

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

Wednesday, March 9, 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 January 26, 2022.
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

7. Consideration and Proposed Action on Purchases/Contracts
- \$422,000 – purchase of new agency vehicles
 - \$6,000 – Asset Panda – purchase of an agency inventory software system
 - \$21,683 – Allflex
 - FY22 – Transport trucks - \$458,850
 - FY22 – Dovetail beds - \$256,000
 - FY22 – Mobile radios and accessories - \$17,000
 - FY22 – Laptop computers - \$19,200
 - FY22 – Pickup trucks, ½-ton, 4X4 - \$82,000
 - FY22 – Pickups, ¾-ton, 4X4 - \$149,250
 - FY22 – Gooseneck trailer - \$20,000
 - FY22 – Wildland brush coats, Nomex - \$30,000
 - FY22 – Fireline cooking systems - \$8,700
 - FY22 – Road grader updates - \$10,000
 - FY 22 – Truck accessories - \$11,000
 - FY22 – Service truck updates - \$6,000
 - FY22 – Aerial spray pesticide application to the seed production - \$9,900
 - FY23 – Telephone and internet service for East Central Area offices - \$7,700
 - FY23 – Utilities for East Central Area offices - \$7,600
 - FY23 – Equipment repair and supplies for East Central Area offices - \$14,000
 - FY23 – Land Lease, Commercial, SE Area Headquarters Office Complex - \$9,300
 - FY23 – Land Lease, land only, SE Area Headquarters Complex - \$1,950
 - FY23 – Electricity for the SE Area Headquarters complex - \$12,000
 - FY23 – Telecommunications – phone/internet for SE Area HQ, Antlers Complex - \$12,500
 - FY23 – Utility services for SE Area HQ, Antlers Complex, Carter Tower Complex - \$6,000
 - FY23 – Heavy equipment maintenance and repair for all SE area equipment/building - \$22,275
 - FY23 – Electric, phone/internet, utilities for NE Area’s Jay District Office - \$19,000
 - FY23 – AT&T local & long distance telephone service for Forest Tree Improvement Ctr - \$24,000
 - FY23 – Purchase of local phone service through existing provider - \$5,200
 - FY23 – Electrical service for Community Fire, FRC and FTIC offices - \$42,000
 - FY23 – Propane for FRC and Community Fire Headquarters - \$12,000
 - FY23 – Oklahoma Tax Commission for Titles and Tire Fee - \$10,000
 - FY23 – Purchase firefighting equipment and clothing for resale to Rural Fire Dept - \$100,000
 - FY23 – Purchase firefighting personal protective equipment for OFS employees - \$50,000
 - FY23 – Rural Fire 80/20 reimbursement pass-through grants - \$200,000
 - FY23 – State Operational Assistance Grants - \$3,870,000
 - FY23 – Community Wildfire Protection Plan - \$50,000
 - FY23 – Purchase PPE – Wildland Firefighter boots for OFS - \$15,000
 - FY23 – Sub-awards will be given for the development of Community Wildfire Preparedness Plans - \$25,000
 - FY23 – Rural fire 80/20 reimbursement pass-through grants - \$325,000
 - FY23 – Purchase gear needed to support OFS employees on extended overnight travel - \$8,000
 - FY23 – P-cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units - \$150,000
 - FY23 – Use of Comdata cards to repair firefighting equipment - \$150,000
 - FY22 – 30 hotel rooms x 2 days – Ag in the Classroom Teacher Road Trip - \$5,760
 - FY22 – Ag in the Classroom – printing - \$13,984.47
 - FY22 – Amy Reinke – Ag Enhancement & Diversification Grant - \$10,000
 - FY22 – Oklahoma Red Angus Association – Ag Enhancement & Diversification Ag Event Grant – \$7,500
 - FY 23 – State Fair of Oklahoma – Made in Oklahoma Store – flooring - \$5,500
 - FY 23 – Tulsa County Public Facilities Authority – 2022 Tulsa State Fair - \$25,924
 - FY23 – AgHERculture Summit – facility rental and food - \$10,000

FY22 – Made in Oklahoma & Made in Oklahoma Store bags - \$9,000
FY22 – Contract between ODAFF and the Oklahoma Grape Industry Council - \$30,000
Contract for OGC Administrative Law Judge 2022 effective 2/1/22 – 6/30/22. Contract not to exceed \$10,000
FY22 - \$7,100 – Southern Pine Beetle Prevention Program-Bobby Bowman

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Agricultural Environmental Management Services

Eric Chapman, 15599 W. Greasy Bend Rd, Mannsville, Oklahoma
Kimberly and Brian Folkner, 105156 4190 Road, Checotah, Oklahoma
John Hambrick, 12485 Rock Island Road, Cameron, Oklahoma
Teng Her, 1010 Browning Road, Valliant, Oklahoma
Tom J. Lewis, P. O. Box 1512, Sallisaw, Oklahoma

Consumer Protection Services

EDKO, P. O. Box 130547, Tyler, Texas

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

9. Next Board meeting scheduled for Wednesday, April 27, 2022 at Oklahoma City.

10. Old Business

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

12. Adjournment

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

Oklahoma City, Oklahoma
January 26, 2022

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., January 26, 2022, 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. Rod Hall, Director, Animal Industry Services
 Troy Marshall, Director Agricultural Statistics
 Meriruth Cohenour, Director, Market Development Services
 Teena Gunter, Director, Agricultural Environmental
 Management Services & Office of General Counsel
 Scott Yates, Director, Food Safety Services
 Molly Carson, Ag Youth Council
 Blake Janssen, Ag Youth Council

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

Ms. JanLee Rowlett introduced the guests.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the minutes of the regular meeting of December 8, 2021, as presented.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

Mrs. Arthur mentioned that Mr. Terry Peach, former Secretary of Agriculture, passed away. Mr. Peach has impacted a lot of people at this agency and was a champion for agriculture in Oklahoma. Mr. Peach will be missed by many of us.

Mr. Farris commented one of the things that was mentioned by the pastor was Mr. Peach's gift for bringing people together.

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

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the following purchases/contracts as submitted and contained on pages 10 through 12.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the Proposed Action on Stipulations as submitted and contained on pages 13 and 14.

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

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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. Farris, to approve the Proposed Action on Cases Resolved by Consent Order as submitted and contained on pages 13 and 14.

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.”

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Farris, seconded by Mr. Bolen, to approve the following Proposed Permanent Rules except for Animal Industry Chapter 15 as submitted and contained on pages 15 through 67.

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]

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]

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Burtrum, to change the title specifically in Animal Industry section, Chapter 15, subchapter 35:15-19-8 to remove the two separate words “Laryngo trachietis” and replace it with a single word “Laryngotracheitis” on pages 68 through 81.

ANIMAL INDUSTRY

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

Chapter 15. Animal Industry

Subchapter 1. General Provisions

35:15-1-2 Definitions [AMENDED]

Subchapter 5. Biological Products and Laboratories

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

Subchapter 11. Importation of Animals

Part 13. Equine Piroplasmiasis

35:15-11-52 Definitions [AMENDED]

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

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

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

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

Subchapter 15. Equine Infectious Anemia (EIA)

Part 11. Requirements for Equidae Entering Oklahoma

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

Subchapter 16. Contagious Equine Metritis

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

Subchapter 19. Poultry Regulations

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

35:15-19-8 Infectious 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]

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Farris, to accept the rules as amended with prior amendment and approve all the rule numbers except for 35:15-36-3.

The vote was as follows:

Farris	Aye
Bolen	Aye
Arthur	Aye
Burtrum	Aye
Cook	Aye

The motion carried.

