25,073.00
 DAIRY SAMPLES	 385
DAIRY DETERMINATIONS	815
POSSIBLE VIOLATIONS	19
 TOTAL SAMPLES	 18510
TOTAL DETERMINATIONS	22015
TOTAL POSSIBLE VIOLATIONS	114



OKLAHOMA FORESTRY SERVICES BOARD REPORT

Division Activities from November 12, 2021 – January 7, 2022

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 include Resilient Landscapes, Fire Adapted Communities and Wildfire Response.

RESILIENT LANDSCAPES

URBAN AND COMMUNITY FORESTRY PROGRAM HIGHLIGHTS

On November 16th Community Forester Mark Bays and District Forester Riley Coy represented OFS at the Annual National Urban and Community Forestry Coordinators meeting held in Louisville, KY.

November 17th – 18th Mark and Riley attended the Partners in Community Forestry Conference in Louisville, KY. The theme for the conference was What, Where and Why of Urban and Community Forestry. Speakers included nationally and globally renowned experts in the field. Mark and Riley were able to network with their counterparts from around the country.

On Thursday December 2nd Riley attended the Trees and Human Health Symposium in Tulsa presented by Up with Trees. Speakers included Dr. Paul Reis and Dr. Kathy Wolf.

On Friday December 3rd Riley monitored the removal and replacement of a Chinese pistache tree that sustained heavy damage from the October 2020 ice storm at the Oklahoma City Bombing Memorial and Museum.

On December 7th, Riley was interviewed by Sabrina Bates with KOCO Channel 5 news about when, where, and why to wrap trees before freezing temps. See the link below.

[Wrapping Trees](#)

Oklahoma Urban & Community Forestry Council - The U&CF Council met for their quarterly meeting on December 9th in Edmond. The new officer elections, end-of-year financials, annual conference financials and the upcoming 2022 Arbor Week were some of the main topics of discussion. Riley Coy represented OFS at the meeting.

Upcoming Events

Riley Coy and Mark Bays will be traveling to Oxford, MS January 31st- February 3rd to attend the winter meeting of the SGSF U&CF Committee.



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

Walters Seed Collection Day

OFS staff collected bur oak in November at the Walters City Park. These seed have been particularly hard to find this year. Seed collected will be used to grow next year's seedling crop which will eventually find their way to Oklahoma landowners for various conservation projects. Pictured below are two OFS staff collecting bur oak acorns.



FRC Planting

November and December were busy with planting the hardwood seed collected this fall. After the seed is planted, covering of the beds is required to ensure seed is protected from the elements. Picture below is Area Forester, Jeri Irby scooping sawdust to cover over the planted beds



COMMUNITY OUTREACH AND COMMUNICATIONS

Forest Heritage Center

OETA did a segment on the timber industry in Southeast Oklahoma. The crew visited a Herron logging site and interviewed Pete Herron about the process, advances in technology, and impact of modern forestry. At the Forest Heritage Center, Calista Stephens discussed the sustainability and history of forestry in Oklahoma.



Calista Stephens also participated in a phone interview with Michael Kimball, freelance writer for *Oklahoma Today*, the state Tourism Department magazine. Kimball will be featuring the Forest Heritage Center in a short story series called "Off the Map" which describes a popular tourist spot in Oklahoma without naming it, then inviting readers to guess what it is. The article should be published in the magazine's February edition.

Brianna Teel and woodturner Earl Braddy hosted a 'Christmas at the Cabin' event in which they let visitors paint tops, gave out take-home crafts, and served locally baked cookies. Brianna spoke of historic holiday traditions, using a small, eastern red cedar that harvested from Fort Towson Historic Site. The tree was adorned with dried fruits, cranberries, and paper chains.



The Master Woodworking Artist of the Year competition was listed as an opportunity for woodworkers in the January-February, 2022 edition of the magazine. (West)

Beavers Bend State Park held our annual First Day Hike on January 1st with thirty-eight hikers participating. Due to the event the FHC had a multitude of visitors the same day. Tourism served lunch for attendees and the FHC provided a crafting opportunity for children.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights

From November 13th through January 7th the Northeast Area had 33 fires that burned 461 acres.

On November 18th, OFS Rangers Dylan Fuson, Joe Leak, Chad Bateman, and Matt Waldrop conducted a Smokey Bear fire prevention program at Westville Schools in Adair County. Approximately 200 students attended the event.



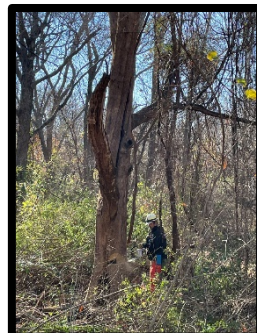
On December 10th, the NE Area conducted an S-130 Basic Wildland Firefighter Training and S-190 Introduction to Wildland Fire Behavior for local fire departments in Sequoyah County. Instructors included Tony Hadley, Isaac Merchant, Cole Hix, Chad Bateman, Craig Longshore, and Matt Waldrop. Twenty participants from various fire departments attended the class.



In mid-December NE Area Forest Rangers Doug Duncan, Isaac Merchant, Billy Riggs, Cole Hix, Chad Bateman, David Jones and Barry Caswell traveled to western OK to pre-position in advance of an anticipated wildfire outbreak. During this deployment all resources were assigned to fight the Cobb Fire near Guymon. The day after Christmas, Hix, Merchant, Bateman, and Riggs once again traveled back to western OK to preposition.



NE Area Rangers Hix, Hadley, Ryals, and Waldrop traveled to Turkey Mountain on December 21st to prepare the first Prescribed Fire Burn Unit that OFS is planning on treating. The Rangers used chainsaws to remove hazard trees on seven acres in and near the burn unit. Tony Hadley is pictured below removing a hazard tree.



Craig Longshore and Tim Reno conducted interviews for the Jay Forest Ranger I position on December 14th. A selection was made and the new hire's first day of work will be the 18th of January.

Forest Management/Program Highlights

On December 2nd Craig Longshore, Cole Hix, Scott Huff, Brian Ryals, Dieter Rudolph, and other OFS personnel met with officials from the City of Tulsa's Turkey Mountain Urban Wilderness to discuss prescribed burning on the property. Turkey Mountain has received the permits and made the notifications needed prior to conducting

the operation. OFS is now waiting for the right weather conditions to conduct the burn in order to meet the management objectives.

Connie Robinson, Forester at the NE Area's Jay District Forester, assisted ten landowners during the reporting period through emails and calls. She made two visits to properties in the area regarding forest health. She also made four property visits to assist landowners with forest management concerns. Connie completed one Forest Stewardship Plan for a 132-acre property in Osage County. She also attended the Ouachita Society of American Foresters meeting in Idabel.

Evan Long, Forester at the NE Area's Tahlequah District assisted ten landowners with issues regarding tree health, diseases, and forest management planning.

Josh Isaac completed two forest management plans for properties in Sequoyah County. Both plans focused on forest establishment and forest health. These properties had a combined acreage of 30.5 acres. Josh also assisted landowners with forest health and management questions, and assisted FIA with plot measurements. Unfortunately for OFS, Josh accepted a forester position in Michigan, and his last day of work with OFS was January 4th, 2022—the NE will miss him.

Administration

On December 16th Area Forester Craig Longshore completed a supervisor webinar titled "Leading Employees Through Change".

Ongoing Issues and Upcoming Events

- Best Management Practices for Water Quality Training – Jan. 10th – 12th
- Forest Ranger I first day at Jay – Jan. 18th
- Wildland Fire Annual Firefighting Safety Refresher Training and Work Capacity Test – Jan. 27th



EAST CENTRAL AREA

Forest Protection Highlights

Since the last report on November 12, 2021, EC has suppressed 11 fires that burned 304 acres.

Forest Management Highlights

Eight new forest stewardship plans have been completed on a total of 1,101 acres in LeFlore, Latimer and Pittsburg counties.

One prescribed burn plan for 40 acres has also been prepared for a property in LeFlore County.

Personnel update

EC Area Supervisors interviewed two individuals for the Forest Ranger 1 vacancy in the Four Corners Unit in southern Pittsburg County. A suitable candidate was not found to fill the vacancy.

Tanner Francis resigned from the Red Oak Unit in Latimer County. This vacancy has been announced and closed at the end of the year. Interviews for this vacancy will be held soon.

JT Allen, Forester at the Talihina District, promoted into the SE Area District Forester vacancy in the SE Area's Antlers District. Plans are underway to announce and fill the vacancy at Talihina created by Allen's promotion.

Intern Forester Update

JT Allen and Craig Marquardt have reviewed all applicants for next summer's Forestry intern positions. Applicants were from Purdue, Kentucky, Southern Illinois, Iowa State, Stephen F. Austin, and OSU. Several applicants were selected for interview via Zoom calls. Interviews are completed and the process to confirm the 2022 intern is underway.

Safety / Training Highlights

The EC Area held an area-wide meeting at EC Headquarters on December 13th. Subjects covered included comp time balances due off in March and April, fire numbers, dormant fire season preparedness, PPE policy, changes to this year's refresher training, employee emergency contact forms were updated. In addition, Tucker Trowbridge was recognized for his five years of service to the people of Oklahoma.

A number of OFS firefighting personnel were involved in this year's course delivery of OSU's NREM 4741 Basic Wildland Firefighting Course. Drew Daily, Eddie Woods, Jason Whaley, JT Allen, Stacy Lovell, Clayton Hurst, and Craig Marquardt were all in Stillwater during the first week of the year instructing thirteen students through S-190 Introduction to Wildland Fire Behavior, S-130 Basic Wildland Firefighting, and L-180 Human Factors in the Wildland Fire Service. These subjects satisfied the students training portion for qualification as Firefighter Type 2.

Upcoming Events for January and February

New dispatch procedures were implemented on January 1st

Late January – RT-130 Wildland Firefighting Safety Training and Refresher and Work Capacity Test

SOUTHEAST AREA

Forest Protection Highlights

- In Protection: SE Area had 35 fires that burned 723 acres in November and 21 fires that burned 283 acres in December 2021.
- Out of Protection: Zero fires
- Multiple task forces deployed to Western Oklahoma to preposition in advance of anticipated wildfire outbreaks.
- All equipment inspections for the Antlers District are complete.

Forest Management/Programs Highlights

- Brock Hill had 20 landowner contacts for the current period.
- Will Phifer had a total of 15 landowner assists; and 328 acres of timber planting site preparation.
- JT Allen had five landowner contacts.
- Ouachita Society of American Foresters – Don Cook presented an overview of the Hochatown Wildfire Preparedness and Mitigation Project on November 18th to approximately 24 participants.

Safety/Training Highlights

- All SE personnel have completed the RT-130 online course.
- JT Allen has completed the ICS-300 and ICS-400 courses.

Employee Recognition/Other

- Pat Wayman, JD Morris, Tama Lester, JT Allen participated in the ODAFF FMD exercise in OKC November 16th – 18th.
- Forestry Fire Control Officer Interviews were conducted on December 20th – Whitten Kent was hired to fill the vacancy and started on Monday, January 3rd.

Ongoing Issues

- Slow internet at Antlers office and no Wi-Fi connectivity – The situation has been resolved with the use of a FirstNet WiFi hot spot. This is working well, the WiFi USB antennas for the desktop computers are working correctly, and the wireless printer is working.

Upcoming Events/Activities

- Work Capacity Test in January
- Complete equipment inspections for the Broken Bow District.
- Complete RT-130 in person training
- Ranger 1 Interviews to fill the Battiest Unit vacancy
- Prescribed Burns in January
- McCurtain County Association of Firefighters meeting - January

WILDFIRE RESPONSE

Wildfire Outlook Executive Summary:

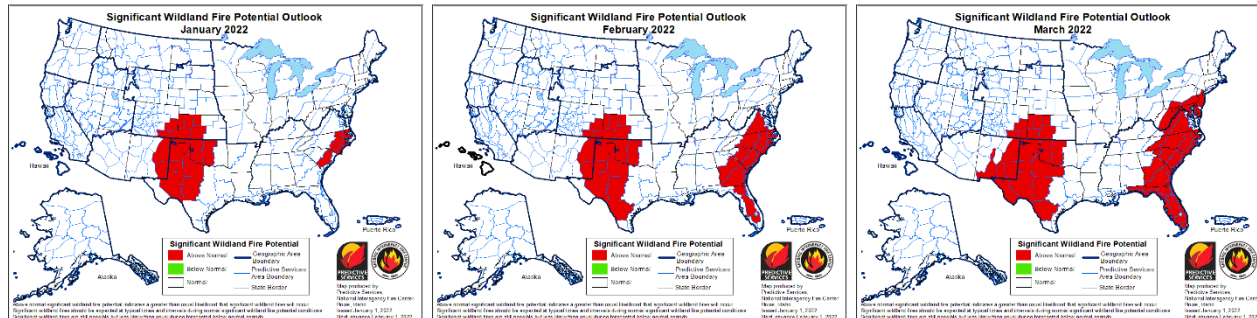
OFS closed out the year responding to 859 wildfires that burned 73,521 acres. Stepping back to observe the statistics reveals that we had a 'normal' year that was calmed in part by a very wet spring and the lack of a burdensome summer fire season. Reduced fire occurrence (when compared to recent years) permitted time to increase our prescribed fire activity treating 58 units totaling 15,226.5 acres, far exceeding successes in the 2020 calendar year.

The wildfire outlook is in the process of being updated for January and will be issued mid-month, but in short synopsis please consider the following...

The early season prediction that La Nina effects translating into warmer/drier than normal conditions has played out unfortunately. Couple this with strong

December 2021 Fire Response	Fires	Acres
2021 Wildfires Year-to-Date	859	73,521.7
OFS Protection Area - Month	44	1,012.5
5-Year Average	54	884.5
10-Year Average	53	1,265
Protection Area YTD	767	36,291.9
OFS Response Outside Protection Area	10	13,771.5
OFS Response Outside Protection Area YTD	31	31,035.5
Fire Department Reports	8	296.2
Fire Department Reports YTD	61	6,194.3
Prescribed Burns - SE	0	0
Prescribed Burns - EC	2	107
Prescribed Burns - NE	0	0
Prescribed Burns - OKOKS	0	0
Prescribed Burns - YTD	58	15,226.5

growing conditions through mid-summer and the fire environment is supportive of active fire behavior given fire-effective weather systems. With collaborative input, the National Interagency Fire Center's updated Significant Fire Potential maps are as follows.



In preparation for what is expected to be a very busy wildfire season, OFS resources are focused on implementing prescribed fire plans in advance of the peak of the dormant season. Additionally, OFS resources are conducting personnel and equipment readiness reviews and completing annual training requirements including completion of the Work Capacity Test.

STATE FORESTER ACTIVITIES from November 18, 2021 thru January 7, 2022

- Provided an Oklahoma Forestry Services activities update to the Ouachita Society of American Forester's Annual Meeting.
- Participated in the course delivery of S-520 Advanced Incident Management at the National Advanced Fire and Resource Institute in Tucson, AZ from 29 November thru 6 December
- Conducted interview to fill Forestry Services' Informational Representative vacancy
- Attended the December Board of Agriculture Meeting
- Attended the monthly meeting of the Rural Fire Coordinators
- Attended ODAFF Director's Meetings
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Attended two weekly OSDH COVID Coordination & Project Management MS Teams Meetings
- Participated in three conference calls with Steering Committee for the S-520 Advanced Incident Management course. The course is scheduled to be held January 18th – 24th in Tucson, AZ
- Participated in the OFS January "First Tuesday" meeting
- Conducted one MS-Teams meeting with the Northern Rockies Incident Management Team #1 to discuss each Team Section's current status and the Team application process
- Annual & Holiday Leave during the December 20th thru January 3rd time period

Respectfully Submitted,

Mark Goeller
Director/State Forester



CONSUMER PROTECTION SERVICES DIVISION

JANUARY 26, 2022 BOARD MEETING REPORT FOR NOVEMBER/DECEMBER 2021

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for October-December 2021 are presented in the following chart. A total of 3500 products were registered, of the products registered 53092 were renewals and 408 were new. There were 215 products cancelled.



Pesticide Samples

Pesticide samples taken November-December 2021 are presented in the following chart. A total of 16 Residue, 7 Concentrate, 3 Pollution, 6 Tank mix, and 5 Documentary samples were taken.

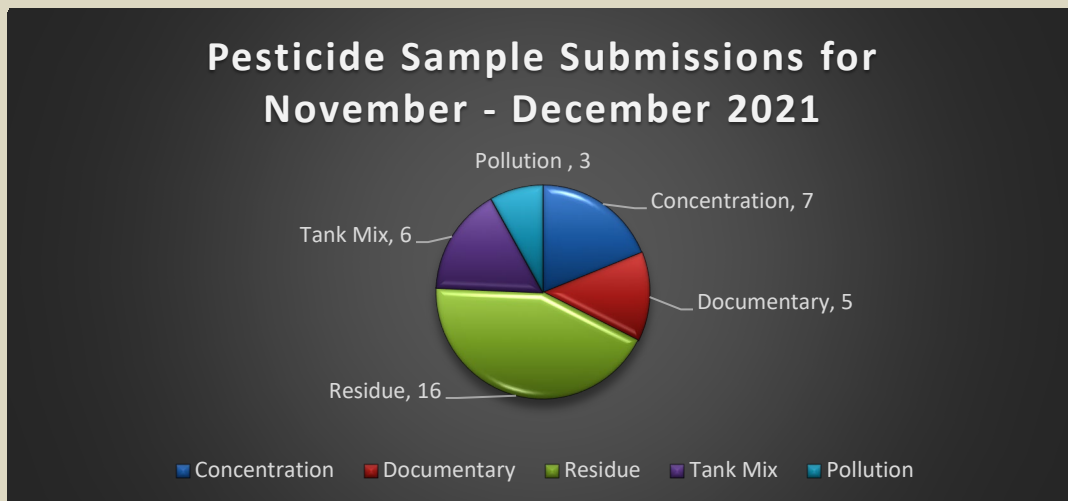


Table 1. Inspection Count for November - December 2021*

Inspection Type	Number of Inspections		
	November	December	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	42	46	88
Pesticide Applicator Facility	40	32	72
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	19	17	36
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	111	81	192
Termite	0	0	0
Wood	0	0	0
Pre-treat	2	0	2
Drift Investigation	0	0	0
Pesticide Label	3604	3450	7054
Worker Protection	3	6	9
Total	3821	3632	7453

* 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 24 non agriculture use samples, 8 agriculture use samples and 5 market samples for a total of 37 samples.

Licensing & Certification:

Categories 11A, 11B, 12A, 12B, & 13 expired at the end of 2021. Renewal letters for Certified Applicators were mailed out at the end of October. There were approximately 20,308 active certified applicator categories by the end of the 2021 calendar year.

Pesticide Applicator Licenses expired on December 31, 2021. Approximately 1,286 companies renewed by the end of the year.

Private Applicators:

I received many responses after the Private Applicator webinar. Debbie and I are currently keeping a spreadsheet of all Private Applicator CEUs and updating the online version every 1-3 months depending on how many submissions we receive.

Pesticide Complaints

PESTICIDE COMPLAINTS		November 16, 2021 – January 4, 2022		
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	4	29	18	29
MUSK THISTLE	0			
CASES REFERRED TO OGC:	18			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal phytosanitary certificates Issued from December 1, 2021 – December 31, 2021

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

3 Federal phytosanitary certificates issued @ \$106.00 each

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

3 Federal phytosanitary Certificates issued @ \$61.00 each

<u>Federal Phytosanitary Certificates (December 1, 2021 - December 31, 2021)</u>			
Country	Product	Quantity	Phytos Issued
Brazil	Sesame Seed		1
Hungary	Barrelclover Seed	5 Grams	1
Italy	Barrelclover Seed	1 Gram	1
Italy	Bermuda Grass Seed	5 Lbs	1
Panama	Potatoes	6,450 bags	2

Companies applying for federal phytosanitary certificates:

Sesaco:	1
OSU Biosciences:	2
Johnston Seed Co.	1
Colo-Kist	2

State

State phytosanitary certificates Issued from December 1, 2021 – December 31, 2021
14 phytosanitary certificates for 1,051 plants



2022 Compliance Agreements

There are currently 32 companies that sign compliance agreements for out-of-state shipping.
Below is an update on where we are in this process:

Compliance agreements sent out to licensees: 29/32 91%
Left to do: 3 agreements for Cotton Boll Weevil – waiting on CA QC permit approval

Compliance agreements returned with signatures: 25/32 78%
Left to do: 3 cotton agreements and 4 nurseries who have not returned paperwork

Certificates issued after agreements are completed 25/32 78%
(shipping certificate, annual inspection certificate, etc.)
Left to do: 3 cotton agreements and 4 nurseries who have not returned paperwork

Hemp

- Online hemp grower application is live on our website for new and renewal applications!
- Hemp handler/processor application is not available on our website but KRS is working on it.

Total Licensed Hemp Growers	57/100%
Crop Failure Report	24/42.1%
No Plant Report	13/22.8%
Sample Submitted to ODAFF Lab	15/26.3%
No Report Received (letter of warning will be issued for noncompliance)	5/8.8%

Apiary

- Renewal notices have been sent out to those whose licenses are expiring on 01/31/2022
- Caroline is hoping to schedule apiary training for ODAFF-CPS inspectors. This training should cover how to inspect hives, how to identify diseases/infections/infestations

AGRICULTURE RESOURCE SECTION

Weights & Measures Program

During this period the large capacity scale technicians tested 228 Vehicle scales and 1 Livestock scale, 29 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 1017 small scales and 47 platform scales, 17 of the scales were rejected. There were 34 random pack inspections and 94 standard pack inspections conducted that resulted in 8 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 246 price verification inspections were conducted at various retailers that resulted in 24 companies receiving letters of warning. A total of twelve scale companies received a letter of warning for not properly servicing scales.

The ODAFF Ranch Scale testing program plans to begin the week of February 14th, 2022. The fee for a ranch scale test is \$200. Call the Weights & Measures office at 405/522-5968 or email Gary Smith at gary.smith@ag.ok.gov to request a scale test.

Feed Program

Program Performance

During this reporting period there were a total of 246 official feed samples analyzed, with 832 feed determinations made from these samples. These determinations resulted in the issuance of 54 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Crude Fiber, Crude Fat, Calcium, Copper, Phosphorus, Vitamin A, Magnesium, Zinc and Potassium. Eighteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Seven stop sales were issued for products deficient in Vitamin A. One stop sale was issued for products deficient in Crude Protein. Two stop sales were issued for products deficient in Calcium. Two stop sales were issued for products deficient in Salt. One stop sale was issued for products deficient in Phosphorus. Three stop sale was issued for products deficient in Crude Fat. One stop sale was issued for products deficient in Copper. One stop sale was issued for products deficient in Zinc.

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 November 2021-December 2021

Nutritional Guarantee	Number of Label Violations		
	December ¹	November ²	Two Month Total
Crude Protein	21	20	41
Non-protein Nitrogen	0	0	0
Crude Fat	8	7	15
Crude Fiber	2	3	5
Calcium	4	0	4
Phosphorus	4	2	6
Salt	0	2	2
Magnesium	4	2	6
Potassium	2	0	2
Copper	2	2	4
Iron	0	1	1
Zinc	2	1	3
Vitamin A	5	5	10
Medicated Feed	0	0	0
Total	54	45	99

¹ 246 feed samples analyzed with 832 determinations; ² 289 feed samples analyzed with 689 determinations

Table 2. Feed Stop Sale Summary November 2021-December 2021

Nutritional Guarantee	Number of Stop Sales		
	December ¹	November ²	Two Month Total
Crude Protein	1	2	3
Non-protein Nitrogen	0	0	0
Crude Fat	3	1	4
Crude Fiber	0	0	0
Calcium	2	2	4
Phosphorus	1	1	2
Salt	2	0	2
Manganese	0	0	0
Potassium	0	0	0
Copper	1	0	1
Zinc	1	1	2
Vitamin A	7	8	15
Medicated Feed	0	0	0
Total	18	15	33

¹ 246 feed samples analyzed with 832 determinations; ² 289 feed samples analyzed with 689 determinations

Fertilizer Program

Program Performance

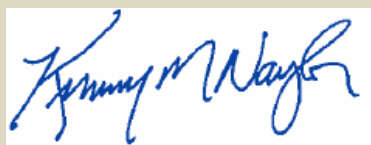
Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the listed time-period. Fertilizer and ag lime samples have been halted until the beginning of February at the request of the Laboratory Services Division in order to more efficiently process feed samples.

Type of Sample	Number
Fertilizer	1
Lime	1

Sample Deficiency Penalties	Notice of Deficiency/ Stop Sales
1	0

Type of Investigation	Number
Dry Fertilizer Facility	26
Liquid Fertilizer Facility	19

I will be glad to answer any questions from the Board members.



Kenny M. Naylor



OKLAHOMA
**Agriculture, Food
and Forestry**



Oklahoma Department of Agriculture, Food and Forestry
Animal Industry Services Board Report
January 26, 2022
Activities November 13, 2021 – January 7, 2022

Animal Disease Traceability:

National Priority Traces were conducted on December 2-3. We received all 8 traces within the 2-day timeframe and completed them successfully to meet our cooperative agreement tracing obligation.

We continue to distribute the free RFID tags to interested veterinarians and producers. We also have a limited number of RFID tag readers that are available for loan.

We have filed one Letter of Warning and one Notice of Violation against two Livestock Auction Markets. The first is a very small market that we have worked with to try to help them stay in business. We recently have found that they are not fulfilling their end of the agreement. The NOV involves a sheep and goat market that has disregarded Official Identification requirements twice. We are planning to issue a fine to hopefully convince them that it is important to follow the rules.

Aquaculture:

During this period, Aquaculture Renewal License renewals were completed. Currently, there are 21 licensed aquaculture facilities in the state.

Biologics:

No activity of note during this time frame.

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* (Swine Brucellosis) which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle. I fear this could lead to an increase in the number of human cases of *B suis*.

Tuberculosis:

The cow with the invalid test result from the dairy in Cimarron County was euthanized, necropsied, and samples were confirmed negative for TB. The existing herd plan requires yearly tests as long as exposed cows are in the herd. We plan to discuss this

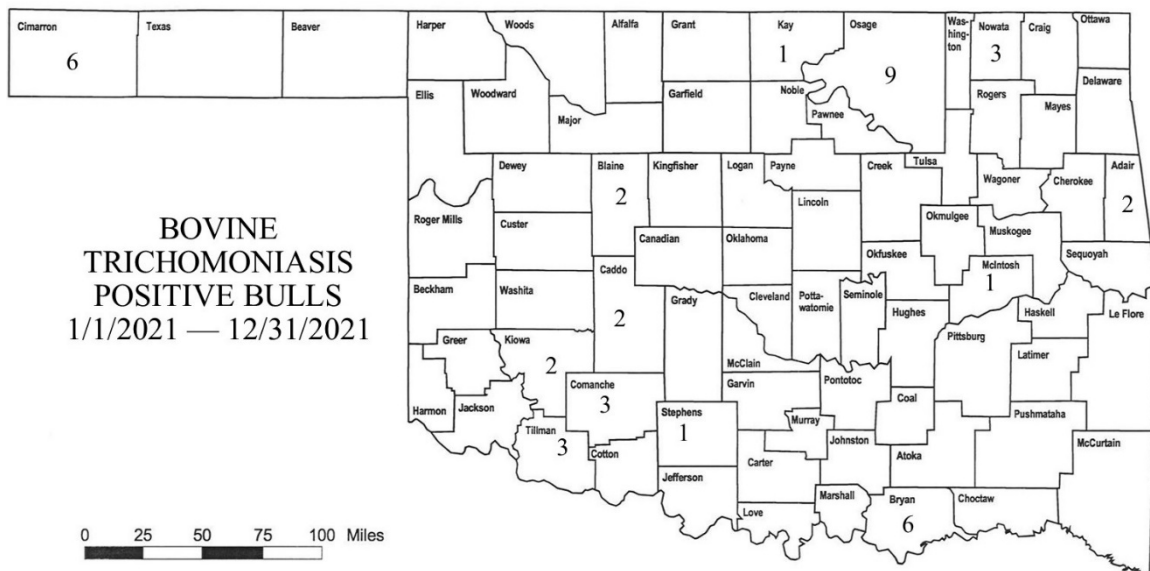
with USDA Cattle Health Staff, as we believe we have already surpassed the amount of surveillance needed for that herd.