There is no Old business presented for the Board to take action upon. Mr. Burtrum moved, Mr. Bolen seconded, that the meeting be adjourned at 12:16 p.m.

By _____
President

ATTEST: _____
Executive Secretary

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 (WG TIP). **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 WG TIP 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

**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.~~

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.~~

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 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.

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 carriable 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).

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.

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.

Oklahoma Department of Agriculture, Food & Forestry

March 9, 2022, Board Report

Administrative Services

Administrative Services – Investigative Services

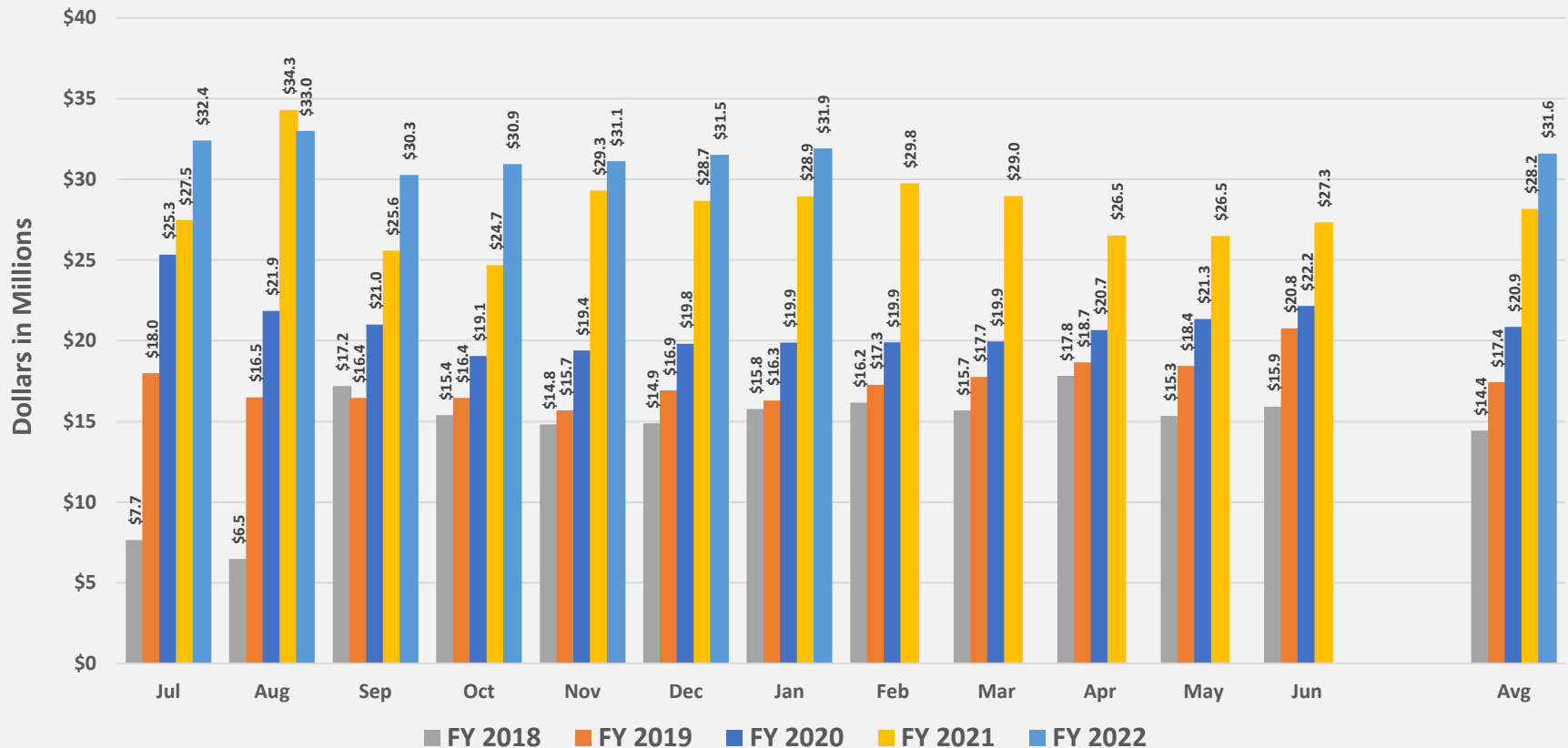


INVESTIGATIONS	January	YTD	FYTD
LIVESTOCK	7	7	30
FIRE	3	3	15
PROPERTY	2	2	18
TIMBER	0	0	4
AGENCY ASSISTS ODAFF	0	0	0
AGENCY ASSISTS EXTERNAL	3	3	5
OTHER	5	5	10
TOTAL INVESTIGATIONS OPENED	20	20	82
CLOSED PENDING ADDITIONAL INFORMATION	5	0	19
NO CRIME	1	0	15
NO PROSECUTION	0	0	0
CLOSED - ASSIST CASE	1	0	4
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	1	0	1
REFERRED FOR ADMINISTRATIVE ACTION		0	0
TOTAL INVESTIGATIONS COMPLETED	8	0	39
COUNTS FILED	1	1	5
VALUE OF LOSSES - ALL CRIMES	\$391,700	\$391,700	\$1,468,100
RECOVERED LOSSES - ALL CRIMES	\$119,050	\$119,050	\$424,100
NUMBER OF CATTLE REPORTED STOLEN	42	42	132
NUMBER OF CATTLE RECOVERED	2	2	82

Administrative Services

- Human Resources will be fully staffed with recent new hire
 - HR Assistant
 - Scheduled to start 3/14
- Finance to purchase an agency inventory software system
 - We are seeking the Board's approval for the Asset Panda inventory system in the Purchases and Contract section of the board packet.
 - This system:
 - Will make asset tracking much easier and more accessible as it is cloud based
 - Has an application for cell phones
 - Can scan QR codes
 - Is reasonably priced
 - Will replace an outdated Microsoft Access database

Available Cash at Month End per Allotment Budget & Available Cash Report Months Ending: July 2017 – January 2022



Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,115,692 as of 1/31/2022.