We still have one group of bulls to test out of the beef herd in Cimarron County this spring. If they are negative, we will be able to release that herd from any further restrictions.

Testing in trace out herds that had purchased animals exposed to the positive bull in Osage County continues.

Trichomoniasis:

During this period 1697 Oklahoma bulls were tested, and eight 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.



14,723 bulls tested / 41 positive = 0.28% positive

Our current statistics compare to 2.1% positive bulls in 2011, 1.4% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, and 0.35% in 2020.

Johne's Disease:

In 2021 for this reporting period, we have received 17 positive reports, 12 from new premises. Year to date we've had 99 positive reports with 67 new premises.

For this reporting period in 2020 we had 12 positive reports with 8 from new premises. The year to date had 115 positive reports with 73 new premises.

The 7-year average is 119 positive reports on 73 new premises. That is a total of 550 farms that have probably purchased this disease.

These figures are intrinsically low as we can never trust negative test results. Only with good husbandry, good records and years of testing can confidence be developed that Johnes is not present in a herd once the disease is acquired.

Dr. Stone continues to receive calls for assistance with testing strategy from veterinarians and producers. The test strategy does change as they work forward from control to elimination of the disease. Producers that make the most rapid advancement economically have the most complete records.

Emergency Management:

On Nov 16-18, FADSAFE was successfully conducted at ODAFF. The focus of this exercise was communications with the goal of educating Ag Groups, producer groups, and other interested parties and developing messaging so that all communications push the same message to the public. We had great participation, but unfortunately had to end the exercise several hours early due to concerns of a possible civil disturbance.

On December 28, Dr. Gorczyca and I met with Eric Hess, an exercise contractor, to discuss an upcoming exercise series that the National Pork Board would like to conduct in 2022. Oklahoma was selected as one of the top states that the NPB would like to conduct the exercise in. Mr. Hess went over the exercise specifics which would include depopulation and carcass disposal of 150 cull sows, and we were given a few weeks to let NPB know of our interest. Ultimately, we decided to pursue the exercise and we are waiting for final confirmation from NPB before we begin to plan the exercise.

The National Veterinary Stockpile Full Scale Exercise has been rescheduled for April 5-6, 2022.

We continue to participate in weekly ASF Slaughter Plant Working Group discussions to help prepare the packing industry to respond during an ASF outbreak.

Equine Programs:

There are no new cases of EIA in Oklahoma.

There are no reported cases or quarantines for CEM in Oklahoma.

On December 4th, we had a confirmed positive case of Equine Piroplasmiasis. The premises where the positive horse was residing was placed under quarantine while all equine species on the property underwent testing. Positive horses can be enrolled in the USDA treatment program for Piroplasmiasis, but it is costly with a lengthy quarantine time so in this case the owner opted to have the positive horse euthanized. The quarantine was released on January 10th after all exposed equine on the index premises had two negative tests 30 days apart. The trace back investigation is ongoing at this time and so far, no other positive cases have been found. Equine Piroplasmiasis is not endemic to the United States and is therefore considered a foreign animal disease. The majority of

cases in the US are in racing Quarter Horses who have participated in unsanctioned racing. This Oklahoma case was a racing Quarter Horse who is suspected to have been raced outside of sanctioned racing prior to being purchased by the current owner.

There was one quarantined premises associated with a positive EIA case in September. The quarantine was released on November 24th after all exposed horses tested negative on their 60-day post exposure test. No additional positive cases were found during this investigation and evidence was found that the positive horse had been racing in Mexico, was likely infected while there, and was then illegally moved back into the United States.

Farmed Cervidae Programs:

Application packets were mailed to licensees during this period.

We continue to closely monitor requests to import deer from Pennsylvania and Wisconsin due to the increasing incidence of CWD in those States.

Feral Swine:

We received notification from the owner of the premises that we received a complaint about on October 12, that all the feral swine have been harvested. One of our LSIs is scheduled to visit the premises and verify that all the hogs are gone.

The Administrative Programs Officer who managed our Swine and Feral Swine Programs for the past 12 years left to take a job in another agency, so we are all working together to keep on track until we get a new person hired and trained. She managed our Farmed Cervidae program as well. We sent Feral Swine license renewals out to the 43 licensed facilities during this time frame.

Foreign Animal Disease:

ODAFF and APHIS personnel performed five FAD investigations during this time frame. One was on a cow in Grant County with symptoms compatible with FMD or Vesicular Stomatitis. Thankfully it was not a FAD. The other four involved the Piroplasmosis case outlined in the Equine section.

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.

Livestock Market Audits:

During this period, one livestock market changed ownership. Longtime Stigler Livestock Market owner, Johnny Rosso and family sold their market to the partnership of Trenton Hokit and Thomas Carpenter. The new owners have completed licensing with the department as well as USDA and plan to hold their first sale on January 12. In addition to this activity, staff has been busy processing the yearly renewals of all the states livestock markets. This period also allowed an in-house audit of a market development specialty crop grant as well as several custodial account reviews, none of which turned up any violations.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	4
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	1

Outreach:

On November 24 I submitted the State Veterinarian's Report to the OVMA office to be included in the Winter Edition of the Communique newsletter.

On November 26 USDA VMO Dr. Zeke Proctor provided a wet lab at OSU CVM for students to learn proper CWD sampling using hunter harvested deer. The class was limited to 20 enthusiastic students that appreciated the opportunity to get hands on experience.

On December 15 I gave a virtual presentation to OCES Coffee Shop meeting regarding show swine issues.

On December 15 we hosted a VMO meeting virtually. We missed a couple of months due to various issues and had planned to have this meeting in person, but the increase in the number of COVID-19 cases forced us to go virtual.

I received a call from the Tillman County Sheriff on December 16 regarding complaints he was receiving about a person who buys and sells horses in his County. The complaints alleged that the owner was not caring for the horses properly. He asked for our assistance in evaluating the body condition and care of the horses. I asked Dr. Larssen, one of our USDA VMOs, to connect with the Sheriff and do an investigation. Dr. Larssen visited the premises on December 20 and found that most of the horses were in good body condition and that care was adequate. Most of the horses did not have barns or sheds to go in, and I had a call from a person in another state who objected to that. I explained to him that horses went without barns and sheds for about 55 million years and that if there was adequate feed and water, they can survive remarkably well in Oklahoma winter conditions.

On December 20 Dr. Gorczyca and I met with an Ag Educator and two of his students to discuss Official Identification, electronic ID, and Animal Disease Traceability for a project they were involved in.

On December 28th Dr. Stone received a call from a concerned neighbor in Garvin County about several dead cows on a neighboring premise. Dr. Stone had already been in contact with the local practitioner and was informed by that veterinarian that he was seeing several cases of poor management in the area, that he was working with several owners and was hoping to avoid including law enforcement but was willing to include law

enforcement if needed. The complaining party was a client of the local practitioner, so the case was able to be handled at the local level.

Beginning December 30 Dr. Stone supervised interns in the inspection of incoming cattle at Cattlemen's Congress at the Oklahoma State Fairgrounds. Dr. Stone worked December 30 and January 1 and I worked December 31 so our inspectors could enjoy the holiday. Beginning January 2 one of our LSIs was there each day to assist the interns in answering questions providing oversight. The interns and staff did a wonderful job identifying issues and problems, working with exhibitors to solve problems if possible, educating exhibitors about official ID, and the value of PI testing for the protection of all exhibits. The six interns I worked with were a great bunch of young ladies and I enjoyed the opportunity to get to know them a little.

On December 31 Dr. Stone received a call from a concerned neighbor in Pontotoc County that there were several dead cattle on a neighboring premise. The person making the complaint thought ODAFF was investigating, but it was a local practitioner who was called by the dead animals' owner. The complaining neighbor was referred to the local veterinarian and got his questions answered satisfactorily.

On the evening of January 6 Dr. Stone received a call from a livestock owner in Pawnee County that they suspected an animal had been shot and killed. The local sheriff's office referred them to ODAFF but probably meant OADDL for necropsy. Dr. Stone informed the owner of the need for a necropsy for a cause of death and elimination of other causes, that the necropsy could be performed by either a local veterinarian or at OADDL. This owner did not have a working relationship with a local veterinarian, so several good food animal veterinarians were suggested.

Poultry Programs:

There were 12 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 97 total cases submitted for 2021.

On January 3rd, our department was alerted by US Customs and Border Patrol and USDA Veterinary Services that several shipment of hatching chicken eggs had been illegally imported into Oklahoma from Turkey. Because Highly Pathogenic Avian Influenza is endemic in Turkey, there are restriction on the importation of poultry products from that country into the US. The shipper was falsifying the declaration on the packages listing the contents as kitchen devices to prevent the eggs from being stopped in customs. USDA VMO Dr. Mikka Larssen and LSI Michael Jensen visited the property of the recipient of the eggs on Monday, January 10th. The premises owner had received 30 eggs in two different shipments and had successfully hatched 17 of those eggs. Samples were obtained on all the live chicks and submitted for testing for Avian Influenza. Those results are pending. The owner will keep those chicks isolated until negative test results have been obtained. The VMO was able to educate the owner on the dangers of importing eggs from unknown international sources and the negative consequences that would occur if any of the test results were to be positive.

Rabies in Livestock:

There were no reports of livestock rabies during this period.

Sheep and Goat Programs:

We are continuing to work with USDA personnel to answer questions that were raised by their review of the Scrapie program. We believe some of the requests they are making will make it more difficult for our markets to meet the standards, and we believe the increased details will not result in better traceability, so we are working to make a compromise.

Swine Programs:

On November 10 Dr. Gorczyca-Southerland and I attended a virtual meeting of US Swine Health Improvement Program Official State Agencies.

Miscellaneous:

On December 7, Dr. Gorczyca participated in the National Science Foundation Established Program to Stimulate Competitive Research (EPSCoR) tick project update. Dr. Gorczyca is part of the advisory board for this project which helps guide decisions or provide recommendations for the project investigators.

On December 16, we were notified of a *Brucella canis* positive dog that had been illegally imported into Oklahoma by a rescue group out of Louisiana. Dr. Gorczyca contacted the individual fostering the dog for the rescue, Lost Ball Canine Rescue Tallulah, LA, to get more information about the dog. The foster was unaware that the dog had brucellosis nor was she aware that a CVI was required for the dog to be imported into the state when she met the rescue in Dallas to pick up the dog. However, if the rescue had contacted us prior to bringing the dog to the state, we would have denied entry of the dog due to the zoonotic and persistent nature of *B canis*. She was told afterwards that it was being treated for brucellosis and that she needed to get the dog retested. The dog was quarantined to the home and the rescue was contacted to be made aware of the status of the dog. The rescue became confrontational concerning the situation and did not grasp the seriousness of importing a dog into Oklahoma with a reportable disease or interstate movement of an animal without a valid CVI. The rescue was told to contact a State Animal Health Official in TX and/or LA who would receive the animal back otherwise we would require euthanasia of the dog in Oklahoma. On December 20, the rescue's veterinarian contacted us to advise that they received permission from the Texas Public Health Veterinarian to allow the dog to be imported to Texas. The quarantine was released for the dog and the foster was advised to have her own pet tested for brucellosis in 30 days due to exposure from the positive dog.

Respectfully,

A handwritten signature in black ink that reads "Rod Hall DVM". The signature is written in a cursive, flowing style.

Rod Hall, DVM

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for November/December 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 700 properties with an estimated 1,250,407 acres of land under agreement. Additionally, WS helped 353 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 \$744,678 during this period. Beaver damages accounted for losses totaling \$272,145. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$51,274. Feral swine damages accounted for losses totaling \$419,597, while other species of wildlife were responsible for \$1,612 in damages to property, agriculture, and livestock.

Providing Wildlife Services

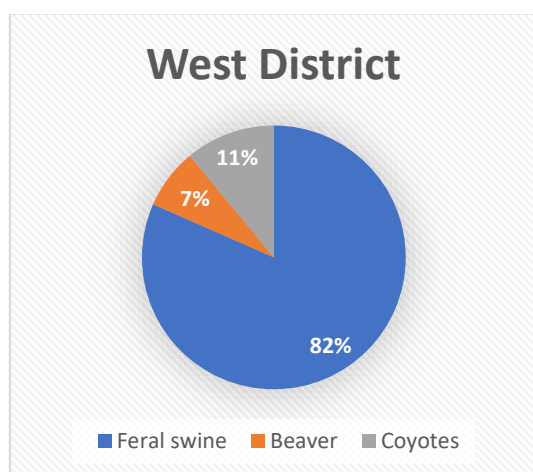


Figure 1: Species Removed in West District by percentage during November/December 2021

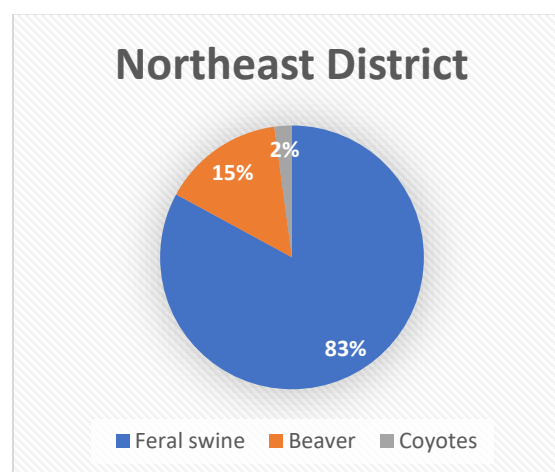


Figure 2: Species Removed in the Northeast District by percentage during November/December 2021

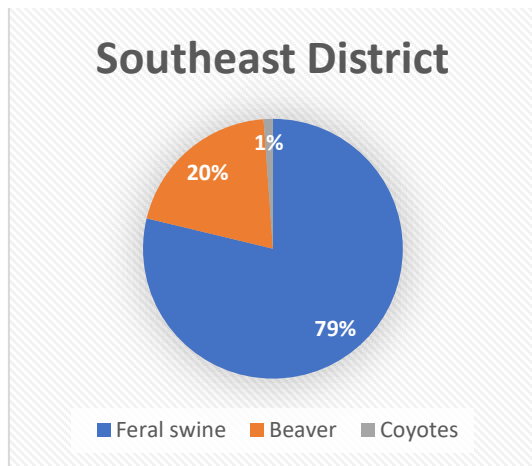


Figure 3: Species Removed in the Southeast District by percentage during November/December 2021

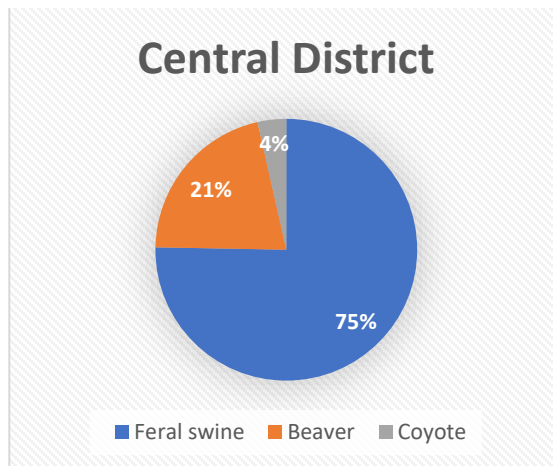


Figure 4: Species Removed in the Central District by percentage during November/December 2021

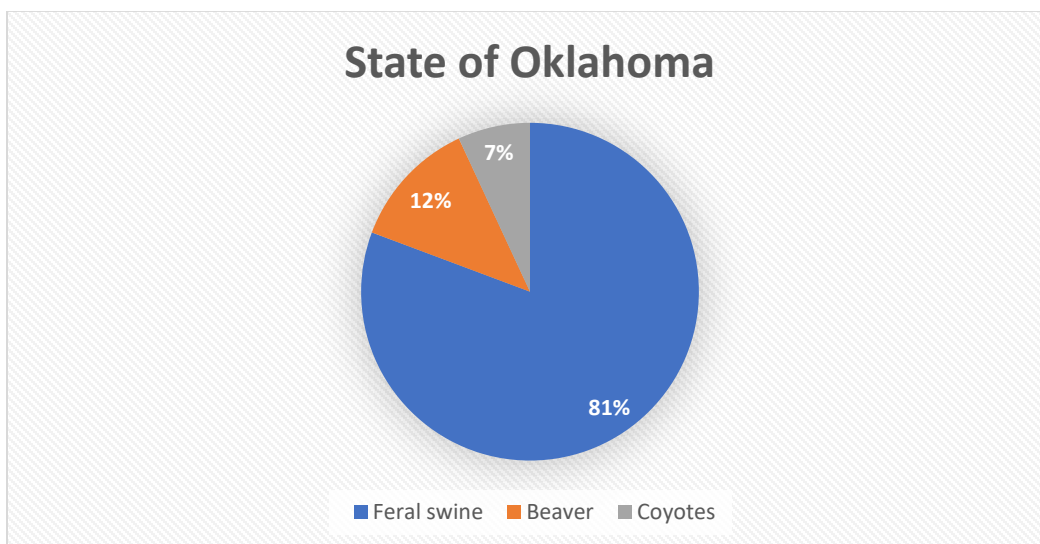


Figure 5: Species Removed in the State by percentage during November/December 2021

Coyote Damage Management

Murray County rancher called for assistance with coyotes. The coyotes had unsuccessfully tried to kill one of his sheep. A WS Specialist was able to verify the damage and the coyote sign around the sheep pens. Snares and foot-hold traps were set and three coyotes were removed to stop any further predation attempts. Upon the recommendation of the Specialist, the rancher now owns two livestock protection dogs to deter future coyote issues.

Beaver County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$1,764. The Wildlife Specialist assigned to Beaver County quickly responded to the request and examined one of the carcasses and confirmed that coyotes were responsible for the loss of the calf. Control efforts have removed four coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

Major County livestock producer requested assistance with coyotes depredating on calves. The producer reported that coyotes had killed one calf valued at \$881. The Wildlife Specialist assigned to Major County examined one carcass and verified that coyotes were responsible for the loss valued at \$881. Damage management efforts were successful in removing three coyotes from the property. No further losses have occurred, and work is ongoing at this time to prevent additional losses.

Beckham County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882 dollars. The Wildlife Specialist assigned to Beckham County quickly responded to the request and examined one of the carcasses and confirming that coyotes were responsible for the loss of the calf. The Specialist used foot-hold traps and calling/shooting to remove six coyotes. Control efforts continue to prevent additional losses.

Alfalfa County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed two calves valued at \$1,762. The Wildlife Specialist assigned to Alfalfa County quickly responded to the request and examined on of the carcasses and confirming that coyotes were responsible for the loss of the calf. Control efforts have removed eight coyotes and efforts are continuing at this time to further reduce predation losses to coyotes for the producer.

Greer County landowner requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$882. The Wildlife Specialist assigned to Greer County examined the carcass and verified that coyotes were responsible for the loss. Damage management efforts were successful in removing ten coyotes from the property. Control efforts continue to prevent additional losses.

Feral Swine Damage Management

Hughes County rancher contacted requested assistance with feral swine. The Wildlife Specialist for Hughes County was able to verify an estimated \$4,000 in damages to the rancher's hay meadows. A remote camera was set and 24 feral swine were removed. New damage was discovered on the property estimated at \$2,000. The remote camera trap was moved to the new area and an additional 13 feral swine were captured to alleviate all the damage.

Johnston County rancher requested assistance with feral swine. Damage to the rancher's wheat field was verified and estimated at \$2,000. After pre-baiting, a remote camera trap was set, and 68 feral swine were removed to conclude this project. No further damages have been reported.

Caddo County landowner requested assistance with feral swine rooting and feeding on his soybean field. The landowner estimated that feral swine were responsible for damaging 15 acres of soybeans valued at \$2,051. The Wildlife Specialist assigned to Caddo County quickly responded to

the request and verified feral swine were responsible damage to the field. The Specialist utilized a live trap to remove 45 feral swine from the area. Feral swine activity in this area is closely being monitored to determine if further management is needed.

Custer County landowner contacted WS needing assistance with feral swine damaging his stored haybales. The landowner estimated damage to the haybales was at \$5,000. The Wildlife Specialist assigned to Custer County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 30 feral swine from the property. No additional damage has occurred and the feral swine population in the area is being monitored to determine if additional management is needed.

Roger Mills County landowner contacted WS needing assistance with feral swine rooting in his pastures. The landowner estimated that feral swine have caused \$3,000 in damages to his pasture. The Wildlife Specialist assigned to Roger Mills County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 31 feral swine from the property. No additional damage has occurred and the feral swine population in the area is being monitored to determine if additional management is needed.

Sequoyah County farmer contacted WS regarding a feral swine concern. The farmer reported that feral swine had moved onto his property and were rooting up his hayfield. A WS Troubleshooter responded to the request and verified that feral swine were responsible for an estimated \$1500 in damages to the property. An electronic-triggered corral trap was used to remove 27 feral swine from the property and work is ongoing to ensure that no additional hogs are present.

Pawnee County landowner contacted WS and reported feral swine sightings and damages to their pasture. A WS Specialist responded to the call and verified the damage to the property. A live feral swine trap was placed on the property. As of right now, 25 feral swine have been removed from the property. Work is ongoing. The landowner was advised of environmental changes that could help prevent future damages caused by feral swine.

Hughes County rancher requested assistance from WS for feral swine damage to his wheat field. The damage was verified and estimated at \$3,000. A remote camera trap was placed and 23 feral swine were removed. The Specialist was able to remove another 25 feral swine from the property while conducting aerial operations in December. No further damage has been reported.

Bryan County rancher called WS for assistance with feral swine causing damage to his cattle pastures. The Specialist for Bryan County was able to verify the presence of feral swine and damages were estimated at \$4,000. A remote camera trap was placed and 17 feral swine were removed. The remote camera trap was removed, and this project was concluded after no further damages occurred.

Jackson County landowner requested assistance with feral swine rooting and feeding on his stored silage. The landowner estimated that feral swine were responsible for feeding and contaminating his silage and estimated the damage to be valued at \$10,000. The Wildlife Specialist assigned to Jackson County responded to the request and verified feral swine were responsible damage to the field. The Specialist utilized a live trap to remove 52 feral swine from the area. Feral swine activity in this area is closely being monitored to determine if further management is needed.

Dewey County landowner contacted WS needing assistance with feral swine damaging his stored haybales. The landowner estimated that feral swine damage to the haybales was \$2,400. The Wildlife Specialist assigned to Dewey County responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 66 feral swine from the property. No additional damage has occurred and the feral swine population in the area is being monitored to determine if additional management is needed.

Osage County landowner contacted WS with concerns about the presence of feral swine on his property. The landowner stated that he had seen signs of damage in a wheat field. A WS Specialist responded to the call and scouted the property. The Specialist confirmed the damage reported was from feral swine. A live trap was placed on the property to aid in the control of feral swine. Twenty-four feral swine were caught using the live trap. Work is continuing at this time and the property owner was advised of environmental changes that could help prevent future problems.

Osage County landowner contacted WS requesting assistance with feral swine. The landowner reported that he had recently drilled wheat seed and a sounder of feral swine was rooting the field up and consuming the freshly planted seeds. A WS Specialist responded to the request and verify that a sounder of feral swine was causing damage to the wheat field. The Specialist utilized a live trap to effectively catch the sounder of feral swine causing damage to the property. No further damages have been reported at this time. The landowner was instructed about environmental changes and exclusion methods that can be utilized to prevent future damages.

Okmulgee County landowner contacted WS with a complaint of feral swine rooting in his freshly planted wheat field. Upon visiting the property with landowner it was determined that feral swine were causing the damages estimayed at \$2000. A live trap was used on the property to remove 28 feral swine. The landowner was instructed on environmental changes and fencing methods that can be utilized to help prevent future problems.

Aerial Operations

Aerial operations were conducted on Ft Sill Military Instillation for four days during the month of December. Aerial hunting operations are conducted to reduce feral swine damage to natural resources and property on the instillation. Feral swine removal on the instillation also helps reduce feral swine damage on adjacent private properties. The helicopter was flown for 28.3 hours and removed 415 feral swine.

Beaver Damage Management

A golf course in **Carter County** called WS for assistance with beavers. Beaver sign was verified and burrowing damages to a pond dam on the property was estimated at \$1,000. Conibear traps were placed and four beavers have been removed to date. This project is still being monitored.

Garvin County rancher called WS for assistance with a beavers. Beaver sign was confirmed and estimated at \$1,000 to the trees on the property. Foot-hold traps and snares were placed to capture four beavers.

Grady County landowner contacted WS for assistance with beaver that were responsible for damage to trees around his pond. The Specialist for Grady County responded and verified beaver were responsible for \$1,000 in damage to the trees. The Specialist successfully utilized conibear traps to remove four beaver from the pond. Control efforts are completed at this time.

Stephens County Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beavers were responsible for \$2,500 to the road and bridge structure. The Wildlife Specialist assigned to Stephens County responded to the request and verified that beavers were responsible for the damage reported. The Specialist utilized conibear traps to remove four beavers from the adjacent creek. Control efforts are completed.

Comanche County Road Commissioner requested assistance with beavers flooding one of the roads in his district. The Commissioner reported that the beaver was responsible for damages totaling \$2,000 to the bridge structure and roadbed. The Specialist for Comanche County responded to the request and verified beavers were responsible for the damage. Conibears were utilized to remove the beaver from the creek and no further damage has occurred, and work is concluded.

Custer County landowner contacted WS for assistance with beaver that were responsible for damming up the creek on his property at a low water crossing on his property. The landowner estimated the damage to the road structure and culverts to be valued at \$1,000. The Specialist for Custer County quickly responded and verified beaver were responsible for damage to the dam. Control measures employed by the specialist were successful in removing the beavers from the creek to help reduce any additional damage to the road structure.

Cleveland County - City of Norman was receiving large amounts of chewing damage from beavers at a city park with estimated damages around \$5000. WS successfully trapped two beavers from the area and work is still ongoing at this time.

Nowata County landowner contacted WS with beaver damage concerns. The landowner reported beaver were burrowing several large holes into his pond's dam, flooding a drainage ditch, and also girdling several trees. A WS Specialist responded to the request and verified that beaver was responsible for the damage reported. The Specialist utilized conibear traps to remove four beavers. Work is complete at this time and the landowner was instructed on environmental changes, beaver dam removal methods, and structural repairs that can be employed to prevent future problems. Damage to the pond dam and surrounding trees was valued at a total of \$10,500.

Rogers County landowner contacted WS with beaver damage concerns. The landowner reported that beaver were responsible for burrowing several large holes into his pond's dam, girdling several large trees, and flooding a drainage ditch with damages at \$8,000. A WS Specialist responded to the request and verified that beaver were responsible for the damage reported. The Specialist was able to utilize conibear traps to remove three beavers. Work is continuing at this time. The landowner was instructed about environmental changes, exclusion methods, and beaver dam removal techniques that can be utilized to help prevent future problems.

Payne County rancher contacted WS with beaver damage concerns. The rancher reported that beaver were responsible for burrowing into his dam causing approximately \$1,000 in damages to his property. The WS Specialist responded to the request and verified that beaver were responsible

for the damage. The Specialist was able to utilize conibear traps to remove the beaver. Work is completed this time.

Le Flore County Commissioner called WS for assistance with beavers flooding county roads at multiple locations. The beaver activity was verified and flooding damages to the county roads were estimated at \$2,500. Conibear traps, leg-hold traps, and snares were placed to remove the 12 beavers. This project is still being monitored.

Pushmataha County Commissioner called WS for assistance with beavers on a county road. WS responded and verified beaver activity at the location. Flooding damage to the road was estimated at \$3,500. Conibear traps were placed and four beavers were removed to alleviate the damage and conclude this project.

Logan County Road Commissioner requested assistance with beavers flooding one of the roads in his district. The Commissioner reported that the beaver was responsible for damages totaling \$2,000 to the bridge structure and roadbed. The Specialist for Logan County responded to the request and verified beavers were responsible for the damage. Conibears were utilized to remove the beaver from the creek and no further damage has occurred, and work is concluded.

Roger Mills County landowner contacted WS for assistance with beaver that were responsible for damming up the creek on his property and flooding his bermuda pasture. The landowner estimated the damage to the pasture to be valued at \$1,000. The Specialist for Roger Mills County quickly responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to the road structure.