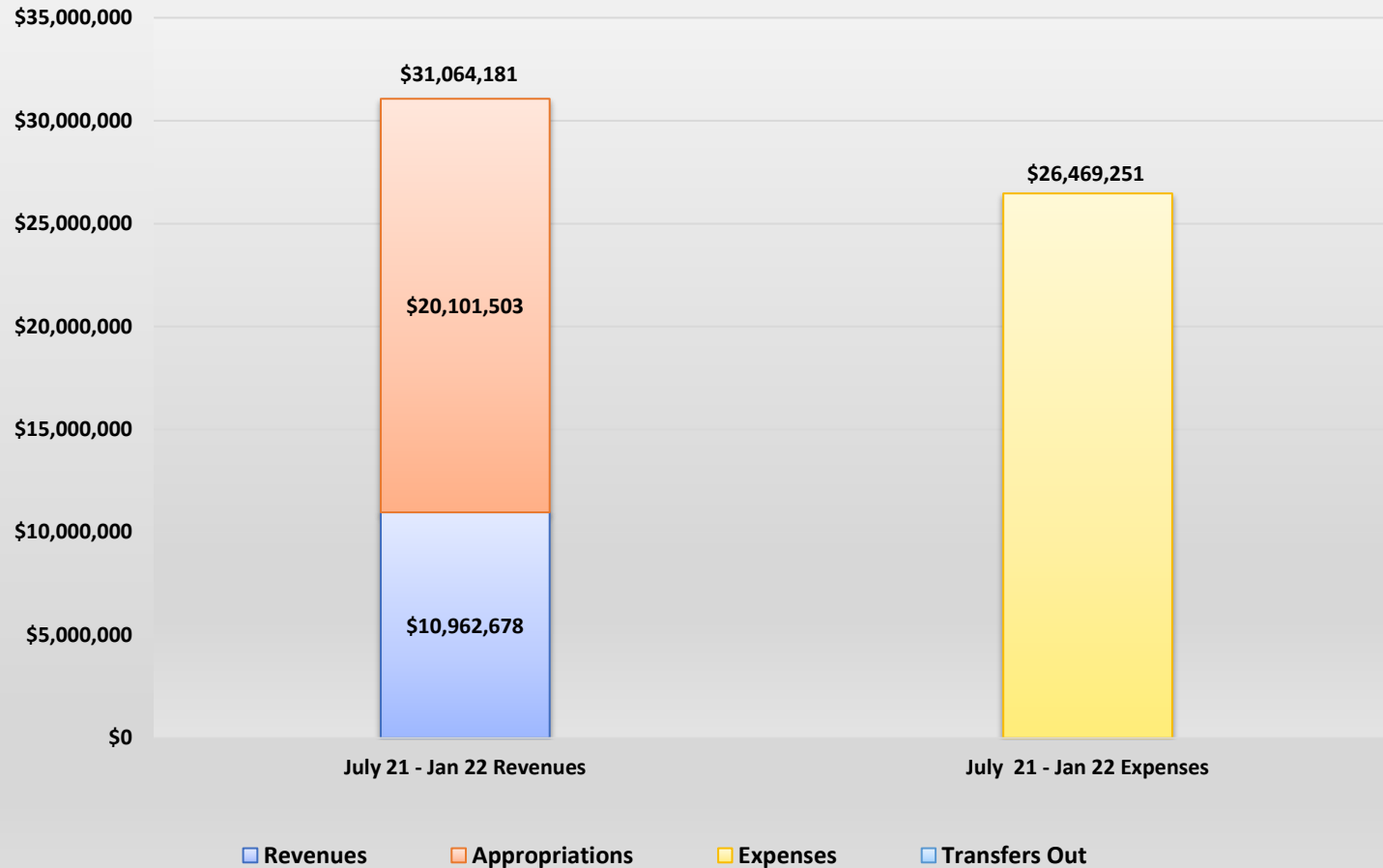
Administrative Services - Finance

- Cash balance as of 1/31/2022 was \$31.9 million compared to \$28.9 million as of 1/31/2021.
- This is an increase of \$3 million from the prior year and is primarily attributed to the following:
 - 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

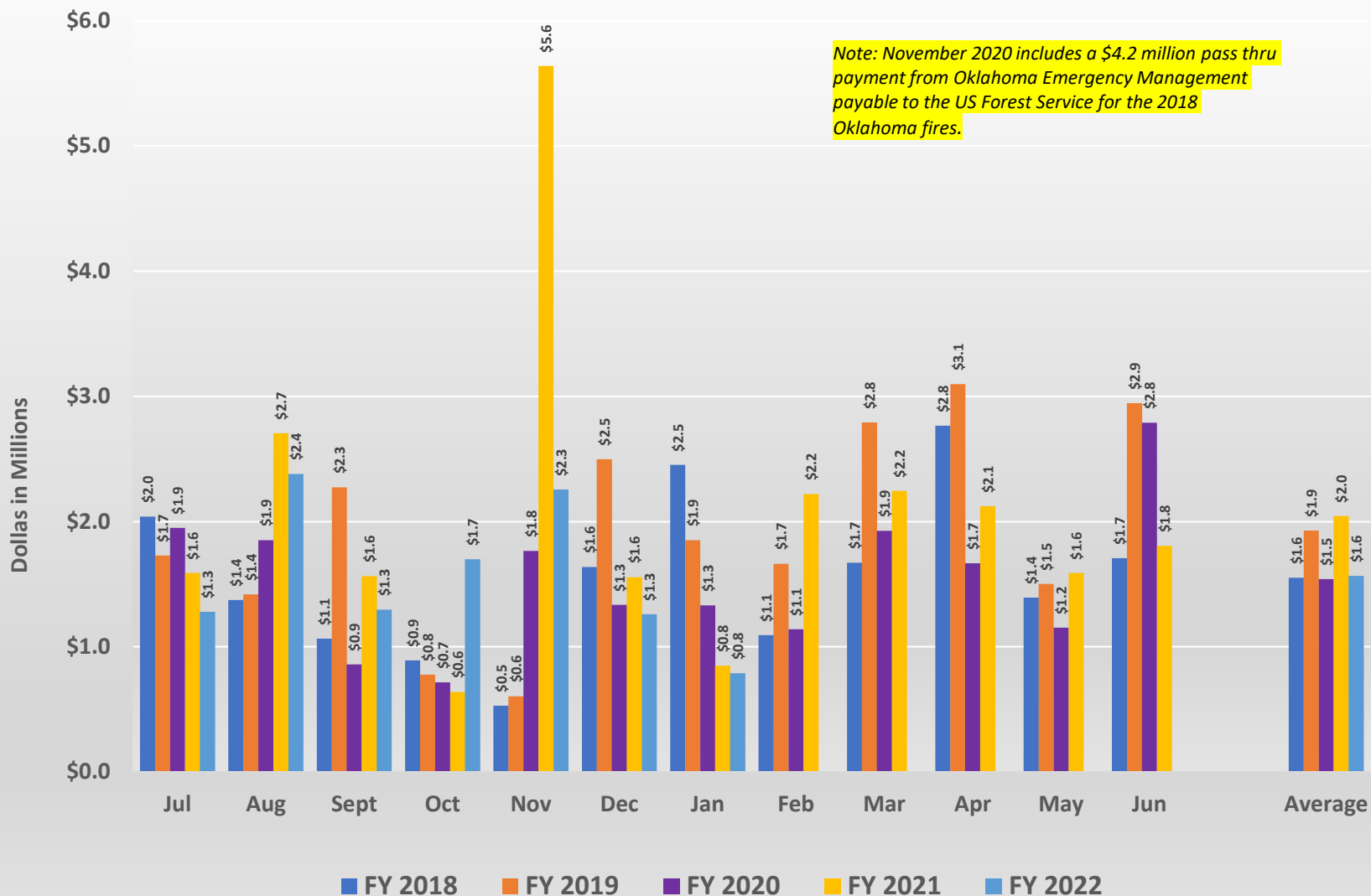
Administrative Services - Finance

- Frugal spending in anticipation of a possible revenue failure.
- Covid Pandemic