Nowata County landowner contacted WS with beaver damage concerns. The landowner reported that beaver was gnawing several trees, flooding pasture ground, and burrowing several large holes into his pond's dam. A WS Specialist responded to the request and verified that beaver was responsible for a total of \$16,000 worth of damage to the landowner's property. The Specialist is currently utilizing conibear traps to remove the beaver. Work is just beginning at this time. The landowner has been instructed about environmental changes, structural repairs, and exclusion methods that can be utilized to prevent future damages.

Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS November/December 2021

County	Beaver	Coyote	Feral swine	District
Adair				NE
Alfalfa	1	9		W
Atoka	12		32	SE
Beaver	1	20		W
Beckham	2	79	151	W
Blaine		3	16	W
Bryan	2		190	SE
Caddo			261	W

Canadian	1			C
Carter	6	2	4	SE
Cherokee				NE
Choctaw	27		76	SE
Cimarron		21		W
Cleveland	21			C
Coal				SE
Comanche	8		479	W
Cotton			238	W
Craig	2		65	NE
Creek	6		131	NE
Custer	16	16	118	W
Delaware	4			NE
Dewey	3		22	W
Ellis	3	18	11	W
Garfield	3	11		W
Garvin			16	SE
Grady	3	5	87	W
Grant	12	4		W
Greer	18		98	W
Harmon		20	35	W
Harper				W
Haskell	1		14	NE
Hughes	2		133	SE
Jackson	4	5	99	W
Jefferson	1			SE
Johnston				SE
Kay	6			NE
Kingfisher				W
Kiowa	3	6	158	W
Latimer				SE
Leflore	40		19	SE
Lincoln	22	2	82	NE
Logan	3	2	44	W
Love	12	3	16	SE
Major	4	3	43	W
Marshall	2		10	SE
Mayes				SE
McClain	42			SE
McCurtain	2		9	SE

McIntosh	5		29	NE
Murray	4	3	16	SE
Muskogee	16		27	NE
Noble	3	2	28	NE
Nowata	8		15	NE
Okfuskee			2	NE
Oklahoma	17	8	82	C
Okmulgee	11		48	NE
Osage		15	145	NE
Ottawa				NE
Pawnee	11		167	NE
Payne	18			NE
Pittsburg				SE
Pontotoc	3		44	SE
Pottawatomie	5	1	4	C
Pushmataha	19	2	40	SE
Roger Mills	30	2	71	W
Rogers	15			NE
Seminole	1		81	SE
Sequoyah	11	2	10	NE
Stephens	9	14	1	W
Texas	26			W
Tillman	19		10	W
Tulsa	3			NE
Wagoner	4		48	NE
Washington				NE
Washita		2	9	W
Woods		21		W
Woodward	9	2		W
TOTAL	542	303	3534	

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

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

**December 2021 Activity Report
for
January 2022 Board Meeting
Agricultural Statistics Division**

General: For the **month of December**, rainfall totals averaged 1.00 inch throughout the state, with the East Central district recording the highest precipitation at 2.99 inches and the Panhandle district recording the lowest with trace amounts. According to the December 28th, US Drought Monitor Report, 95 percent of the state was in the abnormally dry to exceptional drought category, up 52 points from the previous year. Additionally, 90 percent of the state was in the moderate drought to exceptional drought category, up 65 percent from the previous year. Statewide temperatures averaged in the mid to high 40's, with the lowest recording of 3 degrees at Camargo on Sunday, December 19th and the highest recording of 89 degrees at Grandfield on Friday, December 24th

Small Grains: Winter wheat grazed reached 36 percent, down 7 points from the previous year. Rye grazed reached 10 percent, down 5 points from the previous year. Oats grazed reached 3 percent, down 4 points from the previous year.

Pasture and Livestock: Pasture and range condition was rated at 64 percent fair to good. Livestock condition was rated at 88 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 January 12, 2022, the Annual Crop Production and Wheat Seeding Report was published. Highlights include:

Upland cotton production was estimated at 710 thousand bales, 12 percent higher than 2020. Yield averaged 783 pounds per acre, compared with 702 pounds last year. Acreage harvested, at 435 thousand acres, is unchanged from last year.

Corn production was estimated at 44.3 million bushels, up 2 percent from the previous year. Statewide yields averaged 150 bushels per acre, 15.0 bushels higher than 2020. Acres harvested for grain, at 295 thousand, is down 8 percent from last year.

Sorghum production was estimated at 20.5 million bushels, up 98 percent from last year. Yield averaged 54.0 bushels per acre, up 9.0 bushels from the previous year. Acres harvested, at 380 thousand acres, is 65 percent higher than 2020.

Peanut production was estimated at 66.0 million pounds, up 12 percent from the previous year. Statewide yields averaged 4,400 pounds per acre, up 4 percent from 2020. Acres harvested, at 16.0 thousand acres, is 6 percent higher than the previous year.

Soybean production was estimated at 12.3 million bushels, down 24 percent from last year. Statewide yields averaged 23.0 bushels per acre, down 7.0 bushel per acre for previous year. Acres harvested, at 535 thousand acres, is 1 percent lower than the 2020 harvested amount.

Alfalfa hay production was estimated at 558 thousand tons, down 18 percent from previous year. Statewide yields averaged 3.1 tons per acre, down .5 ton per acre from last year. Acres harvested, at 180 thousand acres, is down 5 percent from 2020.

Other hay production was estimated at 4.43 million tons, down 5 percent from previous year. Statewide yields averaged 1.6 tons per acre, down .2 ton per acre from last year. Acres harvested, at 2.77 million acres, is up 7 percent from 2020.

Oklahoma seedings for the 2022 wheat crop are forecast at 4.40 million acres, unchanged from last year.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 21. In addition, our internet home page was hit 33,873 times in 2021, which is up 14 percent from 2020.

Releases for December:

Crop Production
Wheat County Estimates
Cattle on Feed
Hogs and Pigs
Agricultural Prices

Relating Dates:

December 1, 2021
2020-2021 Crop Year
December 1, 2021
December 1, 2021
December 15, 2021

Release Dates:

December 9, 2021
December 9, 2021
December 23, 2021
December 23, 2021
December 30, 2021

Releases for January:

Crop Production
Annual Crop Production Summary
Quarterly Grain Stocks
Winter Wheat Seedings
Cattle on Feed
Agricultural Prices
Cattle Inventory
Sheep & Goat Inventory

Relating Dates:

January 1, 2022
2021 Summary
December 1, 2021
2022 Intentions
January 1, 2022
January 15, 2022
January 1, 2022
January 1, 2022

Release Dates:

January 12, 2022
January 12, 2022
January 12, 2022
January 12, 2022
January 21, 2022
January 31, 2022
January 31, 2022
January 31, 2021

Meetings and Events:

Peanut Commission Meeting
Beginning Farm and Ranch Meeting
SPR NASDA Meeting
OK Wheat Commission Meeting
Hughes County Producer Webinar
SPR NASDA Meeting
OSU Surveys Enumerator Training

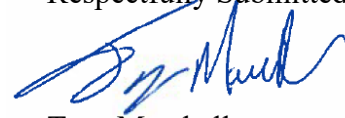
Date:

December 2, 2021
December 6, 2021
December 14, 2021
December 16, 2021
December 21, 2021
January 20, 2022
January 27, 2022

Location:

Stillwater, OK
Virtual
Virtual
OKC, OK
Virtual
Virtual
Virtual

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

January 26, 2022

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 108
- Total Number of Pre-service Teachers Impacted: 14
- Total Number of Extension Educators Impacted: 0
- Total Number of Students Directly Impacted by Coordinators: 38
- Total Number of Resources Given: 79,648
- Total Number of Teachers/PreService Teachers Resources Given to: 297
- Total Number of PreK-12th Grade Students Resources Given to: 9,956

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

- The AITC website had 15,044 visits and 12,694 unique pageview visits.
- The AITC monthly email is delivered to 15,625 accounts.
- The AITC Facebook page now has 7,809 followers.
- The AITC Twitter page now has 576 followers.
- Oklahoma AITC Instagram account now has 595 followers.
- Oklahoma AITC Pinterest account now has 208 followers.
- The AITC YouTube channel now has 8,207 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
95 teachers, PK - 12th grade at Holdenville Public Schools	Holdenville High School	AITC Website and had stations for teachers to explore in the following areas: Ag Careeropoly; Eat Nails for Breakfast out of Soil, Plants, and Animals Oh My book; Temple Grandin STEM; Grady's in the Silo STEM; Phonemic and Phonological Awareness around the Farm; Pig Corner Bookmark out of Soil, Plants, and Animals Oh My Book; Braiding Leather Bracelets; Red Dirt Symbols Fact and Opinion; Agricultural Magazine Seek and Find; Garden Grid Lesson; Dairy Coats and Genes; Playing in the Dirt	AITC Career Readers; Soil, Plants, & Animals, Oh My book; Temple Grandin Thinking in Pictures Reader; Early Childhood Engineering Process Tear Sheets, Upper Level Engineering Process Tear Sheets, Phonemic and Phonological Awareness Around the Farm; Early and Elementary Swine Tear Sheets; Middle School/High School Beef Tear Sheets; Red Dirt Symbols; Agricultural Magazine; Grow Garden Grow Reader; Strawberry Tear Sheets; Early Childhood and Elementary Dairy Tear Sheets; AITC seeds.

14 Pre-service NSU Teachers	Zoom with NSU Broken Arrow	Temple Grandin book, lesson, activity, all website resources, grants, ag book week	Ag Careeropoly - AG READERS Crop/Beef Dairy/Tech/temple/garden
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Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
12 students - 11-12 grade; 6 High School teachers/counselors/Extension	Kiamichi Technology Center McAlester, OK	<p>*Real Colors presented by Rachel Lockwood, Pittsburg County Family and Consumer Sciences Extension/4-H Educator, & Hannah Rea, Latimer County Extension Educator Special Projects, & Kelsey Ratcliff, Southeast District FCS Area Specialist of Health Disparities</p> <p>*Professional Dress/Interviewing skills presented by Jona Kay Squires, Business Industry Services in Agriculture Management at Mid-America Technology Center and Clyde Spears, the Agriculture Business Manager at Kiamichi Technology Center</p> <p>*Resumes - Margie Creager, Career Connection Center Instructor for Kiamichi Technology Center</p> <p>*Social Media Etiquette presented by Melody Auffill, Ag in the Classroom State Coordinator</p> <p>*Brandon England, FSA Farm Loan Officer LeFlore county Farm Service Agency</p> <p>*Shane Fields, Game Warden</p> <p>TOURS:</p> <p>*Lovera's Market</p> <p>*The Farm in Stuart (Aquaponics)</p>	<p>Students: Find your Future in Agriculture Reader and card</p> <p>Teachers: 50 Find your Future in Agriculture Readers, 100 Find your Future in Agriculture cards; 25 Oklahoma Agriculture Magazines</p>
14 students - 11-12 grade; 7 High School teachers/counselors/Extension	Canadian Valley Technology Center El Reno, OK	<p>TOURS:</p> <p>*Oklahoma National Stockyards by Kelli Payne, President of the Oklahoma National Stockyards</p> <p>*Oklahoma Department of Agriculture, Food, and Forestry: Presentations from several divisions within ODAFF</p> <p>-Market Development</p> <p>-Forestry</p> <p>-Animal Industries</p> <p>-Agricultural Environmental - Management</p> <p>-Office of General Council</p> <p>-Secretary of Agriculture, Blayne Arthur</p> <p>*Real Colors presented by Liz Taylor, Grady County Extension Educator 4-H Youth Development and County</p>	

		Extension Director *Professional Dress and Interview Skills presented by Meriruth Cohenour, Market Development Director at the Oklahoma Department of Agriculture *Resume workshop presented by Mindi Mitchell, Employment Specialist at Canadian Valley Technology Center *Social Media Etiquette presented by Melody Afill, Oklahoma Ag in the Classroom State Coordinator	
12 4-H members	Payne County 4-H Meeting	Christmas Tree STEM activity	Christmas Tree AITC Tear Sheets

Ag in the Classroom- Resources Mailed or Delivered

Number Of Resources	Location Resources Were Mailed Or Delivered	Resources Mailed
150	Carl Albert Middle School	Multiple
144	PONCA CITY EAST MIDDLE SCHOOL	Multiple
125	MUSTANG HIGH SCHOOL	Multiple
125	TAHLEQUAH MS	Multiple
25	PIONEER PLEASANT VALE PS	Multiple
30	HOLLIS PUBLIC SCHOOLS	Sesame Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade); Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade)
20	CYRIL HIGH SCHOOL	Multiple
150	SULPHUR MIDDLE SCHOOL	Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Chickens MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
50	ADA HIGH SCHOOL	Multiple
30	WILBURTON HIGH SCHOOL	Multiple
125	OWASSO HIGH SCHOOL	Multiple
1	BENNETT ELEMENTARY	Phonological and Phonemic Awareness Around the Farm (PreK-2nd Grade)

150	HIGH PLAINS TECHNOLOGY CENTER	Multiple
25	CALERA PUBLIC SCHOOLS	Multiple
50	SHATTUCK HIGH SCHOOL	Multiple
30	FORT TOWSON PUBLIC SCHOOLS	Multiple
30	GRAHAM- DUSTIN	Multiple
25	WHITTIER MIDDLE SCHOOL	Multiple
24	ROLAND SCHOOLS	Multiple
22	GROVE SCHOOL	Multiple
24	HIGHLAND PARK ELEMENTARY	Multiple
22	GROVE ELEMENTARY	Multiple
50	MAYSVILLE HIGH SCHOOL	Multiple
70	BLUEJACKET	Multiple
27	GARFIELD ELEMENTARY- ENID	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Oklahoma Commodity Map student maps
25	RINGWOOD PUBLIC SCHOOL	Oklahoma Ag on Rt 66 student magazine (PreK-3rd), Specialty Crops Ag Mag student magazine (PreK-3rd), ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
50	PORTER ELEMENTARY SCHOOL	Multiple
21	SHARON MUTUAL HIGH SCHOOL	Multiple
60	FARGO-GAGE HIGH SCHOOL	Multiple
500	MEMORIAL MIDDLE SCHOOL (TPS)	Multiple
20	HOOKER ELEMENTARY	Multiple
25	CREEKWOOD	Multiple

	ELEMENTARY	
25	SPRINGDALE ELEMENTARY	Multiple
25	ALTUS ELEMENTARY SCHOOL	Multiple
25	HOMER LONG ELEMENTARY	Multiple
15	BOKOSHE PUBLIC SCHOOLS	Multiple
100	ELGIN ELEMENTARY	Multiple
25	BUFFALO VALLEY PUBLIC SCHOOLS	Multiple
25	Preston	Multiple
25	Shidler Public School	Multiple
5	Hominy Middle School	Multiple
50	Kingsgate Elementary	Beef or Dairy Student Readers (set of 25) (1st-6th grade)
24	Calera School	Multiple
50	Kingsgate Elementary	Specialty Crops Ag Mag student magazine (PreK-3rd), ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), Chickens Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Dairy Cattle Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Oklahoma Commodity Map student maps
100	Blackwell HS	Multiple
3	Moore homeschooling Academy	Specialty Crops Ag Mag student magazine (PreK-3rd), Green Beans Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Honey Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Mushroom Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Watermelon Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Technology in Agriculture Student Readers (set of 25) (3rd-6th grade)
24	Calera School	Multiple
10	Western Oklahoma Christian School	Oklahoma Ag on Rt 66 student magazine (PreK-3rd), Specialty Crops Ag Mag student magazine (PreK-3rd), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
16	Wright Christian Academy	Multiple
200	Edmond Heartland MS	Multiple

200	Central Middle School	Multiple
50	Skiatook Elementary	Multiple
20	Marlow High School	Multiple
20	Paden Elementary	Multiple
25	Fiche homeschool co-op	Multiple
25	stilwelld@adapss.com	Multiple
60	Grandview Public Schools	Multiple
25	Celia Clinton elementary	Multiple
12	Forgan Schools	Multiple
24	Granite Elementary	Multiple
25	Little Axe Elementary	Multiple
280	Grove Early Childhood Center	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), Watermelon Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade)
65	McKinley Elementary	Multiple
20	McKinley Elementary	Multiple
17	Choctaw Nation Head Start	Multiple
14	Carney Public Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade), Strawberry Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th)
60	Epic Charter Schools	Multiple
25	Hayes Elementary	Multiple
60	Enid High School	Multiple
22	Fort Cobb-Broxtown Elementary School	Oklahoma Ag on Rt 66 student magazine (PreK-3rd), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th)
35	Enid High School	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History)
65	McKinley	Multiple
25	McKinley Elementary	Multiple
75	Frederick Elementary	Engineering Process Early Childhood/Lower Elementary student worksheets (set of 25) (PreK-3rd), Grow Garden Grow Student Readers (set of 25) (3rd-6th)

		grade), Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th), Engineering Process Upper Level student worksheets (set of 25) (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th)
17	Sayre Head Start	Multiple
27	Cushing Upper Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
24	Bennett Elementary	Specialty Crop Ag Mag Activity Book student magazine (3rd-12th)
30	Gore Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
150	Pontotoc Co Fair	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
50	Frontier	Oklahoma Ag Magazine student magazine (3rd-12th)
20	Hammon Head Start	Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
10	Broadmoore Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
25	Earlywine Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
50	Curtis Inge Middle School	Tomato MS/HS Student Activity Sheets (set of 25) (7th-12th grade)
50	Chisholm	Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
100	Central Elementary	Specialty Crop Ag Mag Activity Book student magazine (3rd-12th)
45	Clegern Elementary	Oklahoma Ag Magazine student magazine (3rd-12th)
45	Cross Timbers	Oklahoma Commodity Map student maps
30	Washington Irving Elementary School	Oklahoma Ag Magazine student magazine (3rd-12th)
50	Heritage	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
20	SEILING ELEMENTARY	Technology in Agriculture Student Readers (set of 25) (3rd-6th grade); Think in Pictures Student Readers (set of 25) (3rd-6th grade); Think in Pictures Student Readers (set of 25) (3rd-6th grade)
55	Will Rogers	Specialty Crop Ag Mag Activity Book student magazine (3rd-12th)
25	Charles Haskell	Oklahoma Ag Magazine student magazine (3rd-12th)
40	Maud High School	Horses MS/HS Student Activity Sheets (set of 25) (7th-12th grade)
125	Mannford Upper Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
50	LeFlore Public School	Mushroom MS/HS Student Activity Sheets (set of 25) (7th-12th grade)
360	Sheddeck Elementary	Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
250	Wewoka Elementary School	Green Beans Elementary Student Activity Sheets (set of 25) (3rd-6th)
80	Angie Debo	Oklahoma Commodity Map student maps

16	Augustine Christian Academy	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
8	Our Children's Garden, LLC	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
225	Prairie View Elementary	Engineering Process Early Childhood/Lower Elementary student worksheets (set of 25) (PreK-3rd)
149	Dove Science Academy	Engineering Process Upper Level student worksheets (set of 25) (3rd-12th)
26	Westwood Elementary	Oklahoma Commodity Map student maps
110	Chandler High School	Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
27	Henryetta Elementary	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade)
35	Banner Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
35	Coalgate	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
20	Bryan County OSU Extension Office	Chickens Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade)
60	Thomas Intermediate	Honey Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade); Sheep Elementary Student Activity Sheets (set of 25) (3rd-6th); Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
25	Muscogee Nation CDC	Engineering Process Early Childhood/Lower Elementary student worksheets (set of 25) (PreK-3rd)
24	Oklahoma Union	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
21	Mooreland Elementary	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade)
22	Calera Public Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
60	Tulsa Public Schools	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
20	Douglass Learning Center	Oklahoma Commodity Map student maps
30	St Labre Indian School	It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade)
100	Velma-Alma	Horses Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade)
24	Glenwood	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
1	MoU	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
22	Central Elementary	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
20	Hennessey Elementary School	Beef or Dairy Student Readers (set of 25) (1st-6th grade)
140	Laverne Schools	
40	Maud High School	Oklahoma Commodity Map student maps

50	Skyline elementary	Chickens Elementary Student Activity Sheets (set of 25) (3rd-6th)
20	Epic Charter Schools	Dairy Cattle Elementary Student Activity Sheets (set of 25) (3rd-6th)
50	Duke	Oklahoma Ag Magazine student magazine (3rd-12th); Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
25	Orvis Risner Elementary	Oklahoma Commodity Map student maps; Oklahoma Ag Magazine student magazine (3rd-12th); Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
25	OSU	Peanuts Elementary Student Activity Sheets (set of 25) (3rd-6th)
30	Washington Irving Elementary School	Oklahoma Ag on Rt 66 student magazine (PreK-3rd); Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History); Oklahoma Commodity Map student maps; Oklahoma Agriculture Fun Facts Bookmarks (Set of 25)
160	Central Middle School	Oklahoma Commodity Map student maps
33	Wister Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
60	Holdenville Public Schools	Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th)
50	Coalgate Public schools	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History)
25	Springdale Elementary	ABC's of Oklahoma Agriculture student coloring book (PreK-3rd)
34	Banner Elementary	Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History); Oklahoma Ag on Rt 66 student magazine (PreK-3rd)
40	Wheeling Park High School	Oklahoma Careeropoly Board Game (3rd-12th Grade)
50	Central Middle School	Oklahoma Careeropoly Board Game (3rd-12th Grade)

Ag in the Classroom- Other Events

Event	Highlights
Presented to the Oklahoma Department of Agriculture, Food, and Forestry Board of Directors	Shared some of our recently created Cotton Tear Sheets and made cotton boll angels with the Board.
Ag in the Classroom Advisory Council Meeting	End of the year Advisory meeting held in Harrah, OK. After business, we toured the Cross Timbers Christmas Tree Farm. 13 members were in attendance.

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
D&C Holiday Farm	Gans	Christmas Trees	Dropped off educational tear sheets
Cal2Homa Farm	Gore	Christmas Trees	Dropped off educational tear sheets
Dakota Star Ranch	Checotah	Fiber	Dropped off liability signs

Wells Christmas Tree Farm	Norman	Christmas Trees	Dropped off educational tear sheets, multiple tree farms came to pick up trees from Wells so we made Wells a central location to pick up education tear sheets
Crystal Creek Winery	Mead	Winery	Dropped off wine trail maps, passport stamp. Conversations about TODS signage and wine trail app.
D&L Christmas Tree Farm	Fletcher	Christmas Trees	Dropped off educational tear sheets
Sorghum Mill Christmas Tree & Blackberry Farm	Edmond	Christmas Trees	Dropped off educational tear sheets
Martinbird Tree Farm	Tuttle	Christmas Trees	Dropped off educational tear sheets
Owasso Tree & Berry Farm	Owasso	Christmas Trees	Dropped off educational tear sheets, visited about upcoming OKLAS conference
Pleasant Valley Farm	Sand Springs	Christmas Trees	Dropped off educational tear sheets

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Shawnee Berry Farm	Shawnee	U-pick	Site visit, added new farm
Durant Flower Farm	Durant	Horticulture	Site visit, potential u-pick farm, dropped off OK Grown stickers
Skydance Brewing Co.	Oklahoma City	Brewery	Added to program and Oklahoma Craft Beer Trail

Agritourism - Other Activities

- Oklahoma Wine Trails app
 - Several meetings with Darcen at TasteAdvisor
 - Phone call consults w/ multiple wineries about completing their wine profiles
 - Follow up emails with directions to wineries about completing their wine profiles
 - Participated in wine trail app study/interview for research
 - Created banners for wine trail website
- OKLAS planning meetings
- Phone consult/conversations with: new blueberry farm, Tulsa farm, hand-washing station company, Jason Harvey – SCBG, Travis Thorburne – Farm Mountain, Heather Mullens – school gardens, Steve Allen – farmers market and pumpkin patch, Phil Jones – Edmond regenerative ag meeting, Romance Blooms – potential u-pick flower farm,
- Email consultation with: Mayes Co. Farmers Market, Wilburton Flower Farm, Romance Blooms
- Presented at statewide farmers market manager training about rules and regulations
- Drafted and sent farmers market email to all managers about new year updates and registering for 2022
- Joined OK Flower Farm Facebook group – 105 members – created post about joining agritourism and OK Grown stickers available for purchase

ECONOMIC DEVELOPMENT

Activity	Action
SCBG meeting with OSU	SCBG grant coordinator met with researchers and grant management staff for DASNRR & OSU to go over contractual agreements and procedures for their 2021 SCBG. This meeting is generally conducted on campus but due to COVID-19 restrictions was held via ZOOM.
Agriculture Enhancement & Diversification Program	One (1) application for a Farm Diversification grant and One (1) Agriculture Event grant was submitted before the January 3rd deadline. The selection committee is scheduled to meet the first of February to act on these proposals.
2018 SCBG Final Report	SCBG grant coordinator received, reviewed & edited reports for ten (10) projects that were combined in Oklahoma's Final Report for the 2018 \$630,345 Specialty Crop Block Grant.
2019 SCBG 2nd Annual Report	SCBG grant coordinator received, reviewed & edited reports for nine (9) projects that were combined in Oklahoma's 2nd Annual Report for the 2019 \$621,048.78 Specialty Crop Block Grant.
2020 SCBG 1st Annual Report	SCBG grant coordinator received, reviewed & edited reports for eight (8) projects that were combined in Oklahoma's 1st Annual Report for the 2020 \$589,536.30 Specialty Crop Block Grant.
2021 H.R. 133 SCBG	USDA-AMS has created the Specialty Crop Block Grant H.R. 133 which is to assist specialty crop producers deal with issues caused by COVID-19 that are impacting their industry. Oklahoma will receive \$797,812.77 to fund projects. Fifteen (15) applications were received and reviewed for completeness and eligibility. Six proposals met the USDA qualifications for the program and was forwarded to an independent review committee who scored each application individually based on criteria provided by ODAFF. The results of each committee member have been combined and an initial ranking of projects has taken place. The committee will meet on January 13 th to complete the selection process and determine which proposals will be included in Oklahoma's State Plan.

FARM TO SCHOOL

ACTIVITY	ACTION
Specialty Crop Grant 2020	School Gardens Ongoing training and maintenance with coordinators of each grant.

School Garden Survey	School Garden Survey Farm to School sent out a school garden survey to find active school gardens. So far, we have received 62 responses. Out of the 62 responses 10 have school gardens that are active. Farm to School staff is working on contacting these sites to schedule a visit.
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INTERNATIONAL

Activity	Action					
Certificate of Free Sale	<ul style="list-style-type: none">• QSM• BioZ• Bama					
Food Export	<ul style="list-style-type: none">• The Private Label Show that was to be the first in person buyers meeting taking place Jan 29-Feb 1st has once again been canceled due to rise in Covid• Current Project for OK: Expo West March 9-10, working on buyer selection and recruitment• Met for planning for 2022					
Cattlemen Congress	<ul style="list-style-type: none">• Assisted with first International Room for the Cattlemen’s Congress Event. So far, we have had about 30 visitors. Many had to cancel due to country restrictions and canceled flights. Those able to attend really enjoyed the room and we hope to make it bigger and better next year. Some used the room as a meeting place with some of the vendors exhibiting at the show. Also looking to create a USLGE project around this event.					
UK Delegation Visit	<ul style="list-style-type: none">• Hosted the UK Minister for Trade Policy & the UK Consulate General team to discuss FTA• Those in attendance:<table><tr><td>The Right Honorable Penny Mordaunt, MP <i>Minister of State (Minister for Trade Policy) of the United Kingdom</i></td></tr><tr><td>Mr. Richard Hyde <i>British Consul General in Houston</i></td></tr><tr><td>Mr. Tim Cork <i>British Deputy Consul General in Houston</i></td></tr><tr><td>Ms. Charlotte Martin <i>Head of the North America Bilateral Trade Relations Team, United Kingdom Department for International Trade</i></td></tr><tr><td>Mr. Roger Randle <i>Honorary British Consul</i></td></tr></table>	The Right Honorable Penny Mordaunt, MP <i>Minister of State (Minister for Trade Policy) of the United Kingdom</i>	Mr. Richard Hyde <i>British Consul General in Houston</i>	Mr. Tim Cork <i>British Deputy Consul General in Houston</i>	Ms. Charlotte Martin <i>Head of the North America Bilateral Trade Relations Team, United Kingdom Department for International Trade</i>	Mr. Roger Randle <i>Honorary British Consul</i>
The Right Honorable Penny Mordaunt, MP <i>Minister of State (Minister for Trade Policy) of the United Kingdom</i>						
Mr. Richard Hyde <i>British Consul General in Houston</i>						
Mr. Tim Cork <i>British Deputy Consul General in Houston</i>						
Ms. Charlotte Martin <i>Head of the North America Bilateral Trade Relations Team, United Kingdom Department for International Trade</i>						
Mr. Roger Randle <i>Honorary British Consul</i>						

	<p>Mr. Alessandro Renzulli <i>Private Secretary at the United Kingdom Department for International Trade</i></p> <ul style="list-style-type: none"> We are looking at possibility of inviting them back in May timeframe for wheat and beef tour
USLGE Planning	<ul style="list-style-type: none"> Met with industry groups to discuss the USLGE membership and Columbia booth in Oct/Nov to discover the best way to utilize our membership and disseminate information. Attendees: Heather Buckmaster-OBC, Michael Kelsey-OCA, Kylee Deniz, OK Pork
IBT Online	<ul style="list-style-type: none"> This is a turnkey full-service website company that can assist companies with adapting companies' websites to international audiences. They currently have an agreement with ODOC to use STEP funds for these purposes (kind of an authorized vendor) and are looking to see the opportunity to do this for Food and Beverage companies.
Ardmore Air Cargo Research	<ul style="list-style-type: none"> Ardmore Air Cargo Research- Met with Steve Schellenburg with IMS Worldwide. They are conducting research on the need for an international cargo operation in Ardmore Oklahoma and looking for any info in ag shipments.
National Livestock Credit Corp	<ul style="list-style-type: none"> This coop is working with a group from Israel to export a large number of live cattle. We met with OSU SBDC team to get them in touch with the proper APHIS contacts. Also have looped them into the contacts at the Israeli embassy.

MADE IN OKLAHOMA COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent	Highlights
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 Krush	\$5,500	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 – 13 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
2021 Media Campaign	Animated Display ads: Nov - \$2,833 Dec- \$1,464	Direct link to the monthly reports (Dec data is being gathered now):

	<p>Facebook/Instagram ads: Nov - \$2,286 Dec - \$3,655</p> <p>Pinterest Promoted Pins: Nov - \$3,937 Dec - \$3,937</p> <p>Broadcast: Nov - \$20,000 Dec - \$10,000</p> <p>CTV/OTT: Nov - \$9,000 Dec - \$7,000</p> <p>Facebook like campaign for recipes: \$1,000 per month</p>	https://docs.google.com/spreadsheets/d/1KavbhMdd1nDfRktRwRFtJIpXrFRYIxoU1a59HFFoxd4/edit?usp=sharing
Restaurant of the Month	Each month staff, along with Food Service Committee present the restaurant with their award and eat lunch as a group at their establishment.	<p>November – The Hammett House – Claremore</p> <p>December – Cheever’s Café, OKC</p> <p>January – The Mule, OKC & Edmond</p>
Social Media Stats	Krush, staff, and MIO media committee plan social content each month	<p>Twitter: 5,513+</p> <p>Instagram: 4,389+</p> <p>Facebook: 21,800+</p>
Recipes of the Month	<p>10 recipes were developed</p> <p>26 member products were featured</p>	<p>November: Classic Green Bean Casserole Glazed Smoked Turkey Legs Twice Baked Sweet Potatoes</p> <p>December: Red Velvet Cinnamon Rolls Eggnog Snowball Cookies Cinnamon Pecan Coffee Cake</p> <p>January: Coconut Crusted Chicken Tenders Personal Pan Pizzas Fresh Start Pizza Mini Frittata Muffins</p>
November Retailer of the Month	Jumbo Foods, Enid OK	Jumbo Foods has three stores in Enid. Staff coordinated with owners to create new signage and displays for their stores highlighting MIO products.

Made in Oklahoma Coalition – Other Activities

Activity	Information
Jumbo Foods Shopper Sweepstakes and in-store sampling event	Sweepstakes: Staff and retail advocate organized the shopper sweepstakes for three Jumbo Foods stores. Shoppers entered to win through their

<ul style="list-style-type: none"> November 18th 	<p>Jumbo loyalty program and were given 7 minutes to grab as many MIO products as possible. Over \$1200 in groceries were given away by MIO.</p> <p>Sampling event: We had 10 companies participate in the Jumbo Foods demo. Jumbo customers were happy to see our folks back in the store sampling products.</p>
<p>Meeting and Tour of Chisolm Trail Milling Company with Brady Sidwell</p> <ul style="list-style-type: none"> November 18th 	<p>Staff met with Brady Sidwell owner of Chisolm Trail Milling Company and toured his facility. The company is new to MIO and mills locally grown wheat on a traditional milling stone. They sell their products directly to bakeries, restaurants and grocery stores.</p>
<p>MIO Product Photoshoot for Members</p> <ul style="list-style-type: none"> December 10th 	<p>Staff worked with Krush Digital Marketing to set up product shots and headshots for interested member companies. 6 members took advantage of this opportunity.</p>
<p>December MIO Meeting and Holiday Party</p> <ul style="list-style-type: none"> December 10th 	<p>Staff and MIO President, Courtney Talbot, led the MIO meeting which was followed by a meal, games, and member recognition. Over 30 members were recognized for their time and efforts in supporting MIO.</p>
<p>MIO “shop local” sections in Military Commissaries launched</p> <ul style="list-style-type: none"> December 6th 	<p>Through cooperation with the MIO Coalition, the Military Deli Bakeries in three Oklahoma military bases (Ft. Sill, Altus and Tinker) brought in six MIO companies into the commissaries. Companies include: Bedre Chocolate, OKC Soda Co., Healthy Cravings, Not Your Average Joe Coffee, Trucker Treats and Southern Roots Sisters. Staff worked to build out local displays in the commissaries and coordinated with the nationwide executive director and area manager to get products in by the first week of December for holiday sales.</p>

MADE IN OKLAHOMA PROGRAM

Meeting/Event	Date	Location	Details
MIO interview	Dec. 1	Virtual	Spoke with Gail from OSU as she wrote an article about Made in Oklahoma
MIO Market at Cowboy Christmas	Dec. 4	Stockyards (OKC)	12 Companies participated in the MIO Market at Cowboy Christmas

New Producers:

- Ruti Accessories
- Pretty Divine Wellness
- R&E Ranch Beef LLC
- Bella Fiori Flower Farm
- Five Arrow Studios
- Leonis Alba
- 7 Acre Farms
- Beaver Creek & Co
- Victory Ranch Shop
- Barnes Woodwork LLC
- Farmhouse Creations LLC
- Home Works
- Fancy Feathered Farm

New Retailers:

- Re:Earth Refill Shop

- Labraunda, LLC
- Misfit Trappings
- Shebrews Coffee Shop
- Big Tuck's LLC
- Diamond B Meat

Other Made in Oklahoma Activities:

- Created Holiday Gift Basket guide (online) – Producers offering a gift basket through the Holiday season could submit a form to ‘advertise’ it through our website
- Created and scheduled Made in Oklahoma's 21 Days of Gifting, social media campaign to

Upcoming Events	Date	Location	Details
Tulsa Home and Garden Show	March 10-13	Sage Net - Tulsa	We have a Made in Oklahoma section of 10 booths. Companies in our program apply to be in this area and the final 10 get selected to participate. This is a huge event, drawing several thousand attendees.
Ag Day at the Capitol	March 24	State Capitol	Approx. 35 Made in Oklahoma companies and commodity groups will have a booth in the capitol to help educate legislators about their company/organization.

highlight the companies who submitted a gift basket to our holiday gift basket guide

- Managed payments on MIO Store through PayPal, manually paying producers through MIO PayPal account. **The E-Commerce page saw an increase of purchases through November and December. November was up 112% from October. December was up an additional 49% from November. Both were record-setting months.**

MARKET NEWS SERVICES

November 12, 2021 - January 7, 2022

- **Grain Report:**

	November 12, 2021	January 7, 2022	DIFFERENCE
WHEAT: (bu)	\$7.79-\$8.38	\$7.25-\$7.80	\$0.54 to \$0.58 Lower
MILO: (bu)	\$5.27-\$5.98	\$5.67-\$6.22	\$0.40 to \$0.24 Higher
SOYBEANS: (bu)	\$11.54-\$11.92	\$13.00-\$13.52	\$1.46 to \$1.60 Higher
CORN: (bu)	\$5.62-\$6.28	\$5.92-\$6.57	\$0.30 to \$0.29 Higher
COTTON: (lb)	112.44 cents	111.39 cents	1.05 cents Lower

- **OKC NATIONAL STOCKYARDS (OKC) STEER AND HEIFERS**

FEEDER STEERS

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

- (01-05-21) \$151.00-\$174.00 Wtd. Avg. \$162.50
- (01-04-22) \$170.00-\$204.50 Wtd. Avg. \$187.25

HEIFERS

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

- (01-05-21) \$129.00-\$148.00 Wtd. Avg. \$138.50
- (01-04-22) \$152.00-\$186.00 Wtd. Avg. \$169.00

- **Weekly Report:**

Eight weekly Oklahoma Market Reports were sent to 8,903 subscribers
November 12, 2021–January 7, 2022 (up from 138 subscribers last report).

- **Voice Messaging System:**

The market news voice messaging system during

- Monthly Total: November 13, 2021 – January 7, 2022 **7,049 Accessed Times**
- Compared to Last Report: October 14 - November 12, 2021 **4,603 Times-Is UP by 2,446**

- **Oklahoma Agriculture Market News**

- **Facebook Page**

- Facebook was created November 30, 2021
- Likes/Followers 190

- Largest reached through one post: 810 People
- **Oklahoma Hay Directory**
 - Added 4 more growers to our Oklahoma Hay Directory we are currently at 27 growers.
- **Hay Report**

This Month: November 12, 2021 – January 7, 2022 Hay Traded 8,943
Last Year November 12, 2020 - January 7, 2021 Hay Traded 5,360
UP 3,583 Bales Reported

Current: OKLAHOMA HAY MARKET REPORT
1-7-22

Receipts: 1,130 **Last Reported:** 1,967 **Year Ago:** 1,400

Compared to last report: Weather continues to stay warm temperatures; hay is slow to steady. The warm weather conditions allow the cattle to still hang on to the free-standing grass. They are not taking to the hay when compared to more climatically challenging conditions. Hay remains the main feed resource due to prices of feed. We are currently in severe drought in the east and an extreme drought central west according to the Mesonet.

The next report release will be January 21st.

Central

Alfalfa: Premium (Ask/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	200.00			Delivered

Alfalfa: Premium (Ask/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	110.00			F.O.B

Alfalfa: Good/Premium (Ask/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	140.00			Delivered

Alfalfa: Good (Ask/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	85			F.O.B

Alfalfa: Good (Ask/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	160.00			Delivered

North Central

Bermuda Grass: Premium/Supreme (Ask/Per Bale)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Squares	-	9.00		F.O.B.

Bermuda Grass Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Squares		120.00		F.O.B.

Bermuda Grass: Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		60.00		F.O.B.

Bermuda Grass: Good/Premium (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		75.00		F.O.B
Bermuda Grass: Good (Ask/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		60.00		F.O.B.

Northeastern

Alfalfa: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	100	195.00	195.00	Delivered
Alfalfa: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	96	215.00	215.00	Delivered
Grass: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	128	145.00	145.00	Delivered
Prairie/Meadow Grass: Good (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	300	50.00	50.00	Delivered

Northwestern

Alfalfa: Supreme (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		190.00	190.00	F.O.B
Alfalfa: Good/Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		176.00		F.O.B.
Alfalfa: Good (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		130.00		F.O.B
Alfalfa: Fair/Good (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		148.00		F.O.B.
Oat: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	400	130.00	130.00	Delivered
Prairie/Meadow Grass - Premium (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		90.00		F.O.B.
Prairie/Meadow Grass - Good/Premium (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		85.00		F.O.B.

Southeastern

Bermuda Grass: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	64	145.00	145.00	Delivered.

Southwestern

Alfalfa: Good (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		140.00		Delivered

Grass: Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	42	90.00	90.00	Delivered

Western

Alfalfa Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		185.00		Delivered.

Bermuda Grass - Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		85.00		F.O.B.

Grass: Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		80.00		F.O.B.

Grass: Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		90.00		F.O.B.

Grass Mixed: Good/Premium (Ask/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		75.00		F.O.B.



**Oklahoma Department of Agriculture,
Food, and Forestry
January 26, 2022 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
Nov. 1, 2021 thru Dec. 26, 2021**

AEMS Division Monthly Activities

- A representative from the AEMS division participated in a conference call with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- Representatives from the AEMS division participated in multiple Illinois River Watershed working group call.
- A representative from the AEMS division participated in the ODAFF Foreign Animal Disease Southern Animal Functional Exercise.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 34
- Number of AgPDES PGP Authorizations this reporting period: 15
- Number of AgPDES CGP Authorizations this reporting period: 45

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:

14	Complaints received and investigated this reporting period.
9	Complaints closed this reporting period
Complaints Received - Breakdown	
Cattle - 2	
Swine – 0	
Poultry- 0	
Misc. Animal -0	
Other – 5	
Animal Shelter 6	
Pet Breeder 1	
52	Year to date complaints received in FY 20/FY 21
26	Year to date complaints closed in FY 20/FY 21
99	LMFO/CAFO inspections, plus technical assistance
277	Poultry inspections and technical assistance
30	Pet Breeders/Shelters inspections and technical assistance

CAFO and LMFO Activities - Month and Fiscal Year 2022

	Nov. 1-Dec. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	8	102
Annual Inspections	77	535
Technical Assistance with Contacts	22	75
Site Visit/Review – No contact made	12	47

Poultry Activities – Month and Fiscal Year 2022

	Nov. 1-Dec. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	6	20
Annual Poultry Inspections	3	6
Poultry Technical Assistance	152	622
Site Visit/Review – No contact made	84	381
Eucha-Spavinaw CNMP Written	10	45

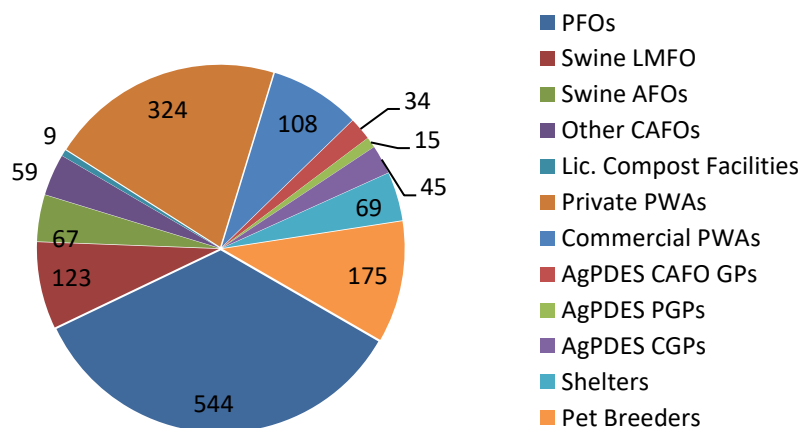
Pet Breeders Activities – Month and Fiscal Year 2022

	Nov. 1-Dec. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	1	30
Breeder/Shelter Annual Inspections	3	26
Breeder/Shelter Technical Assistance provided w/owner/operator	15	45
Breeder/Shelter Close out	0	18

Composting Activities – Month and Fiscal Year

	Nov. 1-Dec. 26, 2021	FY 22 Total
Complaint or Compliance Follow-ups	3	3
Site Inspections (Annual or Compliance follow-up)	2	2
Technical Assistance provided with owner/operator	1	1

Current FY 22 AEMS Numbers



Respectively

A handwritten signature in black ink, appearing to read 'Teena G. Gunter', with a stylized, flowing script.

Teena G. Gunter
AEMS Division

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

**JANUARY 2022 BOARD REPORT
REGARDING NOVEMBER 15, 2021 THROUGH JANUARY 7, 2022
ACTIVITIES OF THE
OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2022)	Amount of Fines for this Board Meeting
\$0.00	\$3,300.00
\$57,475	2021 Total (5/31-12/31/2021)

CONTRACTS REVIEWED OR DRAFTED (32):

Forestry - 7
Market Development - 20
Animal Industry - 1
Administration - 2
Wildlife Services - 1
Investigative Services - 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 617
Total Number of New Cases: 46
Total Number of Cases Closed: 11
NOVs Sent: 1

OTHER ACTIONS AND PROCEEDINGS:

<i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020).
<i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i> , Okmulgee County District Court Case No. CJ-2019-040: Petition served. Answer filed. Motion to Dismiss heard and denied September 4, 2019. Pending scheduling order.
<i>Kirk Marshall v. ODAFF</i> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer

drafted and prepared for filing. Application for Injunction Denied. Answer filed. Hearing held. Amended Petition filed by Plaintiff. Answer to Amended Petition filed. District Court Order AFFIRMED by Court of Civil Appeals. ODAFF to file Amended Motion to Dismiss.
<i>Sam Withiam v. OK State Dept of Agriculture</i> , Lincoln County District Court, Case No. CJ-20-73: Lawsuit involved tort claim stating ODAFF damaged concrete during elk depopulation. The Attorney General's Office is handling this claim. An Answer was filed. Discovery is ongoing.
<i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General's Office is handling this claim.
<i>Upton's Naturals Co v. Stitt and Arthur</i> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General's Office is handling this claim.
<i>William Grossman v. Lori Howard et al.</i> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency was not involved with the circumstances. The Attorney General's Office is handling this claim.
<i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing.
<i>Kirk Marshall v. State of Oklahoma ex rel. Oklahoma Department of Agriculture</i> , Oklahoma Supreme Court Case No. 119,629: Petition in Error filed seeking reversal of District Court's denial of injunction. Response to Petition filed. Briefing cycle completed. Assigned to Court of Civil Appeals. AFFIRMED in favor of ODAFF and remanded.

MEETINGS:

Date	Activity
11/15/2021	Cattlemen's
11/16/2021	Director's Meeting
11/17/2021	Zoom meeting – Western Water Crisis
11/17/2021	Advancing Oklahoma
11/17/2021	Collections Meeting
11/22/2021	Braums Dairy Tuttle Site Visit and Meeting
11/25/2021	OGC Staff
11/30/2021	Director's Meeting
12/1/2021	EPA Region 6 Enforcement
12/2/2021	Ag in the Classroom-Careers in Ag
12/2/2021	Elevate UAS

12/6/2021	USDA NRCS
12/7/2021	OBA GALPS
12/8/2021	State Board of Agriculture
12/8/2021	Kelly and MiCorp
12/9/2021	Advancing Oklahoma
12/9/2021	OGC Docket
12/9/2021	Illinois River Watershed Working Group
12/10/2021	OBA Government and Administrative Law Conference
12/13/2021	OBA Legislative Monitoring Committee
12/14/2021	AALA Attorney Wellness: Our Mental Health
12/15/2021	Directors Meeting
12/15/2021	EPA Region 6 AgPDES Update
12/15/2021	AEMS/OGC Employee Appreciation
12/16/2021	Extern interview
12/16/2021	Attorney candidate interview
12/17/2021	OBA Environmental Law Section meeting
12/21/2021	Directors Meeting
1/3/2022	FSD – Swan Bros. Dairy
1/4/2022	Nutrient Management Working Group
1/6/2022	US Small Business Administration WOTUS Roundtable

RULE ACTIVITIES:

Chapter 1. Administrative Operations (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 10. Agricultural Products (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 13. Fuel Alcohol (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 15. Animal Industry (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 30. Consumer Protection (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.

Chapter 37. Food Safety (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 40. Market Development (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 44. AgPDES (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
OHRC
Chapter 40. Veterinarian Practices and Restrictions (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 60. Running the Race (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.
Chapter 75. Oklahoma-Bred Program (Permanent FY 2022): Prepared notice of rulemaking intent, rule impact statement, and rule text for proposed rule amendment; submitted rulemakings to Governor's office, Oklahoma Secretary of Agriculture, and Office of Administrative Rules; and conducted public hearing on January 6, 2022.

OPEN RECORDS REQUESTS (19):

AEMS: 3
AIS: 1

CPS: 11
OHRC: 3
ADMIN: 1

OKLAHOMA HORSE RACING COMMISSION

Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC , Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners' Motion for Partial Summary Judgment responded to. Pending hearing.
Litigation: Oscar Nunez v. OHRC , Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Rehearing held. Motion to Modify District Court's Order of November 10, 2020 pending.
Litigation: Josue Ponce v. OHRC , Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed.
Litigation: Miguel Pena v. OHRC , Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Further action pending.
Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC , Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending.
Litigation: Sammy Howard v. OHRC , Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings.
LITIGATION: Rogelio Marquez, Jr. V. OHRC , Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held; Injunction denied. Pending further proceedings.
Litigation: Carols Ruiz v. OHRC , Oklahoma County District Court Case No. CV-2021-2591. Petition Served. Response pending.
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 Hearing at Will Rogers Downs
Hearings in District Courts
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
Attend ARCI Rules Committee meeting
Consult with OHRC regarding gaming issues
Attend briefings and meetings regarding Horse Racing Integrity and Safety Act (HISA)

OTHER ACTIVITIES:

Phone calls or emails with the public: 11
Assistance to AEMS: 4
Assistance to CPS: 2
Assistance to Wildlife Services: 0
Assistance to Forestry: 2
Assistance to AIS: 0
Assistance to Admin: 4
Assistance to Market Development: 2
Assistance to other state or federal agencies: 8
Assistance to Food Safety: 6
Assistance to NASS: 0
Assistance to Executive Office: 9
Assistance to Lab: 0
Assistance to Investigative Services: 1
Assistance to Legislature: 1

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY REPORT JANUARY 2022

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 657,577 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA Shell Egg grading on 74,850 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Fourteen organic crop producers
- Two organic livestock producers
- Five organic processors
- Twelve retail organic inspections
- The organic section had requests for 2,000 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 3 requests for organic crop applications, 3 requests for organic processing applications and 2 requests for organic livestock applications.

Produce Safety Section

- Completed a produce farm inspection for the Produce Safety Rule
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Submitted expense report and inspection data to FDA
- MCAFDO board meeting
- Attended online NASDA National Consortium for Produce Safety
- Sent an e-mail newsletter to inform constituents of the latest information
- Submitted quarterly update to FDA

Oklahoma Meat Inspection Services Investigations and Compliance Activities

Planned Compliance Reviews	11
Random Compliance Reviews	199
Person-to-Person Contacts	67
Special Investigations and/or Projects	03
Reports of Apparent Violations	00
Detentions	00
Consumer Complaints	05
Verbal Warnings Issued	04
Letters of Warning Issued	01
Samples Submitted to Lab for Analysis	00
Accident Investigations	02
Administrative Procedures Act	01 (OK-1-835)

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
I-40 East of Shawnee	66 mix load of cattle	13 dead too to Shawnee landfill
I-40 West of OKC	39,850 lbs. poultry frozen leg quarters	All product taken to OKC landfill

Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out one (1) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.

Meat Inspection

Meat Sample Activity:	
Samples Submitted for Analysis	32
Samples Not Analyzed	0
Samples Analyzed	32
Samples Non-Compliant	0
Samples Negative results	32

Jan. 7

Dr. Hardage and Scott Yates performed the final walk through and opened the custom establishment in Atoka.

MEAT INSPECTION

Number of Cattle	1,037
Total Beef Condemned	26,132 lbs
Number of Swine	302
Total Pork Condemned	1,325 lbs
Number of Sheep and Goats	82
Total Condemned	0 lbs
Number of Rabbits	0
Total Condemnations	0 lbs
Number of Exotic Deer	0
Total Condemnations	0 lbs
TOTAL MEAT INSPECTED	603,531 lbs

PROCESSED MEAT INSPECTED

Processed Red Meat	1,132,058 lbs.
Condemned on Reinspection	0 lbs
Poultry (Portions)	120,378 lbs
Condemned on Reinspection	0 lbs
Rabbit Meat	0
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	1,252,436 lbs

DAIRY SECTION

Dairy Services staff continues to sample ice cream products at Blue Bell in Broken Arrow related to the *Listeria monocytogenes* product contamination and outbreak in 2015. Since starting back up in September of 2015, all samples collected and analyzed by ODAFF have been negative for *Listeria monocytogenes*.

Dairy 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 held an in-person meeting with Swan's Bros. Dairy Inc. on Jan 3, regarding permit revocation. Swan's brought legal representation and a food safety professional from OSU to discuss their proposed changes. At this time their permit to sell raw milk or milk products is suspended and not revoked. Dairy Services will be reviewing the provided materials and waiting for Swan's final food safety and recall plans.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Scott Yates
Director of Food Safety

Communications Board Report December 2021 – January 2022

Public Engagement Specialist Hired | In December, the Executive Office hosted interviews for the open Public Engagement Specialist position. We are excited to announce Audrey Ochsner, current communications intern from Stillwater, Okla., will continue working part-time until May and will be joining our team full-time upon graduation. Ochsner has been with the Department since May 2021 and will be managing our social media outlets, assisting with youth development programs and assisting with all communications efforts on behalf of ODAFF. Welcome, Audrey!



Hall of Fame Applications Now Open | Know of an individual who has made an impact on the Oklahoma agriculture industry? Nominate them to apply for the 2022 Governor Kevin Stitt's Agriculture Hall of Fame award!



We are now accepting nominations for this award through Friday, February 18. The award winner will be announced at a recognition ceremony on Thursday, March 24, at the State Capitol as part of the annual Oklahoma Ag Day at the Capitol celebration.

Visit our website at ag.ok.gov/oklahoma-ag-hall-of-fame/ to access the application and to learn more!

New Facebook Group for ODAFF Employees | A goal of the communications team for 2022 is to increase communication between employees across all divisions. To increase this, we have created the Facebook group called the ODAFF Bulletin Board. Current ODAFF employees and Board of Agriculture members are invited to request membership to see happenings at ODAFF.

2021 Accomplishments | As we begin to work toward goals we have set for the new year, we wanted to take a look back at the incredible things accomplished by our ODAFF staff in 2021.

Oklahoma Department of Agriculture, Food and Forestry

2021 ACCOMPLISHMENTS

PROTECT. PROMOTE. REGULATE.

EXECUTIVE OFFICE

- Redesigned a new website, abiding by new state branding guidelines
- Hosted the first AgHER Conference and sold-out the high school conference
- Created the Ag on Lincoln event for Made in Oklahoma vendors to sell and share their products with the public
- Traveled to Azerbaijan and established an Oklahoma business in their market
- Completed the third class of the Agriculture Youth Council
- Received the Team Player Award at Governor's Leading with Hope Summit

ANIMAL INDUSTRY SERVICES

- Distributed over 103,000 free RFID tags to veterinarians and producers
- Completed 14 Foreign Animal Disease investigations with USDA
- Approved the emergency authorized use of the RHDV2 vaccine for use to protect all rabbit herds in Oklahoma
- Named the official state agency for the U.S. Swine Health Improvement Program in an effort to stay ASF-free
- Completed a national Foot and Mouth Disease outbreak exercise
- Received federal funds to purchase RFID wands to be distributed to OSU extension and veterinarians

CONSUMER PROTECTION SERVICES

- Moved insect and disease trapping and sampling data to an ARCGIS platform in 2021. This simplified the process by eliminating the need for hard data entry via an Excel spreadsheet and allowed for the data to be accessed in real time.

WILDLIFE SERVICES

- Removed 25,788 feral swine from 648 properties over 1.9 million acres - a 20% increase from 2020
- Implemented a black vulture depredation permit system with USDA, allowing producers to submit a request for a permit to ODAFF and immediately receive approval. Over 30 permits have been issued to date
- Increased "smart trap" deployment to 70+ units, increasing feral hog removal
- Increased aerial assets to four helicopters and one fixed wing

OFFICE OF GENERAL COUNSEL

- Implemented GovQA to streamline the open records request process and save staff time in processing requests

ADMINISTRATIVE SERVICES

- Implemented electronic signatures for the procurement approval process
- Began utilizing a receipts lockbox and will continue to expand this program through 2022.