Total Revenues, Expenses, Transfers In & Out July 2021 thru January 2022



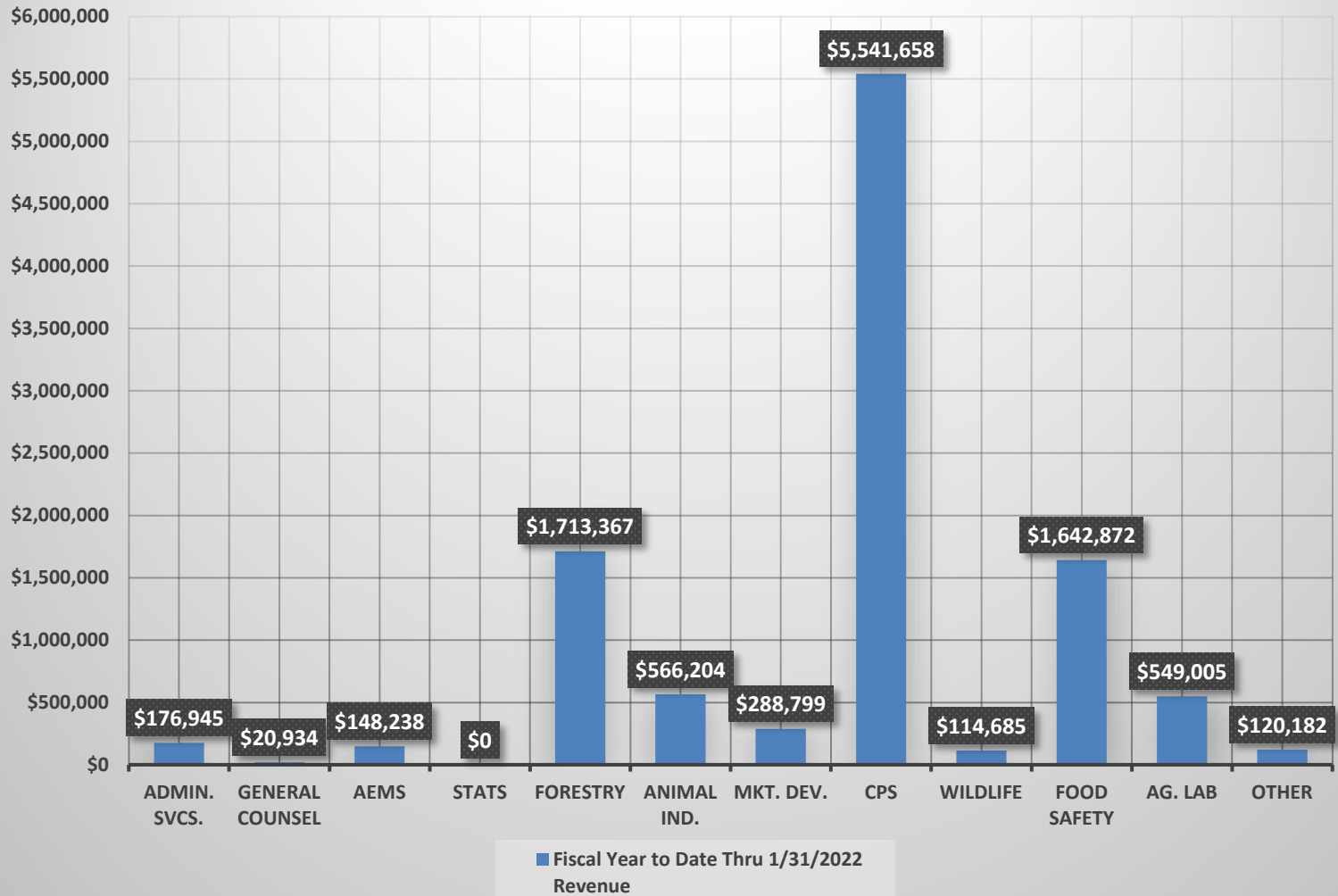
Total Revenue by Month July 2017 – January 2022



**Revenue By Division
July 2021 – January 2022**

Division	January 2022 Revenue	Fiscal Year to Date Thru 1/31/2022 Revenue
Admin. Svcs.	229	176,945
General Counsel	2,734	20,934
AEMS	5,881	148,238
Stats	-	-
Forestry	35,999	1,713,367
Animal Ind.	26,791	566,204
Mkt. Dev.	1,136	288,799
CPS	494,681	5,541,658
Wildlife	1,000	114,685
Food Safety	65,712	1,642,872
Ag. Lab	104,662	549,005
Other	41,606	120,182
DIVISION TOTAL (see division receipts graph below)	780,430	10,882,888
Commodity Storage Indemnity	8,957	79,790
Appropriations	2,285,279	17,816,224
AGENCY TOTAL	3,074,666	28,778,902

Revenue By Division July 2021 – January 2022



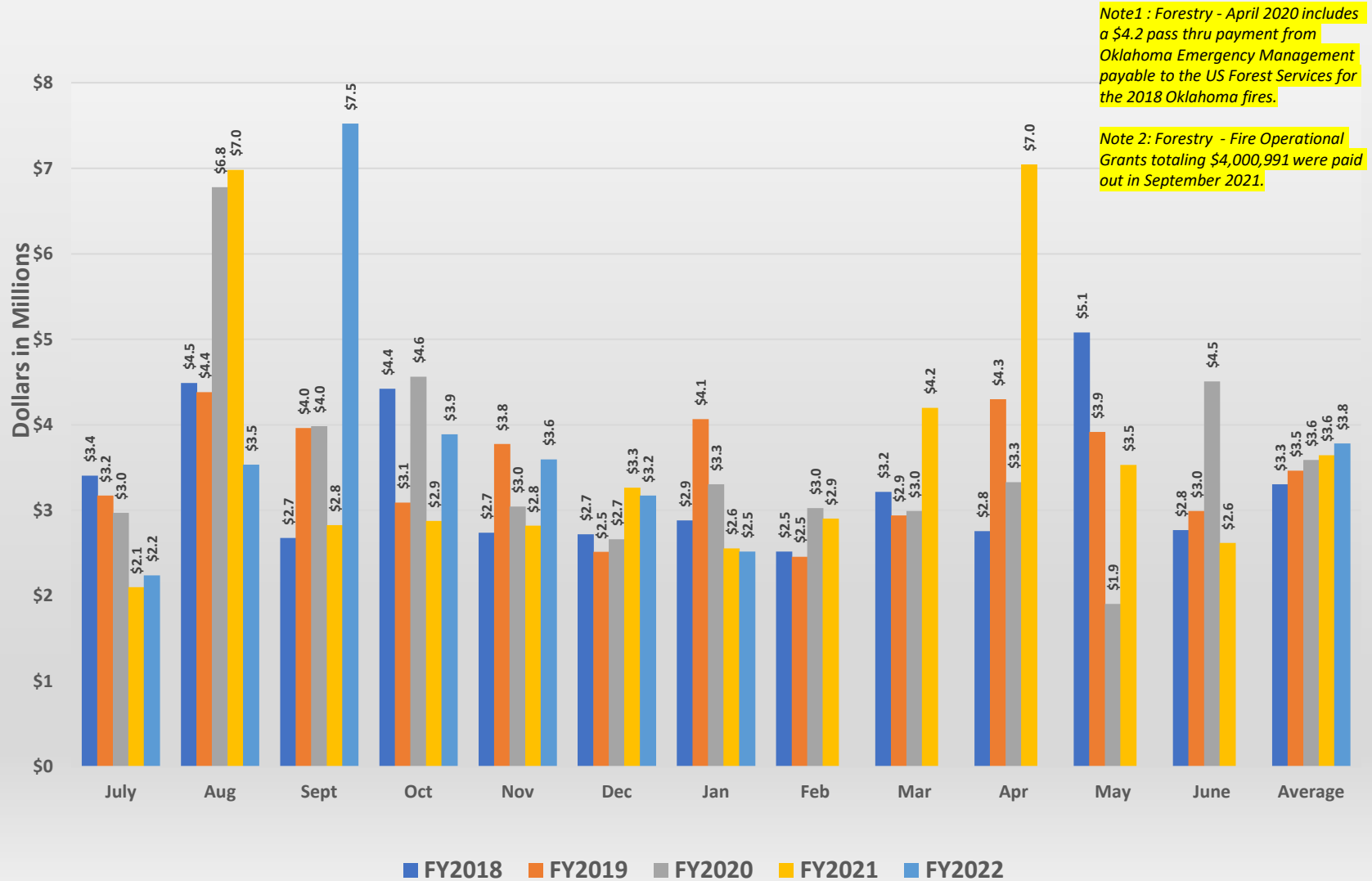
Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 thru January 2022 totaled \$10.96 million.
- This is a decrease \$3.6 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