FOOD SAFETY

- Hired five additional meat inspectors
- Inspected 17 Grade A, FDA listed farm and plant ratings

FORESTRY SERVICES

- 3,749 landowners were provided land management assistance
- Grew over 7,500 seedlings in our greenhouse facility to be distributed and over 10,000 loblolly pine seedlings to be handed out for education
- Had more than 100,00 guests at the Forest Heritage Center Museum
- Established a partnership with law enforcement through the "Ready, Set, Go" initiative
- As of December 1, responded to 797 wildfires, burning 58,441 acres
- Twenty OFS employees completed Incident Command task books

MARKET DEVELOPMENT

- The Made in Oklahoma Program producer participation grew by 46.4% in 2021
- The MIO Store at the OK State Fair had record setting sales - \$7,528 greater than our previous year
- Distributed \$1.4 million in federal funding to support the growth of the specialty crop industry through research and promotional products
- Healthy Food Financing Initiative, which began in January 2021, has awarded \$64,267 so far
- Farm to School established 7 school gardens across the state
- Established the Craft Beer Trail
- Made in Oklahoma products made available for military bases commissary
- Made in Oklahoma jelly company entered into Australian market
- Awarded \$500k grant for rural mental health services in OK

AGRICULTURE ENVIRONMENTAL MANAGEMENT SERVICES

- Implemented an online inspection program that allows all inspections to be performed in the field on an iPad, saving paper and reentry into a database
- Updated inspection protocols and implemented additional required biosecurity measures

AGRICULTURE INVESTIGATIVE SERVICES UNIT

- Arrested three serial arsonists this year, all resulting in convictions
- Leading the Southeast Region Enforcement Arson Task Force with serial wildland arson arrests in 2021



Want to learn more about the Oklahoma Dept. of Agriculture, Food and Forestry? Scan here to visit our website!

JanLee Rowlett, Legislative Liaison for the Oklahoma Department of Agriculture, Food, and Forestry to provide an update on the 2022 Legislative session, including ODAFF bill requests and other ag legislative topics.

JANUARY 26, 2022 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

SHI – Adobe Subscription Services - \$8,019

Purchase of the Adobe subscription services. The agency will purchase (5) Creative Cloud licenses for Enterprise All Apps at a cost of \$3,885.00 for twelve months. We will also purchase of (53) licenses of Acrobat Pro DC for enterprise for agency staff at a cost of \$4,134 for twelve months.

Forestry Services

FY 23- \$25,000

Purchase brush hog to maintain conservation seedling fields and Forest Regeneration Center grounds. The current brush hog needs replacing as it can no longer be repaired. It is over 20 years old. **Justification:** without a brush hog, we would not be able to maintain the fields and seedling quality and production would decrease because of weeds and pests.

FY 23- \$12,000

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

FY23 - \$25,000-

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

FY23 - \$12,800- Renewal of agreement/membership with Auburn Nursery Cooperative (contingent upon Federal Forest Stewardship grant allocation). It is essential that FRC have the agreement with Auburn Nursery Cooperative to be able to use certain chemicals under their license when fumigating fields. **Justification:** without this membership, the cost to fumigate, which is needed to produce tree and shrub seedlings, would increase to more than \$100,000.

FY23 - \$50,000

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

FY23 – \$15,000

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

FY23 – \$15,000

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

FY23- \$15,000

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

FY23- \$30,000

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

FY 23- \$7,500

Purchase up to 15 tons of sulfur 90% Pastille for Forest Regeneration Center. The sulfur is needed to keep the soil pH between 5 and 6.5 for all the conservation seedlings grown at FRC which are sold to landowners throughout Oklahoma and the nation. Without this purchase, the soil will not meet the requirements to grow the seedlings and the seedlings will not survive for their intended use.

FY 23 \$9,500

Purchase soil media to grow containerized seedlings at the Forest Regeneration Center and Forest Tree Improvement Center. Soil media is needed to grow seedlings for conservation plantings such as wetland restoration and reforestation projects. Landowners with challenging planting sites request container seedlings and without the soil media, OFS would not be able to provide them.

FY 23- \$12,000 (increased \$2,500 from FY 22)

Purchase of tree seedling containers for FRC and FTIC. Container cells and trays will be used to grow seedlings for conservation plantings such as wetland restoration and forest mitigation sites. Container seedlings are requested by customers who face more challenges on their planting sites. Without our containerized seedling options, these customers would have failure with their conservation plantings.

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. Oklahoma has been a member of this organization for decades. This grant provides Oklahoma Forestry Services with the current policies and procedures regarding fire protection and forest management. (Federal Funds) **Justification:** Without this purchase we would lose our connections to other States and plans that emphasize forestry needs.

FY23 - \$25,000

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

Market Development Services

FY 2022 – Healthy Oklahoma Nutrition Alliance – Healthy Food Financing Grant - \$10,000.00

FY 2022 – RestoreOKC – Healthy Food Financing Grant - \$10,000.00

FY 2022 – Oklahoma Local Ag Summit – facility rental – Funded entirely by Specialty Crop Block Grant - \$25,000.00

FY 2022 –Effective: 9/30/21 - 9/29/25 - \$797,812.77. **USDA Specialty Crop Block Grants - \$797,812.77.** This project is entirely funded by the USDA Specialty Crop Block Grant Program. The purpose of this grant is to enhance the competitiveness of specialty crops in the state. 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 specialty crop industry through the economic impact, but also runs the risk of not being awarded money from the USDA Specialty Crop Block Grant Program in the future.

Wildlife Services

\$ 15,000 - ODAFF Wildlife Services is requesting approval for the McGee Creek State Park Cooperative Agreement regarding the removal of feral swine. Not approving this purchase would result in a human health and safety hazard for the public.

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

APPROVAL OF CASES

ON THIS 26th day of January 2022 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 26th day of January 2022.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
January 26, 2022

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Jim Billbe	OGC-21-542	AEMS	\$400.00
Jason Black	OGC-21-541	AEMS	\$400.00
Fred Chapman IV	OGC-21-425	AEMS	\$200.00
Beth Weatherford	OGC-21-470	AEMS	\$200.00
Meng Yang	OGC-21-539	AEMS	\$400.00
Kalyn Zimmerman	OGC-21-467	AEMS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Cain's Lawn Care	OGC-21-223	CPS	\$500.00

Cases Resolved by Proposed Consent Order

<u>Consumer Protection Services</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Escott Aerial Spraying	OGC -19-820	CPS	\$750.00
Red Beards Wildlife Solutions	OGC-21-213	CPS	\$250.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JIM BILLBE
Case File No: OGC-21-542

JIM BILLBE
P.O. BOX 399
COLLINSVILLE, OK 74021

Summary of Facts: Respondent is a poultry waste applicator. Respondent failed to provide annual litter reports for the 2018-2019 and 2019 and 2020.

Statute or Rule Violation: 2 O.S. 10-1

Proposed Administrative Penalty: The penalty was assessed at \$400. Respondent stipulated to the allegations and paid the amount in full.

Deviations: None

Other Actions Required: None

OGC Attorney: Wendi Morse

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.

JIM BILLBE
P.O. BOX 399
COLLINSVILLE, OK 74021

RESPONDENT.

FILED

JAN 12 2022

STATE BOARD OF AGRICULTURE


Case No: OGC-21-542


STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) 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: 01/09/2022

TONI L BILLBE
918-766-2333
PO BOX 399
COLLINSVILLE, OK 74021

86-3/1039

238

DATE 01/09/2022

PAY TO ODAFF \$ 400.00
THE ORDER OF Four Hundred Dollars & no/100 DOLLARS  Security Features
Include Online on Bar

 BANK OF OKLAHOMA

www.bok.com

MEMO CASE #. OGC-21-542 Toni Billbe MP

⑆103900036⑆ 0308131235⑈ 0238

SPECIALTY PAPER

FILED
OCT 21 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-542

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of poultry waste application in Oklahoma.
16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

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 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.
19. Annual Litter Reports are due annually by June 30.
20. Respondent failed to submit their Annual Litter Report for 2018-2019.
21. Respondent failed to submit their Annual Litter Report for 2019-2020.
22. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

ATTORNEY CONFERENCES

24. 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.
25. 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.
26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

27. 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.
28. 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.
29. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

30. 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

31. 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

32. 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

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

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

35. 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

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Four Hundred Dollars (\$400.00).

37. 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 14 day of October, 2021.

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

Wendi Morse

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
Assistants 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 21 day of OCT., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JIM BILLBE
P.O.BOX 399
COLLINSVILLE, OK 74021



GINA BLAYLOCK

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JASON BLACK
Case File No: OGC-21-541

JASON BLACK
P.O. BOX 567
JAY, OK 74346

Summary of Facts: Respondent is a poultry waste applicator. He did not provide the annual litter reports for 2018-2019 and 2019-2020.

Statute or Rule Violation: 2 O.S. 10-1

Proposed Administrative Penalty: The penalty was assessed at \$400. Respondent stipulated to the allegations and paid the amount in full.

Deviations: None

Other Actions Required: None

OGC Attorney: Wendi Morse

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.

JASON BLACK
P.O. BOX 567
JAY, OK 74346

RESPONDENT.

Case No: OGC-21-541

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) 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

Jason Black owner
Printed Name and Title:

Date:

12/29/2021

RECEIVED

JAN 03 2022

OFFICE OF GENERAL COUNSEL
OKLA DEPT OF AGRICULTURE

6253

81-87/829

BLACK & GREENE, INC.
P.O. BOX 84 PH. 918-529-4507
MAYSVILLE, AR 72747-0084

DATE

12/29/24

OD AFF

PAY TO THE
ORDER OF

four Hundred & No/100

\$400.00

DOLLARS



ARVEST

BANK

arvest.com

Jason Black

Case No. OGC-21-54

MEMO

John Black

⑆082900872⑆ 6253 1310151693⑈

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

FILED

OCT 21 2021

STATE BOARD OF AGRICULTURE
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

Case No: OGC-21-541

**JASON BLACK
P.O. BOX 567
JAY, OK 74346**

RESPONDENT.

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on January 13, 2022 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

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 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.

20. Respondent failed to submit their Annual Litter Report for 2018-2019.

21. Respondent failed to submit their Annual Litter Report for 2019-2020.

22. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

ATTORNEY CONFERENCES

24. 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.
25. 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.
26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

27. 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.
28. 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.
29. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

30. 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

31. 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

32. 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

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

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

35. 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

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Four Hundred Dollars (\$400.00).

37. 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 14 day of October, 2021.

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

Wendi Morse

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
Assistants 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 21 day of OCT., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JASON BLACK
P.O. BOX 567
JAY, OK 74346



GINA BLAYLOCK

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. FRED CHAPMAN IV
Case File No: OGC-21-425**

**FRED CHAPMAN IV
15855 W. PAT HOWE RD
SULPHUR, OK**

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report.

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at \$200. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
DEC 03 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

FRED CHAPMAN IV
15855 W. PAT HOWE RD.
SULPHUR, OK

Case No: OGC-21-425

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) 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

Fred Chapman
Printed Name and Title:

Date: 11-15-21

Chapman Ranch, LLC
15599 W Greasy Bend Rd
Mannsville OK 73447
580-371-3405

CITIZENS BANK AND TRUST CO
Ardmore OK 73401
86-227/1031

5710

11/11/2021

PAY TO THE ORDER OF oklahoma Dept. of Agriculture

\$ **200.00

Two Hundred and 00/100 ***** DOLLARS



Office of General Counsel
Oklahoma Dept. of Agriculture
2800 N Lincoln Blvd.
Oklahoma City OK 73105

PROTECTED AGAINST FRAUD



Travis Chapman

MP

MEMO

OGC-21-425 Fred Chapman IV

⑈005710⑈ ⑆103102274⑆ ⑈0766666⑈

Chapman Ranch LLC

oklahoma Dept. of Agriculture

Case OGC-21-425 Fred Chapman IV

11/11/2021

5710

200.00

Chapman Ranch LLC OGC-21-425 Fred Chapman IV

200.00

RECEIVED

NOV 29 2021

ODAFF FINANCE

**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.

**FRED CHAPMAN IV
15855 W. PAT HOWE RD.
SULPHUR, OK**

RESPONDENT.

FILED
NOV 01 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-425

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on February 10, 2022** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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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 poultry waste application in Oklahoma.

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

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 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.

20. Respondent failed to submit their Annual Litter Report for 2019-2020.

21. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

ATTORNEY CONFERENCES

23. 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.
24. 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.
25. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

26. 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.
27. 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.
28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

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OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

30. 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

31. 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

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

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

34. 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

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

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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 25 day of October, 2021.

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

Wendi Morse

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 1 day of Nov., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**FRED CHAPMAN IV
15855 W. PAT HOWE RD.
SULPHUR, OK**



GINA BLAYLOCK

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. BETH WEATHERFORD
Case File No: OGC-21-470**

**BETH WEATHERFORD
28446 BUCK CREEK RD
BOKOSHE, OK 74930**

Summary of Facts: Respondent failed to submit a timely and complete Annual Litter Report.

Statute or Rule Violation: 2 O.S. 10-9.18(A)

Proposed Administrative Penalty: The penalty was assessed at \$200. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

FILED
DEC 03 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-470

RANATA BETH WEATHERFORD

918-839-0196

PO BOX 22

BOKOSHE, OK 74930

1539

86-151/1031

11-12-2021

DATE

CHECK NUMBER

PAY TO THE
ORDER OF

ODAFF

\$ 200 -

Two hundred and 00/100



P.O. Box 769
Poteau, OK 74953

Case OG C-21-410

Beth Weatherford

⑆103101518⑆ 1639922⑈ 1539

**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.

**BETH WEATHERFORD
28446 BUCK CREEK RD.
BOKOSHE, OK 74930**

RESPONDENT.

FILED

NOV 01 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-470

NOTICE OF VIOLATION

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HEARING AND RIGHT TO COUNSEL

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20. Respondent failed to submit their Annual Litter Report for 2019-2020.

21. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

ATTORNEY CONFERENCES

23. 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.
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 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
27. 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.
28. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

29. 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

30. 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

31. 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

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

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

34. 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

35. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

36. 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 25 day of October, 2021.

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

Wendi Morse

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
Assistants 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 1 day of NOV., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**BETH WEATHORFORD
28446 BUCK CREEK RD.
BOKOSHE, OK 74930**



GINA BLAYLOCK

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. MENG YANG
Case File No: OGC-21-539

MENG YANG
8722 S CHEROKEE ST
MUSKOGEE, OK 74403

Summary of Facts: Respondent is a poultry waste applicator. Respondent failed to provide annual litter reports for the 2018-2019 and 2019-2020.

Statute or Rule Violation: 2 O.S. 10-1

Proposed Administrative Penalty: The penalty was assessed at \$400. Respondent stipulated to the allegations and paid the amount in full.

Deviations: None

Other Actions Required: None

OGC Attorney: Wendi Morse

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.

MENG YANG
8722 S. CHEROKEE ST
MUSKOGEE, OK 74403

RESPONDENT,

Case No: OGC-21-539

RECEIVED

JAN 11 2022

OFFICE OF GENERAL COUNSEL
OKLA DEPT OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Four Hundred Dollars (\$400.00) 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

MENG SA YANG

Printed Name and Title

Date:

12/07/2021

G. YANG
NA YANG
3 CHEROKEE ST
OGEE, OK 74403
08-2115

552
86-4521031

12/07/21 Date

the O.D.A.F.F.

\$ 400.00

100 HUNDRED AND 00/100 Dollars



Strong Bank

OGC-21-539

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Chen

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FILED
NOV 01 2021
STATE BOARD OF AGRICULTURE

RESPONDENT.

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

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 9, 2021, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a Letter of Warning regarding their Annual Litter Report.

19. Annual Litter Reports are due annually by June 30.

20. Respondent failed to submit their Annual Litter Report for 2018-2019.

21. Respondent failed to submit their Annual Litter Report for 2019-2020.

22. To this date, Respondent has failed to respond to their Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-9.18(A) by failing to submit their Annual Litter Report.

ATTORNEY CONFERENCES

24. 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.
25. 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.
26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

27. 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.
28. 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.
29. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

30. 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

31. 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

32. 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

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

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

35. 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

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Four Hundred Dollars (\$400.00).

37. 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 14 day of October, 2021.

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

Wendi Morse

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
Assistants 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 1 day of Nov, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

MENG YANG
8722 S. CHEROKEE ST.
MUSKOGEE, OK 74403



GINA BLAYLOCK

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

v.

RESPONDENT.

STIPULATION

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.

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. KALYN ZIMMERMAN
Case File No: OGC-21-467

KALYN ZIMMERMAN
12625 S HWY 10
WYANDOTTE, OK 74370

Summary of Facts: Respondent is a poultry waste applicator. Respondent applied poultry waste over the acceptable limit for surface application.

Statute or Rule Violation: 2 O.S. 10-1

Proposed Administrative Penalty: The penalty was assessed at \$200. Respondent stipulated to the allegations and paid the amount in full.

Deviations: None

Other Actions Required: None

OGC Attorney: Wendi Morse

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.

KALYN ZIMMERMAN
12625 S. HWY 10
WYANDOTTE, OK 74370

RESPONDENT.

Case No: OGC-21-467

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) 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

Kalyn Zimmerman MR
Printed Name and Title

Date: 12-21-21

KALYN L ZIMMERMAN 0707
LYDIA GRACE ZIMMERMAN
PH. 918-541-8410
12625 S HWY. 10
WYANDOTTE, OK 74370

80-225/1012

190

DATE 12-21-21

\$ 70.00 XX

PAY TO
THE ORDER OF

CD AFF

two hundred ⁰⁰/₁₀₀ XX

DOLLARS



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subject to
terms on file



Neosho, Missouri 64850
Seneca, Missouri 64865

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MEMO

[Signature]

MP

⑆101202257⑆ 0190⑈ 1175386⑈

**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.

**KALYN ZIMMERMAN
12625 S. HWY 10
WYANDOTTE, OK 74370**

RESPONDENT.

FILED

DEC 09 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-467

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on March 10, 2022** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

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

16. Pursuant to 2 O.S. § 10-1, ODAFF has authority to regulate persons who are poultry waste applicators.

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 September 1, 2020, the Agricultural Environmental Management Services (AEMS) Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Respondent applied poultry litter over the acceptable limit for surface application.

20. On or about May 10, 2021, ODAFF sent Respondent a Letter of Warning.

ALLEGED CONCLUSIONS OF LAW

21. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. 10-1 by over applying litter.

ATTORNEY CONFERENCES

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.

22. 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.

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

ENFORCEMENT PROCEEDINGS

24. 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.

25. 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.

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

27. 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

28. 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

29. 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

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

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

32. 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

33. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

34. 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 23 day of November, 2021.

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

Wendi Morse

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
Assistants 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 9 day of Dec, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

KAYLAN ZIMMERMAN
12625 S. HWY 10
WYANDOTTE, OK 74370



GINA BLAYLOCK

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

V.

RESPONDENT.

Page 8 of 8

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. CAIN'S LAWN CARE
Case File No: OGC-21-223

CAIN'S LAWN CARE
1421 N. UNION ST.
PONCA CITY, OK 74061

Summary of Facts: Respondent applied a pesticide without proper commercial pesticide applicator licensing.

Statute or Rule Violation: 2 O.S. 3-86(A)(15), 2 O.S. 3-86(A)(16), 2 O.S. 3-82(A)

Proposed Administrative Penalty: The penalty was assessed at \$500. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

DEC 03 2021

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-21-223

CAIN'S LAWN CARE)
1421 N. UNION ST.)
PONCA CITY, OK 74061)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Richard Stanbrough - Owner CAIN'S LAWN
Signature

Richard Stanbrough - Owner CAIN'S LAWN
Printed Name and Title

Date: 11-29-21

RICHARD L STANBROUGH, JR.
KENNETHA D STANBROUGH
DBA CAIN'S LAWN CARE
1421 NORTH UNION ST.
PONCA CITY, OK 74601

86-1125/1031

1084

DATE

11-29-21

11/29/21

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SECURITY PRINTING COMPANY



PAY TO THE ORDER OF

Office of General Counsel, Oklahoma Dept. of Ag.

\$ 500.00

Five Hundred and 00/100

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Heat Reactive Ink



1501 E PROSPECT AVE • PONCA CITY, OK 74604
(800) 762-2285

MEMO

Richard Stanbrough

⑆103111252⑆1084 203 940 01⑆

LOOK FOR FRAUD DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

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.)

CAIN'S LAWN CARE)
1421 N. UNION ST.)
PONCA CITY, OK 74061)

RESPONDENT.)

Case No: OGC-21-223

FILED
SEP 20 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, December 9th, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

2 O.S. 2-82(A)(1)

It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.

2 O.S. 2-86(A)

- 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:

15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged;

16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications issued by the Board for the categories for which the persons are to be employed or supervised.

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 May 6, 2021, a pesticide use inspection was performed by ODAFF.
- As a result of the inspection, it was discovered that Respondent's company license expired December 31, 2016 and the applicator's certification expired December 31, 2019.
- Inspector's observed an application vehicle at Respondent's facility carrying approximately 50 gallons of tank mix.
- Additionally, ODAFF inspector's observed records of an ornamental and turf application dated April 1, 2021.
- On or about May 24th, 2021 a Letter of Warning detailing the above violation was sent to Respondent.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-82(A) and 2 O.S. §3-86(A)(15) and (16) by making commercial pesticide applications without the proper licensing.

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 **Five Hundred Dollars (\$500.00)**.
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 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 20 day of Sept., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**CAIN'S LAWN CARE
1421 N. UNION ST.
PONCA CITY, OK 74061**



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.

**CAIN'S LAWN CARE
1421 N. UNION ST.
PONCA CITY, OK 74061**

RESPONDENT.

Case No: OGC-21-223

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ESCOTT AERIAL SPRAYING
Case File No: OGC-19-820**

**ESCOTT AERIAL SPRAYING
140 AIRPORT DR
NOWATA, OK 74048**

Summary of Facts: Respondent applied a pesticide in a negligent manner thereby causing an off-target drift.

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

Proposed Administrative Penalty: The penalty was assessed at \$750. Respondent paid the penalty in full through a consent order with no admission of liability.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

Escott Aerial Spraying LLC
PO Box 36
El Reno, OK 73036

#0064

86-335/1031

DATE 12-3-21

PAY TO THE
ORDER OF

Oklahoma Dept of Agriculture

\$ 750.00

seven hundred and fifty and 00/100

DOLLARS



COMMUNITY NATIONAL BANK
OF OKARCHIE
(405) 263-7491 / P.O. BOX 545 / OKARCHIE, OK 73762

FOR

ED Casey

Tim West

⑆103103354⑆

0011004255⑈

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

FILED
NOV 04 2021
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-19-820

ESCOTT AERIAL SPRAYING)
140 AIRPORT DR.)
NOWATA, OK 74048)

RESPONDENT.)
)
)

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 Escott Aerial Spraying and Tanner Escott, and its and his past, present, and future partners, affiliates, employees, members, agents, attorneys, predecessors in interest, successors, and assigns (hereinafter 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(16).

DEPARTMENT'S NOTICE

3. On May 20, 2020, the Department issued a Notice of Violation in Case No. OGC-19-820, ("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, but are specifically and generally denied by Respondent.


ORDER AND AGREEMENT

4. In compromise and full settlement of this matter, Respondent shall pay to the Department an administrative penalty of Seven Hundred Fifty Dollars (\$750). 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 related to other matters. 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.
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, denying the truth of said factual averments and having previously contested and denied the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments and, in fact, denies such 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, this matter shall be considered settled via consent order with no further action being taken by the Department. Each party shall bear its own attorney's fees and costs and 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: 11/01/2021

- and by -



Brad Donnell
211 N. Robinson
Oklahoma City, OK 73102-7103
Telephone: (405) 552-2308

COUNSEL FOR RESPONDENT

Date: 11/02/2021

Exhibit A

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

MAY 20 2020

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case No: OGC-19-820

ESCOTT AERIAL SPRAYING)
140 AIRPORT DR.)
NOWATA, OK 74048)

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, August 6, 2020 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

2 O.S. §3-86(A)(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.

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 July 16, 2019, an ODAFF inspector investigated a drift complaint concerning an application Respondent made to the pasture of Ed Casey, located S32 26N 15E.
- As a result of this investigation, samples were taken of Casey's pasture, as well as of the nearby property of Tim Farris, located at S29 26N 15E.
- Both of the samples taken contained 2,4-D and tricloyr.
- On or about September 6, 2019, a Letter of Warning that detailed the above violation was sent to Escott Aerial Spraying.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(3) by applying a pesticide in a negligent manner causing a pesticide to drift off target.

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 20 day of May, 2020, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ESCOTT AERIAL SPRAYING
140 AIRPORT DR.
NOWATA, OK 74048**



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-19-820

**ESCOTT AERIAL SPRAYING)
140 AIRPORT DR.)
NOWATA, OK 74048)**

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 7108 2133 3930 7205 1951

FILED

MAY 20 2020

STATE BOARD OF AGRICULTURE

OGC-19-820

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. RED BEARDS WILDLIFE SOLUTIONS
Case File No: OGC-21-213**

**RED BEARDS WILDLIFE SOLUTIONS
127 W. 5TH STREET
EDMOND, OK 73003**

Summary of Facts: Respondent was sent an NOV for failure to be licensed or certified in rodent control and sanitizing services. Respondent agreed to pay a fine but does not admit liability. As a result, this case was prepared as a Consent Order.

Statute or Rule Violation: 2 O.S. 3-82(A)(1) and 3-86(A)(15) and (16)

Proposed Administrative Penalty: The penalty was assessed at \$500. Respondent received the appropriate licensing, so the penalty was reduced to \$250.

Deviations: As stated above.

Other Actions Required: None.

OGC Attorney: Shelby Turner

1005

39-7279/3030

Red Beards Wildlife Solutions

127 W 5TH ST.
EDMOND, OK 73003
(405) 919-8101



12/20/2021

Pay to the order of Department of Agriculture \$ 250.00
Five hundred fifty Dollars & no 100 dollars



We Do More
Oklahoma Branches (405) 841-2332

for Client is hereby signed

⑆303072793⑆1606300172⑈1005

**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.

**REDBEARDS WILDLIFE SOLUTIONS
127 W. 5TH ST.
EDMOND, OK 73003**

RESPONDENT.

RECEIVED

JAN 03 2022

OFFICE OF GENERAL COUNSEL
OKLA DEPT OF AGRICULTURE

Case No: OGC-21-213

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 RedBeards Wildlife Solutions (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(16).

DEPARTMENT'S NOTICE

3. On or about October 10, 2021, the Department issued a Notice of Violation in Case No. OGC-21-213, ("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). 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, 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 specifically denies 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: 11/15/2021

- and by -



RedBeards Wildlife Solutions
127 W. 5th St.
Edmond, OK 73003
Telephone: (405) 919-8101

RESPONDENT

Date: 12/20/2021

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.

REDBEARDS WILDLIFE SOLUTIONS)
127 W. 5TH ST.)
EDMOND, OK 73003)

RESPONDENT.)

FILED

NOV 01 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-213

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, January 13th, 2022** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of pest control as RedBeards Wildlife Solutions, located at 127 W. 5th St. in Edmond, OK.
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(A)(1)

It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.

2 O.S. § 3-86(A)

- (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:

(15) Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged;

(16) Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications

issued by the Board for the categories for which the persons are to be employed or supervised.

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 May 10, 2021, ODAFF investigated a complaint concerning rodent control in a home located at 3404 N. Western Ave. in Oklahoma City, OK.
- It was discovered that Respondent was contracted for rodent control at this residence.
- On or about January 17, 2021, Respondent's job estimate quoted rodent control services using rodent stop stations, rat pads, lures, and baits. Respondent also offered to sanitize the home after the rodent removal.
- According to Respondent's records, compensation was received for these services on January 21, 2021.
- According to ODAFF records, Respondent is not licensed and certified to commercially provide sanitizing services or to use rodent control devices, non-natural lure, and baits.
- On or about May 10, 2021, a Letter of Warning that detailed the above violations was sent to RedBeards Wildlife Solutions.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16) by engaging in commercial sanitizing services and engaging in the use of rodent control devices without proper licensing and certification.