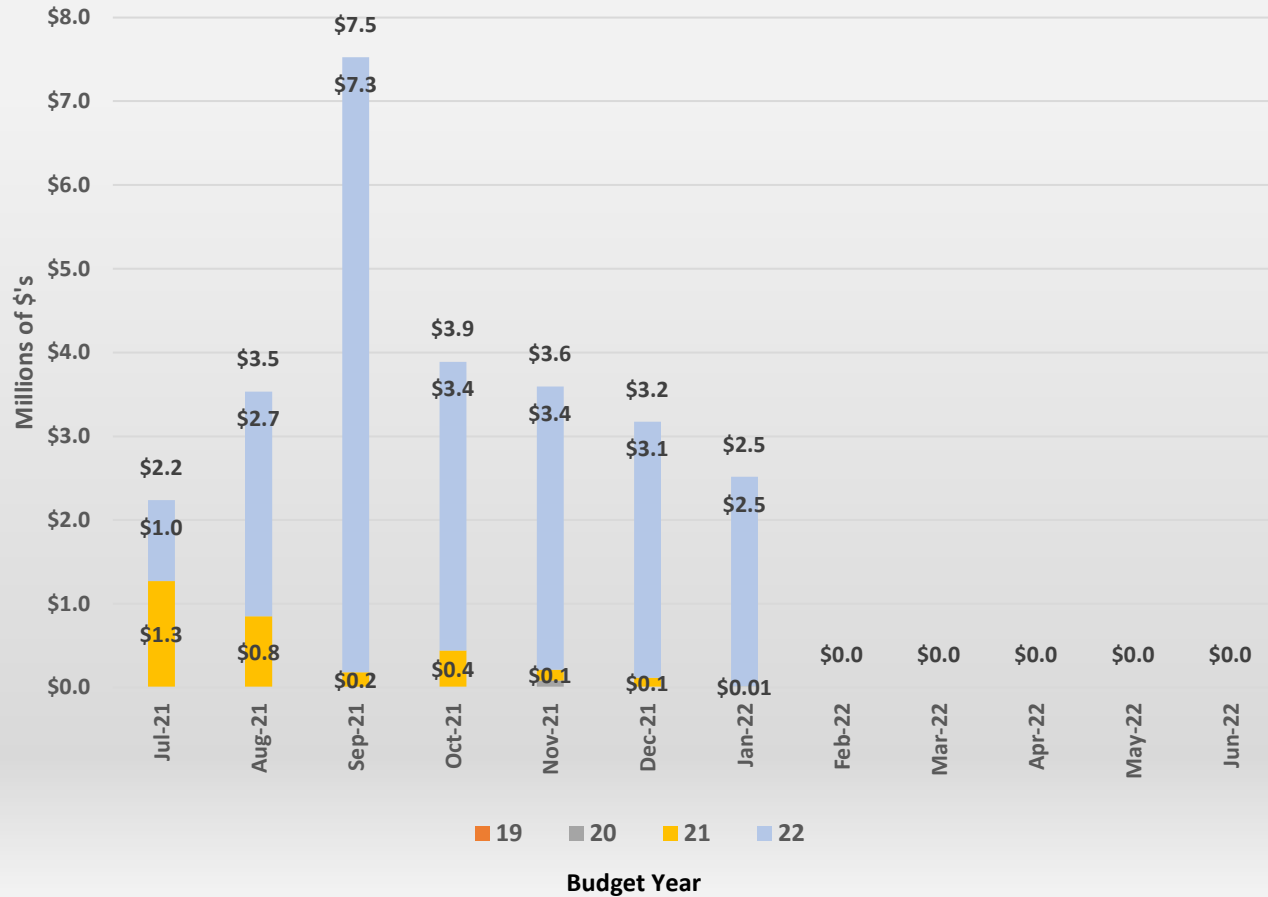
Administrative Services - Finance

- 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 – January 2022



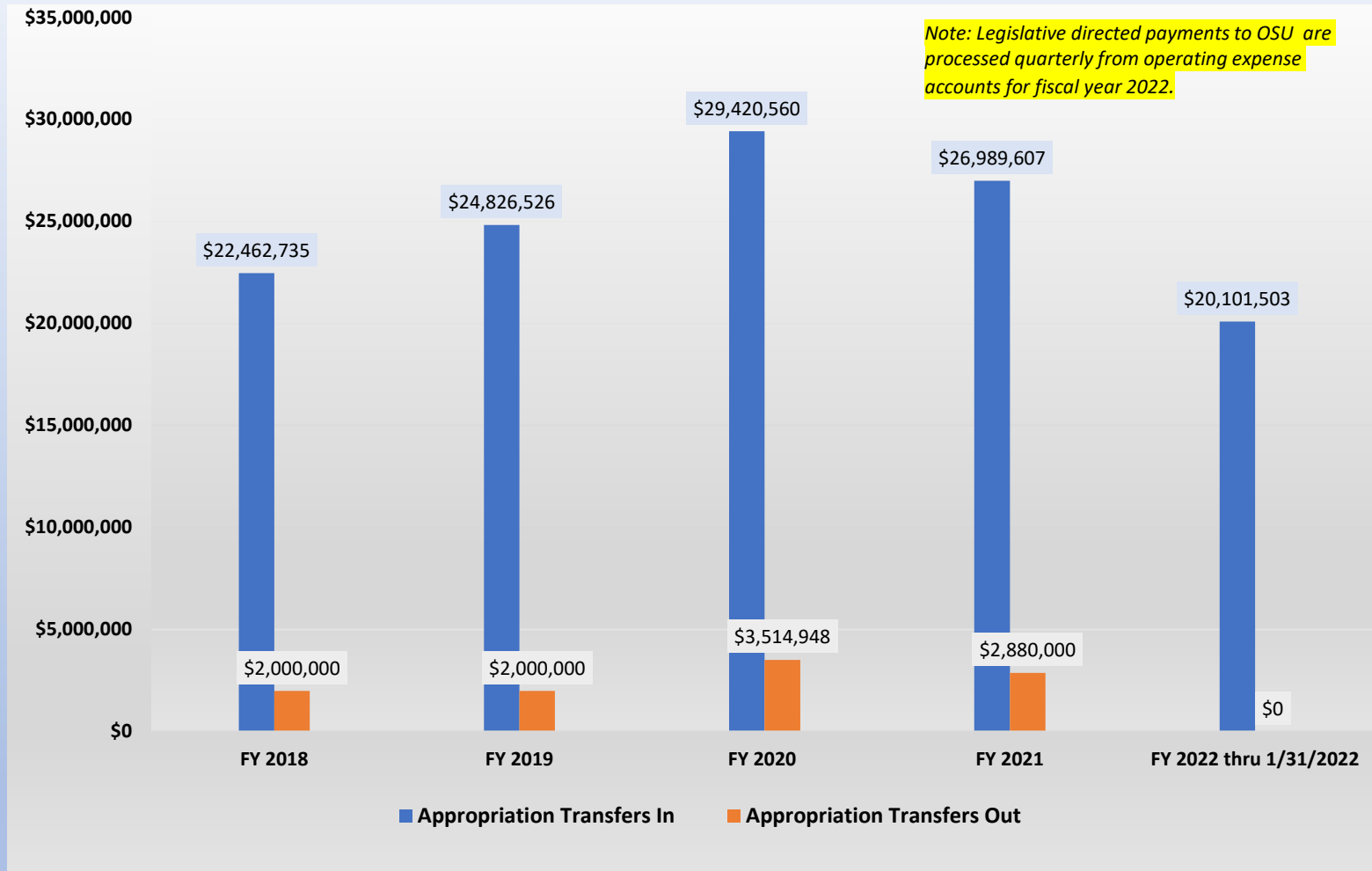
FY 2022 Total Expenses by Month with Budget Year