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 **Five Hundred Dollars (\$500.00)**.
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 Turner, OBA #34010

Assistants 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 1 day of NOV, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**REDBEARDS WILDLIFE SOLUTIONS
127 W. 5TH ST.
EDMOND, OK 73003**



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-21-213

**REDBEARDS WILDLIFE SOLUTIONS)
127 W. 5TH ST.)
EDMOND, OK 73003)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**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

When reference is made to Titles 7, 9, 21, or 40 CFR it means, unless otherwise specified, the Code of Federal Regulations (2021 Revision).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 1. ADMINISTRATIVE OPERATIONS

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rules provide for current citations to the Code of Federal Regulations.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rules affect persons regulated by the Department. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who rely on current citations for the Department's programs will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who rely on the Department's programs will be provided with current legal citations in the proposed rules.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rules.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.

**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

References to a Handbook or publication in these rules shall mean the following edition of the National Institute of Standards and Technology (NIST), unless a different reference is made in the text of the rule:

- (1) Handbook 44 "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing & Measuring Devices" (~~2020~~ 2022 Edition).
- (2) Handbook 130 "Uniform Laws and Regulations" (~~2020~~ 2022 Edition), excluding Section G "Uniform Engine Fuels and Automotive Lubricants Regulation."
- (3) Handbook 133 "Checking the Net Contents of Packaged Goods" (2020 Edition).
- (4) Handbook 105-1 "Specifications and Tolerances for Field Standard Weights" (2019 Edition).
- (5) Handbook 105-2 "Specifications and Tolerances for Field Standard Measuring Flasks" (1996 Edition).
- (6) Handbook 105-3 "Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards" (2010 Edition).
- (7) Publication 14 (~~2020~~ 2021 Edition).
- (8) Publication 12 (1991 Edition).
- (9) Federal Grain Inspection Service Moisture Handbook (2006 Edition).

SUBCHAPTER 17. OPEN DATING [REVOKED]

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

~~The Board adopts the "Uniform Open Dating Regulation" as adopted by National Conference on Weights and Measures and published in Handbook 130, "Uniform Laws and Regulations", supplements, and revisions.~~

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 12.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office of National Statistics 2000). The number of people aged 85 and over has increased from 1.5 million to 2.5 million.

There is a growing awareness of the need to address the needs of older people in the community. The Department of Health (1999) has published a strategy for older people, which sets out the government's commitment to improve the lives of older people and to ensure that they are able to live independently and actively in the community.

The strategy sets out a number of key objectives, including: to improve the health and well-being of older people; to ensure that older people are able to live independently and actively in the community; to ensure that older people are able to access the services and support that they need; and to ensure that older people are able to participate in the decisions that affect their lives.

The strategy also sets out a number of key actions, including: to improve the health and well-being of older people; to ensure that older people are able to live independently and actively in the community; to ensure that older people are able to access the services and support that they need; and to ensure that older people are able to participate in the decisions that affect their lives.

The strategy is a key document for the development of services for older people in the UK. It sets out the government's commitment to improve the lives of older people and to ensure that they are able to live independently and actively in the community.

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RULE IMPACT STATEMENT

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

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments update handbook and publication references and revoke obsolete language.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rule amendments affect persons regulated by the Department's agricultural products programs. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on the Department's agricultural products programs will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's agricultural products programs will be provided with updated handbook and publication references and provisions.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rule amendments.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rule amendments will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments.

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.

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]

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

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

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

35:13-1-3. Definitions [REVOKED]

~~(a) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those word or terms.~~

~~(b) The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~(1) "Commodities" means nonperishable whole grains or seeds.~~

~~(2) "Producer" means any person planting, raising, growing, or harvesting commodities.~~

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

~~(a) Any person engaging in the production of alcohol for use as a motor fuel shall obtain a permit from the Department.~~

~~(b) Any medium or large alcohol fuel producer that receives commodities from grain producers who do not receive compensation for the grain at the time of delivery or title is not transferred at the time of delivery shall obtain a public warehouse charter to operate a public commodity storage warehouse pursuant to the Oklahoma Public Warehouse and Commodity Storage Indemnity Act.~~

~~(c) Any person permitted pursuant to this section shall submit a copy of any annual report required by the federal law as incorporated by reference in this chapter to the Department no later than January 30 of each calendar year.~~

35:13-1-5. Inspections [REVOKED]

~~(a) The Department may inspect any facility to determine compliance with the Oklahoma Fuel Alcohol Act.~~

~~(b) The inspection shall include but not be limited to inspections of the equipment at the facility and records.~~

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

~~The permits issued for the fuel alcohol program shall have the following annual fees:~~

- ~~(1) Alcohol Fuel Producer Permit (Small) shall be \$25.00;~~
- ~~(2) Alcohol Fuel Producer Permit (Medium) shall be \$100.00; and~~
- ~~(3) Alcohol Fuel Producer Permit (Large) shall be \$250.00.~~

the 1990s, the incidence of *S. flexneri* has increased in the United Kingdom [10]. In the United States, *S. flexneri* has been reported as the most common serotype in children with acute bacterial dysentery [11]. In the United Kingdom, *S. flexneri* has been reported as the most common serotype in children with acute bacterial dysentery [12].

There is a need to develop a vaccine against *S. flexneri* to protect children in developing countries, where the disease is most common. A vaccine against *S. flexneri* is also needed to protect children in the United Kingdom, where the disease is becoming more common. A vaccine against *S. flexneri* is also needed to protect children in the United States, where the disease is becoming more common. A vaccine against *S. flexneri* is also needed to protect children in the United States, where the disease is becoming more common.

The purpose of this study was to determine the serotypes of *S. flexneri* isolated from children with acute bacterial dysentery in the United Kingdom, the United States, and the United States. The purpose of this study was to determine the serotypes of *S. flexneri* isolated from children with acute bacterial dysentery in the United Kingdom, the United States, and the United States.

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RULE IMPACT STATEMENT

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

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments revoke all rules in Chapter 13 to comply with the repeal of statutory authority for enforcement of the Fuel Alcohol program.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rule amendments affect persons regulated by the Department's fuel alcohol program. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on the Department's fuel alcohol program will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's fuel alcohol program will be provided with the revocation of all rules in Chapter 13 to comply with the repeal of statutory authority for enforcement of the Fuel Alcohol program.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rule amendments.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rule amendments will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

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

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.

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

CHAPTER 15. ANIMAL INDUSTRY

SUBCHAPTER 1. GENERAL PROVISIONS

35:15-1-2. Definitions

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

"Accredited veterinarian" means a veterinarian approved by the United States Department of Agriculture (USDA) to perform functions required for state or cooperative state and federal animal disease control and eradication programs.

"Animal disease traceability" means the ability to trace an animal to its site of application of official identification and/or premises of origin as set out in 9 CFR Parts 71, 77, 78, 86, et al. Traceability for Livestock Moving Interstate; Final Rule.

"Approved tagging site" means a premises, authorized by APHIS, State, or Tribal animal health officials, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises.

"Backtag" means a USDA approved identification system consisting of a tag of special tough paper, bearing identification codes relating to origin of animals, which are stuck to animals a few inches from the midline and just behind the shoulder with very strong glue. The backtag is designed as temporary identification for easy reading in livestock auction markets to help trace the origin of livestock in Department investigations.

"Certificate of veterinary inspection" means an official document or its electronic equivalent approved by the chief livestock official of the state of origin issued by an accredited veterinarian at the point of origin of a shipment of animals that includes the name and address of the consignor; the name and address of the consignee; the entry permit number, if applicable; the age, sex, number, and breed of the animal; sufficient identifying marks or tags to positively identify each animal; purpose of shipment; and the results of all required tests. It shall also include a record of a physical examination of the animal verifying that each animal is free from visible evidence of any contagious, infectious, or communicable diseases and that the animals do not originate from an area of quarantine, infestation, or infection. A certificate of veterinary inspection is valid for thirty (30) days after the date of issuance. The term certificate of veterinary inspection shall also include an official health certificate, an official certificate, or a certificate.

"Commuter herd" means all ~~eattle~~ livestock under common ownership or supervision, that are located on one (1) or more premises in two (2) or more states and there is an interchange or interstate movement of animals between premises in those states as part of the normal farming, breeding or ranching operation without a change of ownership. A commuter herd agreement shall be completed and approval of commuter herd status shall be obtained from each chief animal health official of all states in which the herd resides.

"Consignment sale" means a sale of livestock in which multiple sellers' livestock are auctioned or sold to multiple buyers. A consignment sale shall not include a licensed livestock auction market but shall include a production sale with guest consignors.

"Designated epidemiologist" means an epidemiologist selected by the State Veterinarian who has been designated to perform those functions necessary for the classification

of livestock suspected to be infected with a particular disease, based on an evaluation of test results and consideration of the animal and herd history, as well as other epidemiological factors.

"Livestock special sale" means a consignment, ~~production swap meet~~, or farm sale, other than a regular livestock auction ~~or production sale~~, where livestock are sold.

"Livestock special sale permit" means a permit from the Animal Industry Services Division to hold a consignment, swap meet, or farm sale.

"Official identification" means any official method of identification approved by USDA, as described by 9 C.F.R. § 86.1, or the State Veterinarian. Official identification for specific species may be further defined within the applicable section of the Oklahoma Administrative Code. Backtags shall not be considered official identification unless the animal is shipped directly to slaughter. The term "official ear tag" is synonymous with "official identification."

"Owner-Shipper statement" means a statement signed by the owner or shipper of the livestock being moved stating the location from which the animals are moved interstate; the destination of the animals; the number of animals covered by the statement; the species of animal covered; the name and address of the owner at the time of the movement; the name and address of the shipper; and the identification of each animal, as required by the regulations, unless the regulations or other documentation approved by the Department specifically provide that the identification does not have to be recorded.

"Production sale" means a sale in which livestock that belongs to a single owner or seller and is intended for breeding or exhibition use is offered for sale or sold to multiple buyers at the same time.

"Quarantine" means a written notice or order issued by an authorized agent of the Department showing the boundaries of the area or premise affected, the animals restricted, and conditions, if any. No livestock held under quarantine may be moved or released without a written permit or quarantine release signed by an authorized agent.

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

"Special sale permit" means a permit from the Animal Industry Services Division to hold a consignment, ~~production, farm, or special sale.~~

"State animal health official" means the state animal health official, or designee, who is responsible for the livestock and poultry disease control and eradication programs in a state.

SUBCHAPTER 5 - BIOLOGICAL PRODUCTS AND LABORATORIES

35:15-5-1. Biological products

(a) No biological product used in the treatment of livestock or any other species of animals shall be manufactured, produced, transported, distributed, sold, offered for sale, or used in Oklahoma unless the biological product has been:

- (1) Licensed or permitted by the United States Veterinary Biologics Division of the United States Department of Agriculture;
- (2) Produced in an establishment licensed by the United States Veterinary Biologics Division of the United States Department of Agriculture; and
- (3) Approved by the Oklahoma Department of Agriculture, Food, and Forestry.

(b) Biological products prepared by any person solely for the treatment of livestock or any other species of animals of such person or prepared solely for treatment of livestock or any other

species of animals under a veterinary-client-patient relationship in the course of the state licensed professional practice of veterinary medicine by such person shall be exempt from (a) and (d) of this section if used as follows:

- (1) Permission is obtained from the State Veterinarian in the form of a one (1) year memorandum of understanding between the Department and the persons owning the livestock or any other species of animals;
 - (2) An authorized agent of the Board may inspect and monitor the application of the product and verify the proper handling, cleaning, and disinfection of equipment utilized in the application.
- (c) John's (Paratuberculosis) vaccine is expressly prohibited in Oklahoma without prior approval of the Department. This approval may be obtained only after a written agreement is developed between the producer, attending veterinarian, and state regulatory officials. A plan of herd management, vaccination, and any restrictions shall be a part of this agreement.
- (d) Each biological product manufactured, produced, distributed, sold, offered for sale or used in Oklahoma or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Department on an annual basis.
- (e) Each person registering biological products shall pay an annual registration fee of Two Hundred Dollars (\$200.00) for each biological product registered.
- (1) The Department may require the submission of the complete formula of any biological product.
 - (2) Trade secrets and formulations submitted with the registration shall be kept confidential.
 - (3) Autogenous biologics shall be registered individually by the specific microorganisms (seed) which make up the composition of the vaccine.
- (f) If it appears to the Department that the composition of the biological product is adequate to warrant the proposed claims and if the biological product, its labeling, and other material required to be submitted comply with the requirements of this section, then the biological product shall be registered.
- (g) Additional registration of a biological product shall not be required in the case of a biological product shipped from one location within Oklahoma to another location within Oklahoma if the location is operated by the same person.
- (h) All biological product registrations shall expire on March 20 of each year but may be renewed by the Department. Any person who fails to renew a biological product by March 20 of each year shall pay a penalty of an additional Two Hundred Dollars (\$200.00).
- (i) Any biological product that contains any living organism and is produced pursuant to subsection (b) may be used with prior written notice to the Department. Notice shall be provided for each day the person intends to utilize the biological product and shall contain the name of the person prescribing the biological product, the specific location where the biological product will be used, and the reason for using the biological product.
- (j) No person shall sell or offer for sale an unregistered biological product or an expired biological product.
- (k) The term "biological product" shall mean all viruses, serums, toxins (excluding substances that are selectively toxic to microorganisms, including antibiotics), or analogous products at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals and which act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. The

term biological products includes but is not limited to vaccines, bacterins, allergens, antibodies, antitoxins, toxoids, immunostimulants, certain cytokines, antigenic or immunizing components of live organisms, and diagnostic components that are of natural or synthetic origin, or that are derived from synthesizing or altering various substances or components of substances such as microorganisms, genes or genetic sequences, carbohydrates, proteins, antigens, allergens, or antibodies. The term shall not include any product identified and regulated as a pesticide by the Department.

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

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

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

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

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

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

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

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

SUBCHAPTER 11. IMPORTATION OF ANIMALS

PART 13. EQUINE PIROPLASMOSIS

35:15-11-52. Definitions

The following words and phrases shall have the following meanings:

"Equine Piroplasmosis reactor" means any Equidae that tests positive for Equine Piroplasmosis from either *B. caballi* or *T. equi* but has not been confirmed by NVSL.

"Exposed" means all Equidae in the same herd as a Piroplasmosis positive animal or had recent direct and sustained contact with a Piroplasmosis animal.

"High risk premises" means premises where transmission of Equine Piroplasmosis is known or suspected to have occurred or has the potential to occur, through either natural tick borne transmission or high risk management practices and as determined by the State Veterinarian.

"Low risk premises" means premises where transmission of Equine Piroplasmosis has not been demonstrated or suspected to have occurred and has a low potential to occur, through either natural tick borne transmission or management practices and as determined by the State Veterinarian risk.

"Negative Equidae" means Equidae that show a negative result to a competitive enzyme-linked immunosorbent assay (c-ELISA) test for Equine Piroplasmosis or have been classified negative by the designated epidemiologist, based on history, supplemental tests, or other epidemiological evidence.

"Positive Equidae" means Equidae that show a positive result to for Equine Piroplasmosis by the National Veterinary Services Laboratories (NVSL) on the complement fixation (CF) test or competitive enzyme-linked immunosorbent assay (c-ELISA) test.

"Racetrack facility" means a premises used to conduct live horse racing events and is not limited to facilities licensed by the Oklahoma Horse Racing Commission.

"Suspect case" means an Equidae with clinical signs consistent with Equine Piroplasmosis, a history of exposure, or an inconclusive test.

35:15-11-53. Testing for Equine Piroplasmosis

(a) All racing Quarter horses, Paint horses, and Appaloosas entering a racetrack facility shall have proof of a negative Piroplasmosis test (T. equi) within the past twelve (12) months.

(b) All official samples collected from Equidae for Piroplasmosis testing shall be collected by a state or federal veterinarian, an accredited veterinarian, or an authorized agent of the Board.

~~Samples shall be submitted to an approved lab within 30 days of collection.~~

(1) The State Veterinarian, a state or federal veterinarian, an authorized agent of the Board, or an accredited veterinarian acting under authority of the State Veterinarian may cause an official test to be conducted on any Equidae known or suspected to be infected with or exposed to Piroplasmosis.

(2) If the owner refuses or neglects to comply with the testing requirements, the Equidae shall be quarantined and the movement of any Equidae from the premises shall be prohibited.

(3) The State Veterinarian may provide and require supervision for collection of test samples submitted by an accredited veterinarian.

(4) Any person providing erroneous or fictitious information shall be in violation of these rules.

(5) Any person altering, defacing, or falsifying information on a test chart, permit, certificate of veterinary inspection, or any form associated with the Piroplasmosis program shall be in violation of these rules.

~~(b)~~(c) All Equidae epidemiologically determined to have been exposed to a Piroplasmosis positive animal shall be quarantined and tested by a state or federal veterinarian, an accredited veterinarian, or an authorized agent of the Board.

(1) Test results for suspect cases and reactor Equidae shall be confirmed by NVSL.

(2) Positive results shall be confirmed by NVSL.

(3) Exposed Equidae that test negative shall be retested at least thirty (30) calendar days from last exposure to a Positive Equidae.

(4) Epidemiologic data may be considered in the testing requirements for Exposed Equidae and affected herds.

~~(e)~~(d) Release of quarantine.

- (1) No Equidae held under quarantine shall be moved or released until a written permit or quarantine release signed by an authorized agent has been executed.
- (2) Exposed Equidae may be released from quarantine after obtaining a negative test a minimum of thirty (30) calendar days from the last exposure.
- (3) Epidemiologic data may be considered in the release of the quarantine.
- ~~(d)~~(e) Foals born to positive mares are considered exposed and shall be tested because Equine Piroplasmosis hemoparasites may be transmitted in utero or at parturition.
 - (1) Foals under six (6) months of age may carry maternal antibodies to infection but may not be infected. Therefore, seropositive foals without other evidence of infection via PCR or blood smears shall be retested after waning of maternal antibodies.
 - (2) Foals shall be kept in quarantine until weaned or separated from the mare and until tested negative for Equine Piroplasmosis (at a minimum of six (6) months of age) at NVSL.

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

- (a) Any person owning, operating, conducting, or maintaining a livestock auction market shall be required to employ a livestock auction market veterinarian for auctions selling cattle, horses, swine, or other species as determined by the state veterinarian.
- (b) ~~Both the~~ The buyer's and seller's invoices ~~invoice~~ shall include the ~~owner's~~ buyer's name, and address and a description of the ~~cattle~~ livestock as to breed, color, and sex, ~~and age. Invoices for swine shall show the predominate breed and shall show them to be feeding, breeding, or slaughter swine.~~
- (c) The seller's invoice shall include the seller's name and address and a description of the livestock as to breed, color, and sex.
- ~~(d)~~ (e) The livestock auction market veterinarian or sale company shall not be responsible for results of any tests that are conducted properly or for any reactor animals or responder animals found in the market.
- ~~(d)~~ (e) Refusal or failure to comply with ~~the~~ Department rules shall be just cause for the revocation or suspension of the livestock auction market license.
- ~~(e)~~ (f) No person owning, operating, conducting, or maintaining a livestock auction market shall allow any of the following animals to leave the livestock auction market unless it is individually identified by an official identification with an exception for weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person:
 - (1) All beef cattle eighteen (18) months of age or older, except terminal fed steers and heifers, going directly to a feedlot or slaughter which will not be reintroduced into the breeding herd;
 - (2) All dairy cattle;
 - (3) All "M" branded cattle including any commingled cattle, and
 - (4) All roping, exhibition, event, and rodeo cattle.
- ~~(f)~~ (g) Weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person may be sold with a back tag and slaughter only tag to be transported directly to slaughter.
- ~~(g)~~ (h) The owner or operator of the livestock auction market shall keep records of each animal consigned or delivered to the livestock auction market for a period of five (5) years for disease traceback purposes, including but not limited to, the following:

- (1) "Drive-in" or any other documents identifying the backtag, owner's name and address, and license tag of mode of transportation;
- (2) Any records kept pursuant to the Livestock Auction Market Act;
- (3) Records of any official identification applied to the animal or already existing with the animal;
- (4) Any records available regarding the purchaser of the animals; and
- (5) Records of official identification that are sufficiently legible and accurate to facilitate successful tracebacks.

~~(h)~~ (i) Each livestock auction market shall sign and have on record with the Department the most current livestock market contract for each of the species sold at the market.

~~(i)~~ (j) The livestock auction market shall make the above records available to Department personnel when requested on non-sale days. In an emergency, records may be requested and shall be made available to Department personnel regardless of sale schedule.

35:15-13-7. Specific approval of livestock auction markets

(a) No livestock auction market shall be specifically approved until proper application is made and a determination is made by the State Veterinarian that Department regulations and standards are met.

~~(b)~~ ~~Each livestock auction market shall have a packer buyer present at each sale.~~

~~(c)~~ All animals received at the livestock auction market shall be considered in interstate commerce and be handled in accordance with interstate regulations.

~~(d)~~ (c) All cattle, bison, horses, swine or other species, as determined by the State Veterinarian, shall be visually inspected by the livestock auction market veterinarian prior to sale for diseased conditions such as cattle scab, sheep scab, Actinomyces (lump jaw), Carcinomas (cancer eye), Infectious Rhinitis (bull nose) or any other infectious, contagious, or communicable disease.

~~(e)~~ (d) Any animal determined to be diseased by the livestock auction market veterinarian shall be sold direct to slaughter or quarantined for treatment pursuant to the judgment of the livestock auction market veterinarian.

~~(f)~~ (e) Each market shall furnish and maintain in good repair sufficient equipment suitable for restraining animals for careful inspection, testing, tagging, branding, and other treatments and procedures ordinarily required in providing livestock sanitary service at markets. The equipment shall be covered or housed so that necessary work can take place during inclement weather.

~~(g)~~ (f) The appointment and termination of the livestock auction market veterinarian by the livestock auction market is subject to approval of both state and federal officials.

~~(h)~~ (g) Failure or neglect to perform any of the functions in this section shall be cause for withdrawal of the approval.

~~(i)~~ (h) Each livestock auction market shall sign and have on record with the Board the most current livestock market contract for each of the species sold at the market.

SUBCHAPTER 15. EQUINE INFECTIOUS ANEMIA (EIA)

PART 11. REQUIREMENTS FOR EQUIDAE ENTERING OKLAHOMA

35:15-15-111. General requirements for Equidae entering Oklahoma

~~(a)~~ All test eligible Equidae entering Oklahoma for any purpose other than consignment to a veterinarian's clinic or livestock auction market shall be accompanied by one of the following:

- (1) A record of a negative official test for EIA conducted within the previous twelve (12) months and an Extended Equine Certificate of Veterinary Inspection.
- (2) A record of a negative official test for EIA conducted within the previous twelve (12) months and a certificate of veterinary inspection.
- (3) An equivalent certificate as approved by the State Veterinarian.
- (4) A certificate of veterinary inspection, when in compliance with the terms of a Memorandum of Understanding which allows for testing upon arrival.
- (5) A copy of a VS Form 10-11 shall be considered an official record of test when accompanied by a properly completed certificate of veterinary inspection.
- ~~(5) (6)~~ An exception to import test requirements may be issued by the Department. To qualify for the exception, the person seeking the exception shall:
 - (A) Apply for an entry permit during the Department's office hours; ;
 - (B) Obtain a certificate of veterinary inspection issued no more than thirty (30) calendar days prior to entry;
 - (C) Test the Equidae for EIA within thirty (30) days after entry; and
 - (D) Immediately quarantine the Equidae entering Oklahoma pursuant to this subsection until the Equidae is tested negative for EIA.
- ~~(b) An Extended Equine Certificate of Veterinary Inspection shall be accepted from states participating in the Extended Equine Certificate of Veterinary Inspection program.~~

SUBCHAPTER 16. CONTAGIOUS EQUINE METRITIS

35:15-16-1. Incorporation by reference

- (a) The contagious equine metritis regulation found in Title 9 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Section 93-301 and USDA VS Guidance Document 13406.1 (2013) Revision are hereby adopted in their entirety.
- (b) All words and terms defined or used in the federal regulation incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

SUBCHAPTER 19. POULTRY REGULATIONS

35:15-19-4. Import and exhibition poultry

- (a) Domesticated fowl including chickens, turkeys, game chickens, game birds, or waterfowl over four (4) months of age and intended for breeding, meat, or egg production purposes shall not be imported into the state unless they:
 - (1) Have originated from a National Plan source which is U.S. pullorum-typhoid clean or equivalent with a NPIP 9-3, or
 - (2) Have passed a negative agglutination test for reportable salmonella groups within ninety (90) days prior to import and have received a Certificate of Veterinary Inspection within thirty (30) days.
- (b) All poultry under four (4) months of age, including baby chicks, started chicks, turkey poults, started poults, other newly hatched domestic poultry, game chickens, game birds, ~~and waterfowl, except those intended for immediate slaughter~~, and hatching eggs shipped, brought into, or offered for sale in Oklahoma, ~~except those intended for immediate slaughter~~, shall have :
 - (1) ~~Have originated from a hatchery or premise operating under the supervision of the poultry disease control authority of the state of origin, and their disease classification shall be~~

~~negative or clean. Each container of products shall bear an official label showing the name and address of the shipper, the authority under which the testing for disease was done, and the disease control and eradication class and/or classes of the product. The use of this label shall be approved by the official state agency or livestock disease control official of the state of origin. In addition, an official form shall be properly executed showing the name and address of both the consignee and the consignor and the disease control authority for which the testing was done and classification of the product~~ NPIP Pullorum-Typhoid clean breeder flock and shall be accompanied by a NPIP VS Form 9-3 or an APHIS VS form 17-6;

(2) Have an approved commuter flock agreement on file with the state of origin and ODAFF; or

(3) Have obtained an entry permit prior to shipment.

(c) Exhibition poultry are subject to the following:

(1) Any poultry or other domestic fowl being exhibited in Oklahoma shall be free of visible evidence of disease, and

(2) Have passed a negative test for reportable salmonella groups within ninety (90) days prior to exhibition, with the results recorded on an official form from the state of origin certifying that the testing was done by a permitted tester of that state, or

(3) Have originated from negative or clean flocks authoritatively participating in the disease control and eradication phases of the National Poultry Improvement Plan or NPIP approved state plan, and

(4) Be from flocks not known to be infected with reportable salmonella groups.

(5) Poultry qualifying under 2 or 3 may be imported without an official health certificate if accompanied by an approved state or NPIP form.

(6) All exhibition poultry shall be identified by an official leg or wing band unless they originate from a negative or clean flock authoritatively participating in the National Poultry Improvement Plan or NPIP approved state plan.

(7) Application of official leg or wing bands shall not be required for birds tested on the exhibition premise for a specific event. Birds tested and not identified with an official leg or wing band shall be tested prior to entering any future exhibitions.

(d) All persons holding poultry exhibitions in Oklahoma shall obtain a permit from the State Veterinarian prior to the exhibition. Those persons holding multiple exhibitions at the same location may apply for a permit by listing the dates and times of all exhibitions scheduled during a fiscal year beginning July 1 and ending June 30. The permittee shall be responsible for maintaining a list of the names and addresses of all exhibitors for each exhibition. The permittee shall keep these records and make them available to any authorized agent for inspection or photocopying for at least one (1) year after the date of the exhibition.

35:15-19-8. Infectious Laryngo ~~Trachietis~~ trachietis (ILT)

(a) ~~Tissue culture vaccine or vector vaccine for Infectious Laryngo Trachietis shall only be used in breeding flocks with the permission of the State Veterinarian.~~

~~(1) Permission shall be in the form of a Memorandum of Understanding between the State Veterinarian and the breeder.~~

~~(2) The Memorandum shall be effective for five (5) years and may include an option for renewal.~~

(b) Chick Egg Embryo Origin (CEO) vaccine, ~~tissue culture vaccine, or vector vaccine~~ for Infectious Laryngo Trachietis Laryngotracheitis shall only be used in broilers with the

permission of the State Veterinarian by a signed Memorandum of Understanding in specific outbreak situations.

~~(e)~~ (b) The conditions of any Memorandum of Understanding shall be at the sole discretion of the State Veterinarian.

SUBCHAPTER 36. SCRAPIE

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

Regulations of the United States Department of Agriculture concerning scrapie in sheep and goats found at 9 CFR Part 79 (~~2020~~ 2021 Revision) are adopted by reference with the exception of the deleted regulations specified in 35:15-36-2.

35:15-36-2. Deleted regulations

The following sections of the Federal regulations governing scrapie in sheep and goats (9 CFR, Part 79 et seq.) (~~2020~~ 2021 Revision) of the USDA incorporated by reference under 35:15-36-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 79.6 and 79.7.

35:15-36-3. Requirements for identification

- (a) All sheep and goats imported into Oklahoma shall be identified by a USDA approved official identification device.
- (b) All sheep and goats shall be officially identified prior to movement for sale or exhibition.
 - ~~(1)~~ If moving to a livestock market, identification may be applied by the market before sale.
 - ~~(2) The state veterinarian may grant a written exception for the official identification of wethers on an individual basis.~~

SUBCHAPTER 44. FARMED CERVIDAE

35:15-44-19. Entry and export requirements

- (a) Import of cervidae shall be accompanied by a Certificate of Veterinary Inspection and a Cervidae Import Permit approved or provided by the Department.
 - (1) The import permit shall be valid for thirty (30) days from approval.
 - (2) Cervidae Import Permit applications shall be submitted to the Department no less than three (3) working days prior to the scheduled shipment.
- (b) Cervidae shall have two forms of identification. One (1) of these two (2) forms of identification shall be official identification.
- (c) The State Veterinarian or designee may require a brucellosis test of any cervidae subject to the provisions of this subchapter.
- (d) All cervidae shall meet the tuberculosis testing provisions found at 9 CFR Part 77 (~~2020~~ 2021 Revision).
- (e) All cervidae, within the genera *Odocoileus*, *Cervus*, and *Alces* and their hybrids, shall originate from a chronic wasting disease certified herd from a county where no chronic wasting disease has been confirmed in native cervidae populations.

SUBCHAPTER 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDS

PART 7. INTERSTATE MOVEMENT REQUIREMENTS

35:15-47-18. Minimum CWD requirements for interstate movement of cervids

- (a) Regulations of the United States Department of Agriculture concerning the interstate movement of cervidae found at 9 CFR Part 81 (~~2020~~ 2021 Revision) are adopted by reference.
- (b) Caribou and Reindeer shall meet all interstate movement regulations that apply to cervidae found at 9 CFR Part 81 (~~2020~~ 2021 Revision).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments add and modify definitions; modify registration requirements of certain biological products; require testing of certain equine for Piroplasmosis; conform language; modify requirements for livestock auction markets; modify requirements for equidae entering Oklahoma; update citations to the Code of Federal Regulations; modify requirements for importation of poultry; update obsolete language; and delete exception from requirements for identification of imported sheep and goats.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed rules affect persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock. No cost impacts have been received to date.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock, will benefit from the proposed rules.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Persons who keep, buy, sell, or transport livestock and other animals, or consume products derived from livestock, will benefit from the proposed rules.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rules.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No effect on any political subdivision is anticipated by the proposed rules.

(G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

The proposed rules will have no adverse effect on small business.

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

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

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

The proposed rules will benefit public health, safety, and the environment.

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

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

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

This rule impact statement was prepared on November 29, 2021, and amended on January 21, 2022.

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

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 8. COTTON SEED BUG QUARANTINE

35:30-8-1. Establishment of quarantine

The State Board of Agriculture does hereby establish an external quarantine for the cotton seed bug (*Oxycareus hyalinipennis*).

35:30-8-2. Regulated area

Regulated articles from the State of California, and any other state or foreign country known to be infested with the cotton seed bug (*Oxycareus hyalinipennis*) shall be quarantined.

35:30-8-3. Regulated articles

The following shall be regulated pursuant to this quarantine:

- (1) All plant and plant parts of the family Malvaceae including, but not limited to, nursery stock and other living, dead, cut, or fallen fruit, fruiting structures, or seeds;
- (2) All life stages of the cotton seed bug (*Oxycareus hyalinipennis*); and
- (3) All equipment used for the production and transportation of cotton.

35:30-8-4. Conditions governing movement

(a) All regulated articles originating from quarantined areas are prohibited entry into or transition through the State of Oklahoma unless the articles are:

- (1) Accompanied by a phytosanitary certificate from the state of origin declaring the articles have been officially inspected after harvest and found free of the cotton seed bug (*Oxycareus hyalinipennis*) and the articles have been stored in such a manner to remain free of the cotton seed bug in storage and transit; or
- (2) Included in a cooperative agreement with the Oklahoma Department of Agriculture, Food, and Forestry.

(b) Regulated articles originating in an area not known to have the cotton seed bug but in transit through an area known to have the cotton seed bug shall be regulated articles.

35:30-8-5. Movement for scientific purposes

Interstate and intrastate movement of regulated articles for scientific or experimental purposes shall be exempt from the provisions of 35:30-8-4 and may move under a compliance agreement and scientific permit, as required.

SUBCHAPTER 17. COMBINED PESTICIDE

**PART 1. COMMERCIAL AND NON-COMMERCIAL CATEGORIES OF PESTICIDE
APPLICATION**

35:30-17-1.3. Commercial pesticide applicator license renewal

(a) Each license for commercial pesticide application for companies with names beginning with the letters A, B, C, D, E, F, G, H, I, J, K, and L shall expire on the 30th day of September following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of October of each year. If the application is not received by October 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by November 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.

(b) Each license for commercial pesticide application for companies with names beginning with the letters M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z shall expire on the 31st day of December following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of January of each year. If the application is not received by January 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by February 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.

PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND RECERTIFICATION

35:30-17-4. Examination of applicants for certification

(a) The written examination for certification of commercial and noncommercial applicators shall include two (2) phases. Phase I shall consist of general knowledge common to all licensed categories and shall be successfully completed before examination is attempted in any license category. Phase II shall consist of specific knowledge for each licensed category. An applicant may test in as many different licensed categories as desired. An applicant shall successfully complete a Phase II examination within twelve (12) months of passing the Phase I examination. Failure to meet the twelve (12) month deadline shall require an applicant to re-take the Phase I examination.

(b) The written examination for certification of commercial and noncommercial applicators shall be computer based and conducted at a site determined by the board.

(c) A practical examination shall also be required for commercial and noncommercial applicators in the following categories: Structural Pest, General Pest, Fumigation, and Food Processing. An individual shall successfully complete the practical examination within twelve (12) months of passing the Phase II written examination in the above categories. Failure to meet the twelve (12) month deadline shall require an individual to re-take the Phase II written examination.

(d) The practical examination shall be conducted at the training facility at Oklahoma State University and includes the successful completion of an approved training program which demonstrates a thorough knowledge in the handling of pesticides, labels and labeling requirements, storage, transportation, mixing, application, disposal, insect biology and safety. The facility at Oklahoma State University meets the following conditions for treatment in the Structural Pest Category: crawl space, voids, and a concrete floor, garage floor, or patio slab.

(e) A service technician shall be certified upon successful completion of a written service technicians examination. An individual shall not act, do business, or advertise as a service

technician unless a service technician identification has been issued by the Board. A service technicians' identification shall be issued in the name of the licensed entity. The licensee shall return the service technician identification to the Board upon termination of the employee. A service technician identification shall be valid for five (5) years unless suspended, canceled, revoked, or the service technician is no longer employed by the licensed entity. Recertification may be required at any time by the Board. The Department may issue a service technician identification upon completion of the following:

- (1) A determination is made by the Department that the applicant has successfully completed the written examination;
 - (2) The licensed entity provides a completed service technician identification application form at the time of testing; and
 - (3) All appropriate fees are paid at the time of testing.
- (f) The written examination for service technician shall be computer based and conducted at a site determined by the board.
- (g) Private applicators shall complete a certification form and an education program or written examination as required by the Board. Private applicators in the Fumigation category shall be required to complete the certification form and a closed book written exam and successfully complete the Fumigation practical at the training facility at Oklahoma State University within twelve (12) months of passing the Fumigation written exam.
- (h) The written examination for private ~~applicator~~ applicators shall be computer based and conducted at a site determined by the board.
- (i) An individual shall not act, do business, or advertise as a certified applicator unless all qualifications and standards required by the Board have been met. A certificate in any category shall be valid for five (5) years unless suspended, canceled, or revoked. Recertification may be required by the Board, but shall not exceed one recertification in a five (5) year period.
- (j) Successful completion of any written examination shall be a score of 70% or greater.
- (k) The Department may require that an individual seeking a certified applicator or service technician certification demonstrate the capability to read and write with sufficient proficiency to comprehend the content and instructions of a pesticide label.

35:30-17-6. Recertification

- (a) Each certified applicator shall seek recertification every five (5) years.
- (b) ~~A~~ Within twelve (12) months of expiration, a certified applicator shall either pass a written Phase II examination or earn a specified number of Continuing Education Units (CEU) approved by the Department to successfully complete recertification. Approximately If a certified applicant elects to re-examine and does not pass a Phase II examination within twelve (12) months of expiration, the applicant shall be required to re-take the Phase I and Phase II examinations and a practical examination, when applicable. If a certified applicant elects to earn CEU for recertification, approximately one (1) hour of education shall be the equivalent of one (1) CEU. The CEU requirements for each category are as follows:
- (1) 1a - Agricultural Plant:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in any one year - 10 CEU
 - (2) 1b - Agricultural Animal:
 - (A) Total in five years - 5 CEU

- (B) Maximum in any one year - 2 CEU
- (3) 2 - Forest:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in any one year - 5 CEU
- (4) 3a - Ornamental and Turf Outdoor:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in any one year - 10 CEU
- (5) 3b - Interiorscape:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in any one year - 5 CEU
- (6) 3c - Nursery/Greenhouse:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in any one year - 7 CEU
- (7) 4 - Seed Treatment:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year 2 CEU
- (8) 5 - Aquatic:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year 2 CEU
- (9) 6 - Right-of-Way:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in any one year 7 CEU
- (10) 7a - General Pest:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (11) 7b - Structural Pest:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (12) 7c - Fumigation:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in one year - 5 CEU
- (13) 7d - Food Processing:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in one year - 7 CEU
- (14) 8 - Public Health:
 - (A) Total in five years - 15 CEU
 - (B) Maximum in one year - 7 CEU
- (15) 9 - Regulatory:
 - (A) Total in five years - 10 CEU
 - (B) Maximum in one year - 5 CEU
- (16) 10 - Demonstration & Research in app. Category:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in one year - 10 CEU
- (17) 11a - Bird & Vertebrate Animal Pest:
 - (A) Total in five years - 5 CEU

- (B) Maximum in one year - 2 CEU
- (18) 11b - Predatory Animal
 - (A) Total in five years - 5 CEU
 - (B) Maximum in one year - 2 CEU
- (19) 12 - Timber Treating (all subcategories):
 - (A) Total in five years - 5 CEU
 - (B) Maximum in one year - 2 CEU
- (20) 13 - Antimicrobial:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year - 2 CEU
- (21) 14 - Specialty Category:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year - 2 CEU
- (22) 15 - Aerial:
 - (A) Total in five years - 5 CEU
 - (B) Maximum in any one year - 2 CEU
- (23) 16 - Private Applicator:
 - (A) Total in five years - 20 CEU
 - (B) Maximum in any one year - 10 CEU
- (c) No more than one-half (1/2) of the total credit units shall be accepted for any one Calendar year.
 - (1) Credit units shall be obtained in at least three (3) of the five (5) years, in any combination, so that the total number obtained equals or exceeds the five (5) year requirement.
 - (2) The continuing education units may be prorated for any applicator whose recertification period is less than five (5) years.
 - (3) The Department may allow a CEU to be credited to more than one category.
- (d) The CEU shall be structured to provide the following information over the five (5) year period:
 - (1) Laws and rules;
 - (2) Pesticides (formulations, registration, labeling and label comprehension, handling and storage, toxicity, and hazards);
 - (3) Application equipment and calibration;
 - (4) Pests and IPM;
 - (5) Identification of hazardous areas;
 - (6) Drift prevention;
 - (7) Endangered species;
 - (8) Groundwater; and
 - (9) Worker protection.
- (e) Any person may request approval of an education program as CEU.
 - (1) The request for approval shall include the following:
 - (A) A list of proposed topics including a description of the content and their relative value for meeting the standards of continuing certification;
 - (B) A list of speakers and their qualifications; and
 - (C) Method used to verify attendance and evaluate the progress of participants.

- (2) The Department and the Oklahoma State University Pesticide Coordinator shall review the request for approval to determine if it meets the criteria of CEU.
- (A) If the education program is approved for CEU, the person requesting approval shall be notified of the number of assigned CEU.
- (B) Awarded CEUs shall not be valid for more than five (5) years after the date of approval. After five (5) years, courses shall be resubmitted for review and approval.
- (C) The person requesting approval may appeal the number of assigned CEU to a three-person review committee with a representative from each of the following:
- (i) Oklahoma State University;
 - (ii) the Department; and
 - (iii) certified applicators.
- (3) Individuals seeking course approval for CEUs shall electronically submit course information and other required information for CEU approval through a website.

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations

- (a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2020~~ 2021 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.
- (b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 8. PESTICIDE REGISTRATIONS AND PERMITS

35:30-17-17.4. Spray adjuvant

Labels for spray adjuvants shall include:

- (1) Product brand name;
- (2) Type or function of principal functioning agents. Terms used to describe adjuvant functions shall be consistent with ASTM International Standards E 1519 and E 609. If ASTM International has not defined a term, the Department will determine the appropriate term. Functions claimed shall be consistent with the principal functioning agents. If two (2) or more functions are claimed, the functions shall be listed in descending order starting with the primary function;
- (3) Ingredient statement that includes:
 - (A) Principal functioning agents listed by chemical name in descending order of composition with either individual or total percentages. If more than three (3) functioning agents are present, only the three (3) principal agents are required to be listed;
 - (B) Percentage of constituents ineffective as spray adjuvants; and
 - (C) Total percentage of all ingredients which shall equal one hundred percent (100%);

- (4) Directions for use that include a description of intended uses and recommended use rates;
- (5) Precautionary statements adequate to protect people and the environment that include:
 - (A) Statement "Keep Out of Reach of Children"; and
 - (B) Statement prohibiting aquatic use unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates;
- (6) Appropriate storage and disposal statement;
- (7) Name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, the name shall be qualified by appropriate wording such as "Packaged for" or "Distributed by"; and
- (8) Weight or measure of the contents.

PART 9. MINIMUM STANDARDS FOR CONTRACTS AND KEEPING OF RECORDS

35:30-17-21. Records required for pesticide applications and restricted use pesticide sales

- (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 certification number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Name and address of person for whom applied.
 - ~~(5)~~ (6) 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)~~ (7) Date of application.
 - ~~(7)~~ (8) Application rate.
 - ~~(8)~~ (9) Dilution rate for mixing.
 - (9) (10) Total quantity tank mix used.
 - ~~(10)~~ (11) Complete trade name of pesticide product used.
 - ~~(11)~~ (12) EPA registration number of pesticide product used.
 - ~~(12)~~ (13) Name of adjuvants used when the label requires specific adjuvants.
 - ~~(13)~~ (14) Name of drifting agents used when the label requires specific drifting agents.
 - ~~(14)~~ (15) Target pest for the application.
 - ~~(15)~~ (16) Site where the pesticide was applied.
 - ~~(16)~~ (17) Size of the area treated.
 - ~~(17)~~ (18) Restricted Entry Interval as stated on the product label.
 - ~~(18)~~ (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - ~~(19)~~ (20) Copies of any contracts issued.
 - ~~(20)~~ (21) Copies of any wood infestation reports issued.
 - (22) 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) Name and certification number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
- (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.
- ~~(5)~~ (6) Date of application.
- ~~(6)~~ (7) Application rate.
- ~~(7)~~ (8) Dilution rate for mixing.
- ~~(8)~~ (9) Total quantity tank mix used.
- ~~(9)~~ (10) Complete trade name of pesticide product used.
- ~~(10)~~ (11) EPA registration number of pesticide product used.
- ~~(11)~~ (12) Name of adjuvants used when the label requires specific adjuvants.
- ~~(12)~~ (13) Name of drifting agents used when the label requires specific drifting agents.
- ~~(13)~~ (14) Target pest for the application.
- ~~(14)~~ (15) Site where the pesticide was applied.
- ~~(15)~~ (16) Size of the area treated.
- ~~(16)~~ (17) Restricted Entry Interval as stated on the product label.
- ~~(17)~~ (18) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
- (19) 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 and address of the residence or principal place of business of the any person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
- (6) Name and , address, license or certification number or copy of the applicator's card of the a 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.

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

- (a) A certified applicator shall be on site to use any pesticide when required by the label or labeling.
- (b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.
- (c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.
- (d) A certified applicator may be a service technician in other categories for a licensed company without completing the service technician's examination.
- (e) Certified applicators, service technicians, and private applicators shall be a minimum of eighteen (18) years of age to make pesticide applications.
- (f) "Noncertified applicator" means a person who has not met the exam qualifications of a certified applicator.
- (g) "Nonservice technician" means a person who has not met the exam qualifications of a service technician.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

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

- (a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.
- (b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

SUBCHAPTER 24. OKLAHOMA INDUSTRIAL HEMP PROGRAM

35:30-24-11.1. Allowable testing thresholds

- (a) Hemp and processed hemp shall meet the allowable laboratory testing thresholds for medical marijuana and medical marijuana products established by the Oklahoma State Department of Health at 310:681-8-1 and Appendix A.
- (b) Processors shall not process, sell, or otherwise transfer any hemp products from any hemp production batch unless samples of the production batch have passed all tests in accordance with this section.
- (c) The provisions of this section shall not apply to hemp produced for seed or fiber production.

SUBCHAPTER 25. SEED

35:30-25-15. Schedule of seed program fees

- (a) The annual license fee shall be Twenty Five Dollars (\$25.00) for each retail seed dealer ~~and~~, One Hundred Dollars (\$100.00) for each wholesale seed dealer, and One Hundred Dollars (\$100.00) for each medical marijuana seed dealer. Each license shall expire on June 30 of each year.
- (b) Wholesale seed dealers need only secure a single wholesale dealer's license to engage in both retail and wholesale sales.
- (c) Failure to remit a retail ~~or~~, wholesale, or medical marijuana seed dealer license renewal application within thirty (30) days after the renewal date shall result in a penalty equal to the cost of an additional license.
- (d) ~~A~~ A semi-annual inspection fee of eight cents (\$0.08) per hundred pounds shall be paid by every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid.
- (1) The minimum semi-annual inspection fee shall be Ten Dollars (\$10.00).
- (2) A semi-annual affidavit, stating the number of pounds of seed sold for the preceding six (6) months, shall be filed no later than the last day of January and July and the semi-annual inspection fee shall be paid upon filing of the affidavit.
- (2)(3) Failure to submit the semi-annual statement affidavit and inspection fee on time shall result in an inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater.
- (e) If the State Board of Agriculture finds any deficient semi-annual inspection fees due as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of Title 2 of the Oklahoma Statutes, the Board shall assess a penalty fee of ten percent (10%), not to exceed Two Thousand Dollars (\$2,000.00) of the amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient semi-annual inspection fees due and payment of the entire amount shall be made within thirty (30) calendar days of notice of the deficiency.

35:30-25-16. Marijuana seed

- (a) Marijuana seed shall be sold to medical marijuana adult patient licensees at dispensaries licensed by the Oklahoma Medical Marijuana Authority (OMMA).
- (b) Marijuana seed shall be sold by wholesale seed dealer licensees to:
- (1) Wholesale seed dealer licensees;
- (2) Dispensaries licensed by the OMMA; and
- (3) Growers licensed by the OMMA.
- (c) All sales of marijuana seed shall comply with OMMA administrative rules relating to product sales.

SUBCHAPTER 29. FERTILIZER

PART 5. LICENSES AND COMPLAINTS

35:30-29-51. Fertilizer license and schedule of fertilizer fees

- (a) Any person engaged in the distribution or sale of fertilizer shall obtain a license.
- (b) The Board shall not issue a fertilizer license to any bulk dry, liquid, or anhydrous ammonia facility unless the following are approved by the Board:
 - (1) Completed fertilizer license application;
 - (2) A completed fertilizer facility application package submitted in a format approved by the Board;
 - (3) Site inspection performed by the Board prior to construction;
 - (4) Final construction of the facility; and
 - (5) Completion of all other conditions required by the Board.
- (c) The Board shall not issue and may revoke any fertilizer registration if the Board determines:
 - (1) The nutrient value of the product or substance has inadequate plant food content; or
 - (2) The registration is for the primary purpose of disposal of the product or substance.
- (d) Fertilizer license renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the license.
- (e) Fertilizer registration renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the registration.
- (f) Fees for the fertilizer program shall be as follows:
 - (1) The annual fee for persons operating a business engaged in the distribution or sale of a fertilizer shall be Fifty Dollars (\$50.00) and expire on December 31 of each year.
 - (2) An inspection fee of one dollar (\$1.00) per ton of which fifty cents (\$0.50) per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account Fund.
 - (3) Each registrant distributing fertilizer in this state shall file with the Board not later than the last day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of fertilizer distributed during the preceding six (6) calendar months. The inspection fee and tonnage report shall be due within thirty (30) days following the close of the filing period and upon return of the statement the licensee shall pay the inspection fee. If no fertilizer was sold or distributed in this state for the semiannual period, the registrant shall submit a statement reflecting that information and shall remit a minimum fee of ten dollars (\$10.00). If the inspection fee and tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee due or a minimum of ten dollars (\$10.00), shall be assessed and added to the amount due.
 - (4) If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of the Oklahoma Fertilizer Act, the Board shall assess a penalty fee of ten percent (10%) of the amount due, with a maximum not to exceed two thousand dollars (\$2,000.00) or a minimum of one hundred dollars (\$100.00) whichever is

greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of the deficiency.

(5) Annual registrations for specialty fertilizer products sold in packages of less than thirty (30) pounds shall pay a one hundred dollar (\$100.00) registration fee for each product. Specialty fertilizer product registrations shall expire on June 30 of each year. Specialty fertilizer registration renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the registration. The penalty for failure to register any specialty fertilizer product shall be one hundred dollars (\$100.00) per product and shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

SUBCHAPTER 37. NURSERY STOCK SALES

35:30-37-13. Prohibited sale of noxious weeds

Plants listed on the Federal Noxious Weed List, 7 CFR §360.200, are prohibited from propagation, sale, or distribution in Oklahoma. This shall include sterile varieties of Imperata cylindrica.

the 1990s, the number of people with a diagnosis of schizophrenia has increased in the United Kingdom (Meltzer 1997). The prevalence of schizophrenia in the United Kingdom is estimated to be 1.2% (Meltzer 1997).

There is a growing awareness of the need to improve the lives of people with mental health problems. The United Kingdom has a number of government departments and agencies that are responsible for the provision of mental health services. The Department of Health is responsible for the overall policy and funding of mental health services. The Department of Social Security is responsible for the provision of social security benefits to people with mental health problems. The Department of the Environment is responsible for the provision of housing and social services to people with mental health problems.

The Department of Health has a number of initiatives aimed at improving the lives of people with mental health problems. The Mental Health Act 1983 was amended in 1995 to give people with mental health problems more rights. The Mental Health Act 1995 gave people with mental health problems the right to refuse treatment. The Mental Health Act 1995 also gave people with mental health problems the right to be consulted about their treatment. The Mental Health Act 1995 also gave people with mental health problems the right to be consulted about their care.

The Department of Social Security has a number of initiatives aimed at improving the lives of people with mental health problems. The Social Security Act 1998 gave people with mental health problems the right to be consulted about their benefits. The Social Security Act 1998 also gave people with mental health problems the right to be consulted about their care.

The Department of the Environment has a number of initiatives aimed at improving the lives of people with mental health problems. The Housing Act 1996 gave people with mental health problems the right to be consulted about their housing. The Housing Act 1996 also gave people with mental health problems the right to be consulted about their care.

The Department of the Environment has a number of initiatives aimed at improving the lives of people with mental health problems. The Housing Act 1996 gave people with mental health problems the right to be consulted about their housing. The Housing Act 1996 also gave people with mental health problems the right to be consulted about their care.

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The Department of the Environment has a number of initiatives aimed at improving the lives of people with mental health problems. The Housing Act 1996 gave people with mental health problems the right to be consulted about their housing. The Housing Act 1996 also gave people with mental health problems the right to be consulted about their care.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments establish a cotton seed bug quarantine; provide for regulation of certain areas and articles; provide for movement of certain articles under certain circumstances; provide for commercial pesticide applicator license renewal; modify certain examination and recertification requirements; update citations to the Code of Federal Regulations; provide requirements for labeling of spray adjuvants; modify minimum standards for keeping of certain records; provide definitions; provide allowable testing thresholds for hemp and processed hemp; modify seed program fees; provide for sale of marijuana seed; provide penalty for late renewal of specialty fertilizer registration; and prohibit sale of certain noxious weeds.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed rule amendments affect consumers and persons regulated by the Department's combined pesticide, industrial hemp, seed, fertilizer, and nursery stock sales programs. No cost impacts have been received.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Consumers and persons regulated by the Department's combined pesticide, industrial hemp, seed, fertilizer, and nursery stock sales programs will benefit from the proposed rule amendments.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

The affected classes of persons will benefit from the proposed rule amendments.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rule amendments.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No effect on any political subdivision is anticipated by the proposed rule amendments.

(G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS**

PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

The proposed rule amendments will have no adverse effect on small business.

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

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

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

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

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

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

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on November 29, 2021, and amended on January 21, 2022.

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

CHAPTER 37. FOOD SAFETY

SUBCHAPTER 1. EGGS

35:37-1-2. Methods of grading

Methods of egg grading shall be the same as those described in USDA "Regulations Governing the Voluntary Grading of Shell Eggs 7 CFR Part 56" (~~2020~~ 2021 Version).

SUBCHAPTER 3. MEAT INSPECTION

PART 1. GENERAL PROVISIONS

35:37-3-1. Incorporation by reference of federal meat inspection regulations

The Mandatory Meat Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (~~2020~~ 2021 Revision), Parts 301 to 391; 416; 417; 418; 424; 430; 441; 442 and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-3-3. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry form, certificate or seal shall be substituted.

35:37-3-3. Deleted regulations

The following sections of the Federal regulations governing the mandatory meat inspection of the USDA incorporated by reference under 35:37-3-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 9 CFR 302.2; 303.1(c); 304.1; 304.2(a); 304.2(c); 305.2(b); 307.4; 307.5; 307.6; 316.12; 316.13(c); 317.5; 317.7; 317.9; 317.13; 318.8; 318.12; 321; 322; 327; 329; 331; 335; 351; 352; 354; 355; 362; 381; 390; 391; 392; 439; and 590 (~~2020~~ 2021 Revision).

35:37-3-6 Oklahoma Certified Beef

(a) The Oklahoma Department of Agriculture, Food, and Forestry shall only investigate claims of noncompliance with the Oklahoma Certified Beef program upon receipt of a properly completed complaint form.

(b) Investigations of noncompliance will be to determine only if the bovine were bred, born, raised, and slaughtered within Oklahoma.

(c) Noncompliance may result in, but is not limited to, administrative fines, suspension from participation in the Oklahoma Certified Beef program, and removal and a lifetime ban from the Oklahoma Certified Beef program.

SUBCHAPTER 5. POULTRY PRODUCTS INSPECTION

PART 1. GENERAL PROVISIONS

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

(a) The Mandatory Poultry Inspection Regulations found in Title 9 of the Code of Federal Regulations (CFR) (~~2020~~ 2021 Revision), Parts 381; 416; 417; 418; 424; 430; 441; 442; and 500 for the United States Department of Agriculture (USDA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:37-5-2. Whenever an official mark, form, certificate or seal is designated by federal regulations, the appropriate Oklahoma Department of Agriculture, Food, and Forestry mark, form, certificate or seal shall be substituted.

(b) All words and terms defined or used in the federal regulations incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

(c) The following terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise:

- (1) **"Act"** means the Oklahoma Poultry Products Inspection Act.
- (2) **"Director"** means the Director of Meat Inspection.
- (3) **"Poultry"** means any domesticated bird, whether live or dead, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs (also known as young pigeons from one to about thirty (30) days of age).
- (4) **"Poultry product"** means any poultry carcass, part, or product made wholly or in part from any poultry carcass or part that can be used as human food, except those exempted from definition as a poultry product in Title 9 of the Code of Federal Regulations (CFR), Part 381.15. This term shall not include detached ova.
- (5) **"Poultry byproduct"** means the skin, fat, gizzard, heart, or liver, or any combination of any poultry for cooked, smoked sausage.