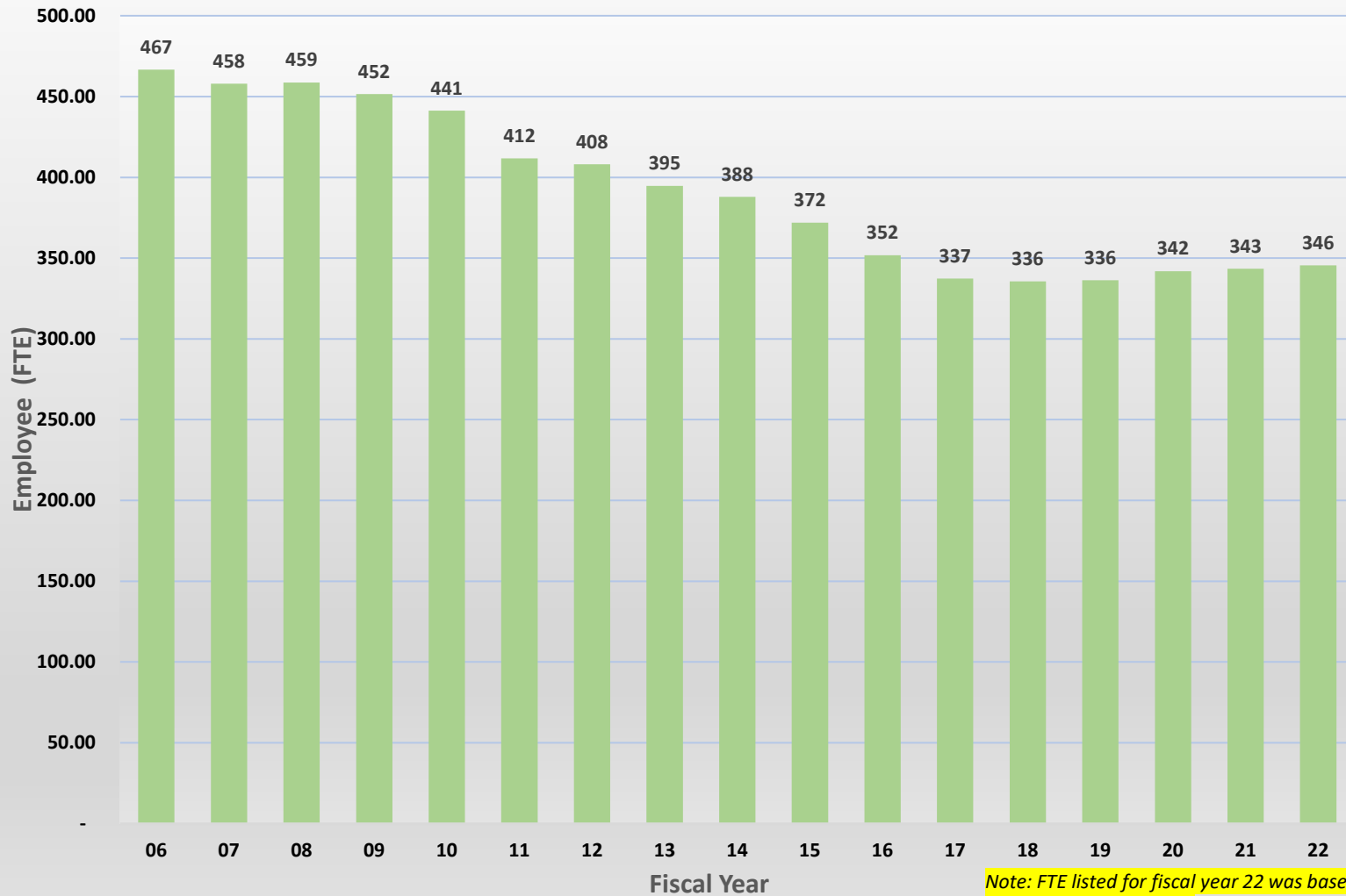
Administrative Services - Finance

- July 2021 – January 2022 expenses were \$26.5 million
 - Total expenses for the same period last fiscal year were \$33.7 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 the current fiscal year 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 operating expenditures in FY22
 - Increase in vehicle expenses
 - Increase in fuel costs
 - Increase in activity
 - Increased payroll expenses

Appropriations FY 2018 - thru January 2022



Employee FTE Totals Fiscal Year FY 2006 – FY 2022



Note: FTE listed for fiscal year 22 was based on the FTE as of 2/22/2022.

Administrative Services – Commodity Storage Indemnity

Commodity Storage Indemnity			
Investment Report			
As of January 31, 2022			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,115,691.53
<u>FY-2022 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest		8,965.60	\$79,798.59
Reinsurance			-
ODAFF Support Services			(50,000.00)
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	\$8,965.60	\$29,798.59
		=====	=====

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

Object Code	Account Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 1/31/2022	Encumbrances & Pre Encumbrances	Available Budget
510	Personal Services	6,000	-	-	6,000
511	Salary Expense	18,499,183	8,873,323	14,099,924	(4,474,063)
512	Insur.Prem-Hlth-Life,etc	5,949,013	2,383,442	249,346	3,316,225
513	FICA-Retirement Contributions	4,569,311	2,087,040	9,682	2,472,589
515	Professional Services	2,865,945	1,063,708	1,377,006	425,231
519	Inter/Intra Agy Pmt-Pers Svcs	109,950	77,199	8,771	23,980
521	Travel - Reimbursements	327,545	85,451	-	242,094
522	Travel - Agency Direct Pmts	342,620	135,499	-	207,121
531	Misc. Administrative Expenses	888,791	402,903	193,443	292,445
532	Rent Expense	592,040	179,822	426,613	(14,395)
533	Maintenance & Repair Expense	1,130,554	448,371	186,843	495,340
534	Specialized Sup & Mat.Expense	1,221,855	361,427	606,561	253,867
535	Production,Safety,Security Exp	424,172	54,499	-	369,673
536	General Operating Expenses	184,403	40,575	-	143,828
537	Shop Expense	506,681	235,436	49,575	221,670
541	Office Furniture & Equipment	3,426,643	198,826	373,782	2,854,035
542	Library Equipment-Resources	600	156	-	444
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	7,515,951	4,616,375	1,718,757	1,180,819
555	Pmts-Local Gov't,Non-Profits	7,618,450	268,857	2,985,860	4,363,733
559	Assistance Pymts to Agencies	150,000	750,000	2,250,000	(2,850,000)
561	Loans,Taxes,Other Disbursemnts	-	13	-	(13)
564	Merchandise For Resale	120,000	-	118,800	1,200
601	AFP Encumbrances	-	-	1,310,945	(1,310,945)
810	Req Only	-	-	638,181	(638,181)
	Operating Totals	58,200,575	23,250,946	27,224,349	7,725,281