35:37-5-2. Deleted regulations and exemptions

(a) The following sections of the Federal regulations governing the mandatory poultry inspection (9 CFR, Part 381; 416; 417; 418; 424; 441; 442; and 500), (~~2020~~ 2021 Revision) of the USDA incorporated by reference under 35:15-27-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 381.6; 381.10(a)(2), (5), (6), and (7); 381.10(b); 381.10(d)(2)(i); 381.13(b); 381.16; 381.17; 381.20; 381.21; 381.37; 381.38; 381.39; 381.96; 381.101; 381.103 through 381.112; 381.123(b)(1) and (4); 381.132(c); 381.133; 381.179; 381.185; 381.186; and 381.195 through 381.225.

(b) The provisions of this Act and rules do not apply to poultry producers who slaughter their own poultry raised on their farm, and each of the following apply:

- (1) The producers slaughter no more than two thousand five hundred (2,500) turkeys or their equivalent with a ratio of four (4) birds of other species, excluding ratites, to one (1) turkey during a calendar year;
- (2) The producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;
- (3) The poultry and poultry products do not move in commerce. Producers are prohibited from selling or donating uninspected poultry products to retail stores, brokers, meat markets, schools, orphanages, nursing homes, and other similar establishments and are prohibited from sales or donation of uninspected poultry through any type of retail market or similar establishment owned or operated by the producer;
- (4) The producers submit a certificate of registration to the Department;

- (5) The poultry is healthy, slaughtered and processed under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food, and each carcass, part, or poultry product bears a label that lists the producer's name, and address and the following statement, "This poultry product has not been inspected and passed";
- (6) The poultry is sold directly to a household consumer, restaurant, hotel, or boardinghouse, for use in their establishment or in the preparation of meals for sales directly to consumers and transported without third-party intervention or intervening transfer or storage, and is maintained in a safe and unadulterated condition during transportation;
- (7) The producers shall meet the sanitation requirements provided in 9 CFR 416.1-5 and allow the Department to inspect sanitation at least two (2) times each year; and
- (8) The producers shall maintain records of poultry sales and allow the Department to examine records at all reasonable times, upon notice.

SUBCHAPTER 15. ORGANIC PRODUCTS

35:37-15-2. The Adoption of NOP Standards

The Department adopts or incorporates by reference the following parts of the official rules and regulations of the NOP, 7 CFR Part 205 (~~2020~~ 2021 Revision), except for OAC 35:37-15-1, or as the Department designates otherwise in specific cases:

- (1) Subpart A - Definitions, except for those designated otherwise by this subchapter;
- (2) Subpart B - Applicability;
- (3) Subpart C - Organic Production and Handling Requirements;
- (4) Subpart D - Labels, Labeling, and Market Information;
- (5) Subpart E - Certification;
- (6) Subpart F - General Requirements for Accreditation; and
- (7) Subpart G - Administrative.
 - (A) Sections 205.600 through 205.607.
 - (B) Sections 205.660 through 205.663.
 - (C) Sections 205.670 through 205.672.
 - (D) Sections 205.680 through 205.681.

SUBCHAPTER 17. PRODUCE SAFETY

35:37-17-3. Incorporation by reference of federal produce safety regulations

The Department incorporates by reference Title 21 of the Code of Federal Regulations, Part 112 (~~2018~~ 2021 Revision) regarding standards for the growing, harvesting, packing, and holding of produce for human consumption.

SUBCHAPTER 19. HOMEMADE FOOD

35:37-19-1. Purpose

These rules are for regulating the production, sale, and resale of homemade food products pursuant to the provisions of Section 5-4.1 et seq. of Title 2 of the Oklahoma Statutes.

35:37-19-2. Definitions

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

"Home food establishment" shall mean a business on the premises of a home, apartment, or other dwelling in which a producer resides and in which homemade food products are created for sale or resale if the business has gross annual sales of prepared food of less than Seventy-five Thousand Dollars (\$75,000.00). A home food establishment shall be limited to one business per premises, but gross annual sales of the business shall include all sales of prepared food produced by the business at any location;

"Delivered" shall mean transferred to the customer, either immediately upon sale or at a time thereafter;

"Homemade food product" shall mean food, including a beverage, which is produced and, if packaged, packaged at a residence; provided, however, homemade food product shall not mean alcoholic beverages, unpasteurized milk, cannabis or marijuana products and shall not contain seafood, including, but not limited to, all fish, shellfish, and fishery products, meat, meat by-products, or meat food products as defined by Section 301.2 of Title 9 of the Code of Federal Regulations or poultry, poultry products, or poultry food products as defined for purposes of the federal Poultry Products Inspection Act;

"Non-time-or-temperature-controlled-for-safety" shall mean food that does not require time or temperature control for safety to limit the rapid and progressive growth of infectious or toxigenic microorganisms, including foods that have a pH level of four and six-tenths (4.6) or below or a water activity (aw) value of eighty-five one-hundredths (0.85) or less;

"Time-or-temperature-controlled-for-safety" shall mean a food that requires time or temperature control for safety to limit infectious or toxigenic microorganisms and is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; provided, however, time or temperature controlled for safety shall not include foods that have a pH level of four and six-tenths (4.6) or below or a water activity (aw) value of eighty-five one-hundredths (0.85) or less;

"Produce" shall mean to prepare a food product by cooking, baking, drying, mixing, cutting, canning, fermenting, preserving, dehydrating, growing, raising, or other process; and

"Producer" shall mean the person who produces a homemade food product in a home food establishment.

35:37-19-3 Sale and delivery requirements

(a) Non-time-or-temperature-controlled-for-safety homemade food products shall be sold:

1. By the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone; or
2. By a producer's designated agent or a third-party vendor, including, but not limited to, a retail or grocery store, farm, farm stand, farmers market, membership-based buying club, craft fair, or flea market, to the consumer; provided, the third-party vendor shall display a placard where homemade food products are displayed for sale with the following disclosure: "This product was produced in a private residence that is exempt from government licensing and inspection. This product may contain allergens."

(b) Non-time-or-temperature-controlled-for-safety homemade food products shall be delivered:

1. By the producer or producer's designated agent directly to the consumer or a third-party vendor; or

2. By a third-party vendor or a third-party carrier, such as a parcel delivery service, to the consumer or a third-party vendor.
- (c) Time-or-temperature-controlled-for-safety homemade food products shall be sold by the producer directly to the consumer, either in person or by remote means, including, but not limited to, the internet or telephone.
- (d) Time-or-temperature-controlled-for-safety homemade food products shall be delivered by the producer directly to the consumer.
- (e) Before a producer begins to produce and sell time-or-temperature-controlled-for-safety homemade food products and thereafter, the producer shall satisfactorily complete and maintain food safety training from a list of providers, including the ServSafe Food Handler Training, approved by the Oklahoma Department of Agriculture, Food, and Forestry. Food safety training shall be available online and shall not exceed eight (8) hours in length.
- (f) Homemade food products that are packaged and distributed in interstate commerce shall be sold in accordance with federal law.

35:37-19-4 Labeling requirements

- (a) The following information shall be provided to the consumer in the format required by subsection b of this section:
1. Name and phone number of the producer;
 2. Physical address where the product was produced;
 3. Description of the homemade food product;
 4. Ingredients of the homemade food product in descending order of proportion;
 5. Statement indicating the presence of any of the most common allergens, including milk, eggs, peanuts, tree nuts, soybeans, wheat, fish, crustacean shellfish, and sesame; and
 6. Legible print stating, "This product was produced in a private residence that is exempt from government licensing and inspection."
- (b) The information required by subsection a of this section shall be provided in a legible format of at least 10-point font, in the following manner:
1. On a label affixed to the package if the homemade food product is packaged;
 2. On a label affixed to a container if the homemade food product is offered for sale from a bulk container directly to the consumer;
 3. On a placard displayed at the point of sale and on a card or other item that is made available to the consumer and is readily carryable if the homemade food product is not packaged; and
 4. Displayed on the webpage from which the homemade food product is offered for sale if it is sold on the internet; provided, each item sold over the internet shall be properly labeled or shall have a label included in the shipping container.
- (c) Homemade food products that are packaged and distributed in interstate commerce shall be labeled in accordance with federal law.

35:37-19-5 Violations

- (a) Upon receipt of a consumer complaint, the Oklahoma Department of Agriculture, Food, and Forestry may request proof of completion of food safety training, verify a producer's gross sales, and ensure a producer has complied with sale, delivery, and labeling requirements.
- (b) Each violation shall be punishable by an administrative fine not exceeding Three Hundred Dollars (\$300.00).

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments update citations to the Code of Federal Regulations and other procedures and regulations; provide new rules for regulating the production, sale and resale of homemade food products; add definitions; provide sale, delivery, and labeling requirements for homemade food products; and provide penalty for violations.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rule amendments affect persons regulated by the Department's Food Safety program. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on current citations and those who wish to produce, sale and resale homemade food products through the Department's Food Safety program will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons relying on the Department's Food Safety program will be provided with current legal citations and new rules for the production, sale, and resale of homemade food products.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rule amendments.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rule amendments will have no adverse effect on small business.

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

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

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.

**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

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

"Agricultural product" means a product of cultivating the soil, growing crops, or raising livestock, horticultural commodity, silvicultural commodity, or agricultural product, horticultural product, viticulture, or silvicultural product, or bees and honey, planting seed, rice, livestock or livestock product, or poultry or poultry product, produced in this state, either in its natural state or as processed by the producer.

"Agricultural producer" means a person engaged in the business of cultivating, growing, raising, or processing for commercial purposes an agricultural commodity.

"Agritourism" means a working farm or ranch that is open to the public for purposes of purchasing products, public learning opportunities, recreational activities and stimulate economic growth and viability in rural communities by promoting and fostering agritourism ventures in Oklahoma.

"Applicant" means a person who is requesting loans or grants from the Oklahoma Agriculture Enhancement and Diversification Program.

"Application" means a form provided by the Department, that is used to request funds in the form of a loan or grant.

"Board" means the State Board of Agriculture or its designee.

"Borrower" means an individual, group of individuals, or an individual acting on behalf of a group or a corporation, which have been lent funds, as a loan.

"Contract" means a signed agreement between the State Board of Agriculture and the borrower or grantee outlining the terms and conditions of the loan or grant, including repayment schedules and other guidelines.

"Cooperative" means a group of individuals working together, who have an informal or formal agreement.

"Family farm" means a single family unit or multiple family members of the same lineage engaged in the business of producing or causing to be produced for commercial purposes an agriculture commodity.

"Grant" means funds awarded to an entity by the State Board of Agriculture, with no reimbursement required.

"Grantee" means an individual, group of individuals, or an individual acting on behalf of a group or a corporation that has been awarded funds as a grant.

"Loan" means funds provided by the State Board of Agriculture. Terms and conditions of the loan shall be outlined in a contract between the State Board of Agriculture and the borrower.

"Nontraditional crops" "nontraditional livestock" means any crops, livestock or agricultural products except wheat, corn, soybeans, milo, peanuts, cotton, hay, oats, beef cattle, dairy cattle, swine, poultry, and equine.

"Proposal" means a portion of the application that includes the executive summary, project narrative, list of funding sources and a breakdown of planned expenditures by those sources and the project budget.

"Veteran farmer" means an individual who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve components thereof, and who was discharged or released under conditions other than dishonorable.

"Young farmer" means an individual under forty-five (45) years of age.

PART 3. APPLICANT ELIGIBILITY

35:40-5-31. Applicant eligibility

(a) An Applicant shall be individual person of at least twenty-one (21) years of age and a legal resident of the state of Oklahoma, Oklahoma corporation or legal entity, or Oklahoma governmental subdivision.

(b) Eligibility may be given to those applicants whose:

- (1) Projects demonstrate a shared commitment for funding or in kind services from the applicant and other private or public sources, if any;
- (2) Industrial and nonfood production processes utilize agricultural products;
- (3) Food, feed, and fiber products and their uses are innovative and add to the value of agricultural products;
- (4) Applications demonstrate a high feasibility of job creation and return-on-investments;
- (5) Proposals demonstrate a high feasibility of rapid commercialization;
- (6) Proposals center efforts on non-urban locales;
- (7) Principals are individuals, a group of individuals, an individual acting on behalf of a group, or corporations which meet the criteria set forth in Section 951 of Title 18 of the Oklahoma Statutes, to market a product or formulate or implement a marketing plan for agricultural products which have not been marketed through existing marketing cooperatives produced or processed in Oklahoma;
- (8) Proposals contain the potential to create additional income for the farm unit;
- (9) Proposals provide for new and innovative plans for marketing the product;
- (10) Proposals feature research that is innovative as well as commercially feasible; or
- (11) Proposals ~~shall result in creation~~ create or ~~expansion of~~ expand viable agritourism venues.

(c) Eligibility may be given for new agricultural event applicants that:

- (1) Highlight an agricultural commodity;
- (2) Include an educational component;
- (3) Enhance the economic impact of the agricultural commodity;
- (4) Impact a large geographic region of the state; and
- (5) Are endorsed by a governmental subdivision or local Chamber of Commerce.

(d) Eligibility may be given for an established agricultural event applicants that:

- (1) Enhance the economic impact of an agricultural commodity;
- (2) Include an educational component;
- (3) Include proposals to increase participation and attendance;

- (4) Are endorsed by a governmental subdivision or local Chamber of Commerce; and
- (5) Provide supporting documents demonstrating the economic impact of prior agricultural events.
- (e) Consideration shall not be given to applications for:
 - (1) Research or marketing plans which do not clearly meet the stated objectives of the Oklahoma Agriculture Enhancement and Diversification Program;
 - (2) Proposals which are aimed solely at business expansion or creation without regard to agricultural products utilization; ~~and~~
 - (3) Research or marketing plans that cannot reasonably be expected to result in a viable commercial application, or that are or have been duplicated by other research efforts; or
 - (4) Proposals for growing or any other aspect of medical marijuana.

PART 5. EVALUATION AND FUNDING CRITERIA

35:40-5-51. Evaluation and funding criteria

- (a) The Department shall evaluate each proposal.
- (b) Each application evaluation shall be based on the following criteria:
 - (1) An evaluation of the likelihood of the proposal's success.
 - (2) Demonstration of a high probability of job and wealth creation.
 - (3) A review of credibility, merit, technical, and commercial feasibility; innovative and commercially plausible research; and relative competence and technical qualifications of project principals.
 - (4) Demonstration that the proposal can be implemented quickly and has a high probability of rapid commercialization.
 - (5) Demonstration of a shared commitment for funding from other private or public sources or the applicant in the form of cash, in-kind services, or both. Indirect costs may qualify for matching funds. Preference shall be given to the applications with shared cash funding however, disbursement of funds shall be contingent on the production of evidence that matching funds have been allocated to the proposal.
 - (6) Centering of efforts on non-urban or rural locales except when the proposal requires specific research that cannot possibly be carried out in rural Oklahoma, consideration shall be given to the ultimate development and commercialization of the results of the proposal, with the same rural preference.
- (c) Each application evaluation for new or established agricultural events shall be based on the following criteria:
 - (1) The completeness of the application;
 - (2) The likelihood of success;
 - (3) Level of economic impact of the agricultural event;
 - (4) A review of educational component;
 - (5) The impact to Oklahoma agriculture;
 - (6) The size of geographic region of the state impacted;
 - (7) The use of grant funds; and
 - (8) Endorsements by governmental subdivisions, local Chambers of Commerce, and other community organizations.

(d) The Department shall not consider any portion of an application requesting funding for the purchase of real property, live animals, or motorized vehicles including, but not limited to, automobiles, sport utility vehicles, all-terrain vehicles, and utility terrain vehicles.

PART 11. TERMS OF LOANS ~~OR~~ AND GRANTS

35:40-5-111. Terms of loans ~~or~~ and grants

(a) Loan funds shall be provided at zero interest with repayment terms determined by the Board. Repayment of loans in an amount of \$20,000.00 or less shall begin three (3) years from the date funds are initially issued to the borrower and shall be completed in not more than three (3) years. Repayment of loans in an amount over \$20,000.00 shall begin three (3) years from the date funds are initially issued to the borrower and shall be completed in not more than five (5) years. Loan repayments shall be in equal installments as specified in the loan contract.

(b) In the event the facility or project fails to succeed, the borrower may submit in writing, a petition to the Department to convert the balance from a loan to a grant. Petitions recommended for approval shall be submitted to the State Board of Agriculture for final determination.

(c) Grant funds for Value-Added Agriculture, Farm Diversification, ~~agritourism venue development and expansion~~, and Basic Product Development and Applied Research projects may be awarded in amounts up to but not exceeding \$10,000.

(1) Grants awarded ~~for less than~~ in the amount of \$2,500 or less shall not be required to provide matching funds.

(2) Grants awarded for \$2,501 to \$5,000 shall require a fifty percent (50%) matching contribution of funds or in-kind.

(3) Grants awarded in ~~excess~~ the amount of \$5,001 or more shall require a dollar for dollar ratio of matching dollars.

(d) Grant funds for Agriculture events may be awarded in amounts up to but not exceeding \$50,000.

(1) Grants awarded in the amount of \$2,500 or less shall have supporting documents projecting an economic impact up to \$5,000.

(2) Grants awarded in the amount of \$2,501 to \$5,000 shall have supporting documents projecting an economic impact of \$5,001 to \$75,000.

(3) Grants awarded in the amount of \$5,001 to \$50,000 shall have supporting documents projecting an economic impact of more than \$75,000.

PART 13. MARKETING AND UTILIZATION LOANS [REVOKED]

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

~~A marketing and utilization loan may be used to assist in the development or implementation of sound domestic or foreign marketing plans for Oklahoma agricultural products, by products, agritourism venues, or new or better uses for existing agricultural products by the financing of marketing feasibility studies, business plans, and test marketing.~~

~~(1) Proposals shall encourage the creation of jobs and industry within the agricultural sector of the state.~~

~~(2) Applicants shall encourage the use of funds to seek new markets and marketing ideas, both domestically and internationally.~~

PART 15. COOPERATIVE MARKETING VALUE-ADDED AGRICULTURE LOANS AND GRANTS

35:40-5-151. ~~Cooperative marketing~~ Value-added agriculture loans and grants

~~Cooperative marketing loans or~~ Value-added agriculture loans and grants ~~are to shall~~ be ~~available to~~ used by entities or individuals ~~wishing to work together~~ to develop or establish production, processing or marketing of agricultural products and to establish or expand agritourism ventures. The purpose of this category is to provide funding for promoting productivity, providing added value to agricultural products, stimulating and fostering agricultural diversification, and encouraging processing innovations. Proposals for a value-added agriculture loan or grant shall:

- ~~(1) Preference shall be given to principals who are individuals rather than existing corporations. Demonstrate ability to produce a viable product and include completed research relating to product development, recipe scaling, packaging, and ingredient sourcing;~~
- ~~(2) Proof of a cooperative agreement, either formal or informal, shall be provided to the Advisory Board. Show a feasible marketing plan that includes profitability and sales outlets; and~~
- ~~(3) Proposals should provide an outlet for products normally not marketed through existing marketing cooperatives.~~
- ~~(4) A well researched, feasible marketing plan for the specific crop, livestock, or on farm, value-added processing shall be included in the proposal~~ Include a description of how production will create jobs and enhance the community.

PART 17. FARM DIVERSIFICATION GRANTS

35:40-5-171. Farm diversification grants

Farm diversification grants ~~are to shall~~ be used for projects dealing with the diversification of family farms or ranches ~~or agritourism venues, to~~ nontraditional crops, nontraditional livestock, on-farm, ~~value-added~~ processing of agricultural commodities, or development of an agritourism venue ~~that will promote access to a new market~~. Proposals for a farm diversification grant shall ~~be evaluated as follows:~~

- ~~(1) Proposals shall have~~ Show the potential to create additional income for the farm unit; and
- ~~(2) Proposals shall demonstrate~~ Demonstrate a well-researched plan. ~~This for production and marketing which~~ includes exploration and research of possible markets for the product and probable income; ~~and~~
- ~~(3) Proposals shall contain new and innovative plans for marketing the product.~~

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

~~Business creation, expansion, or research which shall likely lead to a marketable product shall include but is not limited to~~ Product development and research grants and loans shall be used to create or expand agricultural business through research including, but not limited to,

feasibility studies, test marketing costs, and product development. Proposals for a product development and research loan or grant shall:

- ~~(1) Focused research which enhances the value of an agricultural product or by product; Show there is no similar research on the proposed product; and~~
- ~~(2) Feasibility studies; Demonstrate how the proposed research will lead to a marketable product~~
- ~~(3) Product development costs;~~
- ~~(4) Projects that are driven by an entrepreneur or the industry and~~
- ~~(5) Agritourism.~~

PART 23. AGRICULTURE EVENT GRANTS

35:40-5-221. Agriculture event grants

~~(a) Agriculture event grants shall be for the purpose of creating used to create a new agricultural event, highlighting that highlights an agricultural commodity, expanding product or expands the economic benefits benefit of an established agricultural event, increasing agricultural productivity and participation, or enhancing economic impact of the event on local or regional commerce.~~

~~(b) An agricultural event grant shall include an~~ Proposals for an agriculture event grant shall:

- (1) Illustrate the educational component of the event; and
- (2) Demonstrate the economic impact of the event.

PART 25. VETERAN OR YOUNG FARMER LOANS AND GRANTS

35:40-5-231. Veteran or young farmer loans and grants

Veteran or young farmer loans and grants shall be for a veteran or young farmer who is engaged in the creation or expansion of an agricultural business. Proposals for a veteran or young farmer loan or grant shall:

- (1) Demonstrate financial need of the veteran or young farmer; and
- (2) Provide a strong business plan which includes a minimum of five (5) years projected productivity and income.

SUBCHAPTER 23. MADE IN OKLAHOMA

35:40-23-4. Product eligibility

(a) Products eligible to use the Made in Oklahoma logo shall:

- (1) Be processed or manufactured in an Oklahoma facility;
- (2) Meet or exceed all federal and State of Oklahoma standards and regulations; and
- (3) Include an Oklahoma address on each label.

(b) Products produced, sold, or resold pursuant to the provisions of Section 5-4.1 et seq. of Title 2 of the Oklahoma Statutes shall not be eligible to use the Made in Oklahoma logo.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

(A) PURPOSE OF THE PROPOSED RULE:

The proposed rules amend the Oklahoma Agricultural Enhancement and Diversification Program to add definitions; modify eligibility requirements and evaluation criteria; modify names and requirements of certain loan and grant programs; revoke and create certain loan and grant programs; and conform language. The proposed rules amend the Made in Oklahoma Program to exclude certain products from being eligible to participate in the program.

(B) CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:

The proposed rules primarily affect those persons participating in the Oklahoma Agricultural Enhancement and Diversification Program and the Made in Oklahoma Program.

(C) PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:

Persons who participate in the Oklahoma Agricultural Enhancement and Diversification Program and the Made in Oklahoma Program will benefit from the proposed rules.

(D) DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:

Persons who participate in the Oklahoma Agricultural Enhancement and Diversification Program and the Made in Oklahoma Program will be impacted by modifications to the programs.

(E) PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:

There is no increased cost to the agency.

(F) DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No economic effect on any political subdivision is anticipated by the proposed rule amendments.

(G) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

No adverse impacts on small businesses are anticipated.

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

No less costly or non-regulatory method is available.

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

No effect on the public health, safety, and environment will occur.

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

No detrimental effect upon the public health, safety, or environment is anticipated with the implementation of the proposed rule amendments.

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

This rule impact statement was prepared on November 29, 2021.

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

**CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION
SYSTEM**

SUBCHAPTER 1. AGRICULTURE ENVIRONMENTAL PERMITTING AND AGPDES

PART 1. GENERAL PROVISIONS

35:44-1-3. Date of federal regulations incorporated

When reference is made to 40 CFR it means, unless otherwise specified, Title 40 of the Code of Federal Regulations (~~2020~~ 2021 Revision).

SUBCHAPTER 3. PERMIT CONDITIONS AND REQUIREMENTS

35:44-3-3. Date of federal regulations incorporated

When reference is made to 40 CFR it means, unless otherwise specified, Title 40 of the Code of Federal Regulations (~~2020~~ 2021 Revision).

RULE IMPACT STATEMENT

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

CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

(A) PURPOSE OF THE PROPOSED RULE:

The proposed rules update citations to the Code of Federal Regulations.

(B) CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:

The proposed rules affect persons regulated by the Department's Agriculture Pollutant Discharge Elimination System (AgPDES) program. No cost impacts have been received to date.

(C) PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:

Persons who rely on current citations for the Department's AgPDES program will benefit from the proposed rules.

(D) DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:

Persons who rely on the Department's AgPDES program will be provided with current legal citations in the proposed rules.

(E) PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:

No additional cost to the Department is anticipated by the proposed rules.

(F) DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No effect on any political subdivision is anticipated by the proposed rules.

(G) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

The proposed rules will have no adverse effect on small business.

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

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

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.

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

CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

SUBCHAPTER 3. STANDARDS OF CARE

35:55-3-1. Incorporation by reference

(a) The following provisions of Title 9 of the Code of Federal Regulations and the requirements contained therein pertaining to Animal Welfare, Part 3 (Standards) are, unless otherwise specified, adopted and incorporated by reference in their entirety:

- (1) 3.1 (housing facilities, general)
- (2) 3.2 (indoor housing facilities)
- (3) 3.3 (sheltered housing facilities)
- (4) 3.4 (outdoor housing facilities)
- (5) 3.5 (mobile or traveling housing facilities)
- (6) 3.6 (primary enclosures), except for 3.6 (c)(1)(ii) and (c)(2)
- (7) 3.7 (compatible grouping)
- (8) 3.8 (exercise for dogs)
- (9) 3.9 (feeding)
- (10) 3.11 (cleaning, sanitization, housekeeping, and pest control)
- (11) 3.12 (employees)
- (12) 3.13 (consignments to carriers and intermediate handlers)
- (13) 3.14 (primary enclosures used to transport live dogs and cats)
- (14) 3.15 (primary conveyances [motor vehicle, rail, air, and marine])
- (15) 3.16 (food and water requirements)
- (16) 3.17 (care in transit)
- (17) 3.18 (terminal facilities)
- (18) 3.19 (handling)

(b) When reference is made to a federal entity, it shall mean the state counterpart.

(c) When reference is made to 9 C.F.R. it means, unless otherwise specified, the volume of 9 C.F.R. as published on July 1 (~~2020~~ 2021).

the 1990s, the number of people in the UK who are aged 65 and over has increased by 1.5 million, and the number of people aged 75 and over has increased by 1.2 million (Office of National Statistics 1999). The number of people aged 65 and over is projected to increase to 6.5 million by 2010, and the number of people aged 75 and over to 4.5 million (Office of National Statistics 1999).

There is a growing awareness of the need to develop services to meet the needs of older people, and a number of initiatives have been developed to address this need. The Department of Health (1999) has published a strategy for older people, which sets out the government's commitment to improve the lives of older people. The strategy is based on three main principles: (1) to ensure that older people have the opportunity to live independently and actively; (2) to ensure that older people have access to the services and support they need; and (3) to ensure that older people are treated with respect and dignity.

The strategy is based on the following assumptions: (1) that older people are a diverse group with different needs and interests; (2) that older people should be able to live independently and actively; (3) that older people should have access to the services and support they need; and (4) that older people should be treated with respect and dignity. The strategy sets out a number of key objectives, including: to improve the health and well-being of older people; to improve the social and economic participation of older people; and to improve the quality of life of older people.

The strategy also sets out a number of key actions, including: to improve the health and well-being of older people; to improve the social and economic participation of older people; and to improve the quality of life of older people. The strategy is a framework for action, and it is up to local authorities and service providers to develop the services and support that are needed to meet the needs of older people.

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RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed amendments update citations to the Code of Federal Regulations.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rules affect persons regulated by the Department's commercial pet breeders and animal shelter licensing program. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who rely on the Department's commercial pet breeders and animal shelter program will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who rely on the Department's commercial pet breeders and animal shelter program will be provided with current legal citations in the proposed rules.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rules.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

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

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

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

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

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

This rule impact statement was prepared on November 29, 2021.