Oklahoma Department of Agriculture, Food & Forestry					
Monthly Budget Report - Budget Year 2022					
As of January 31, 2022					
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru January 31, 2022					
Class Funding	Class Fund Description	Fiscal Year 2022 Budget	Fiscal Year 2022 Expenditures thru 1/31/2022	Encumbrances & Pre Encumbrances	Available Budget
19011	Carryover	1,428,800	1,428,800	0	(0)
19111	Carryover	168,336	50	71,453	96,834
19201	GRF - Duties	27,423,346	10,153,905	14,582,790	2,686,651
20500	Rural Fire Defense Eqp Rev Fd	236,500	-	159,300	77,200
21000	Agriculture Revolving Fund	19,869,441	6,496,443	10,952,362	2,420,635
22500	Enhancemnt & Diversificatn Fnd	150,000	10,002	12,596	127,402
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
24500	Rural Fire Revolving Fund	1,338,287	-	-	1,338,287
25600	Ok Viticulture Enology Revl Fd	350,000	130,879	124,901	94,220
26200	Poultry Grading Revolving Fund	1,291,463	564,140	338,659	388,663
28500	Milk & Milk Prod Inspec Rev Fd	316,000	174,375	118,021	23,605
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	150,000	17,600	30,000	102,400
42000	Specialty Crop Federal Funds	825,851	268,524	375,382	181,945
43000	Farm and Ranch Stress Alliance	500,000	-	448,884	51,116
57602	Duties	4,104,550	3,996,228	-	108,322
	Totals	58,200,574	23,250,946	27,224,349	7,725,280

MARCH 2022 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(January 2022 Activities)

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

- Prepared necessary documents and records for the Oklahoma Department of Environmental Quality (DEQ) audit of the Inorganic Section.
- QA Manager gained first hand knowledge of the Inorganic Section functions including:
 - Analytical equipment used
 - Specific analytes tested
 - Various quality control measures
 - Sample data location
 - Working solutions, inventory logs, and run logs

2021 January 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.

No PT samples to report this month.

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

In January of 2022, the Section completed 321 samples consisting of 2133 determinations, with the following breakdown:

January 2022 Inorganic Breakdown

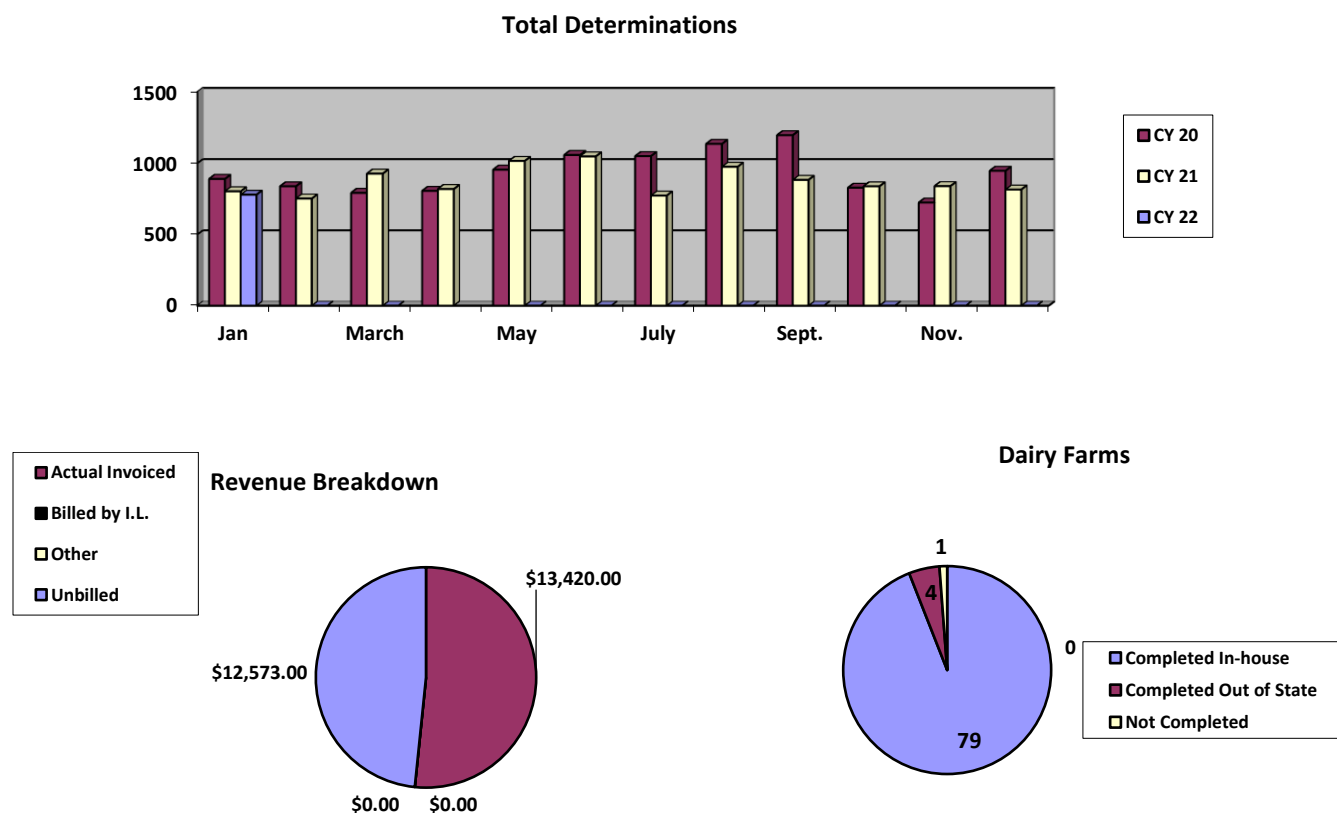
Customer	Samples	Determinations
OCC	237	2133
LMFO	83	498
Pollution	1	4
Total	321	2133

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

The start of 2022 saw two more dairies go out of business. There are currently 84 dairies that the Section is testing with a possibility of two more going out of business at a later date.

The whole genome sequencing results from the last four positive *Listeria monocytogenes* raw milk samples were submitted to the FDA. From the three samples collected out of state, one sample the FDA isolated from an environmental swab at the facility, and fourteen positive samples that the Section was able to isolate, the FDA determined that they are all the same organism and have concluded it to be a resident pathogen.

The Section was only able to test six meat samples for the month. The STEC (E.coli) PCR reagents were out of stock from the manufacturer and were placed on backorder. The Section received on February 1st.



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

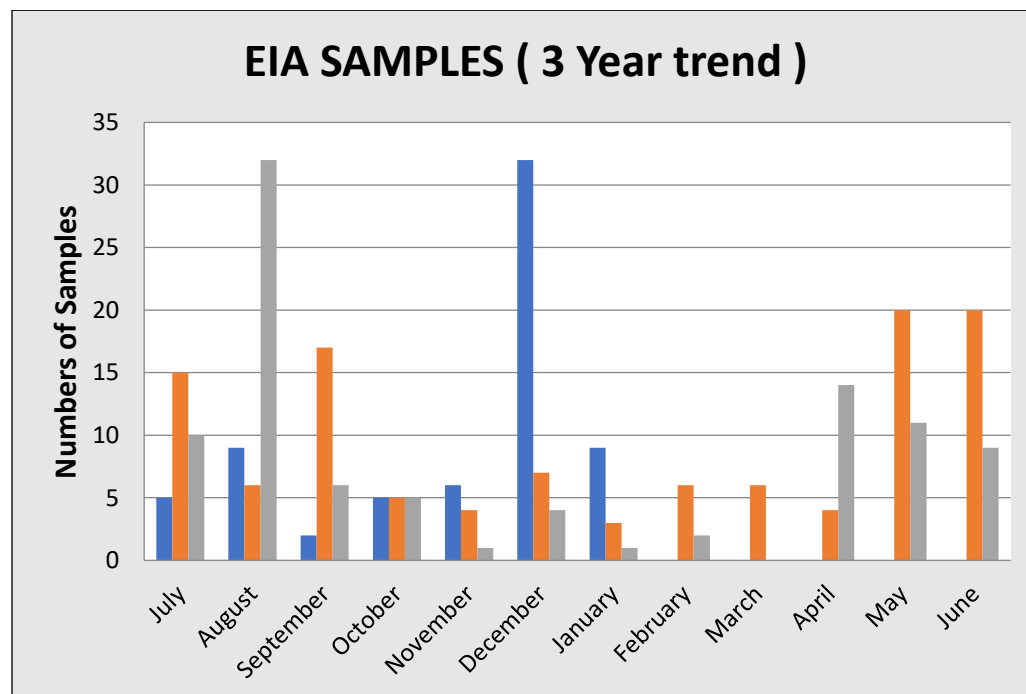
January sample numbers for the Seed Program were on average when compared to years past. A total of 114 samples were received for both purity and germination analysis. Sixty-two percent of all samples were official tests consisting of sorghum and soybeans, while the remainder consisted primarily of grasses and noxious weed checks on feed.

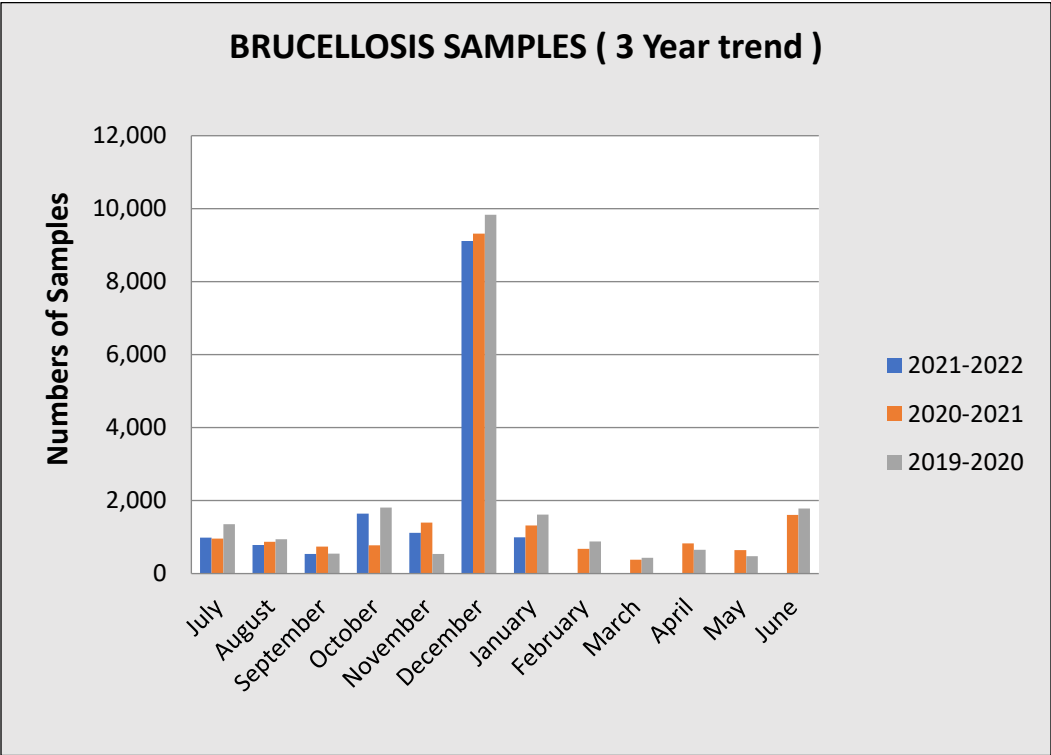
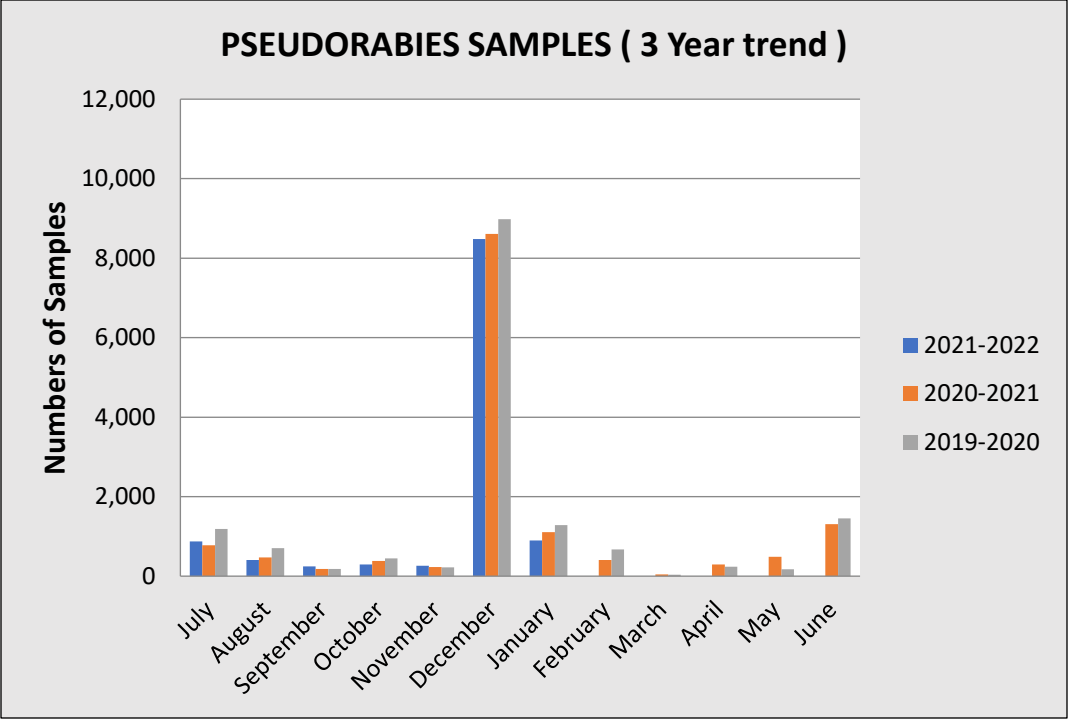
Reports from seed retailers throughout the state are indicating that even though the state received some moisture recently there are still concerns of drought conditions for the upcoming planting of summer crops. It is expected that there will be higher demand for soybean seed if the state receives the adequate moisture. If dry conditions continue it could hinder early planting of the crop.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

January

3-year Summary of Samples Analyzed			
Year	Brucellosis	Pseudorabies	E.I.A.
2021	998	896	9
2020	1319	1109	3
2019	1615	1287	1





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

The chemist position was posted and will close at the end of this month. Our posting for a new sample grinder produced no candidates. We will be re-evaluating our options for this position.

Weather impacts, COVID quarantines, and low staffing have hit the Section hard and has caused some slowdowns, but the Section analysts were able to make up for lost time when they returned to the lab.

Overview of November Section Numbers

	Feed	Fertilizer	Lime	Total
Samples Received	244	2	2	248
Samples Completed	253	1	0	254
Determinations	740	1	0	741
Violations	61	0	0	61
Violation %	8.24%	0.00%	0.00%	8.23%

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

This month, the Section staff did the usual routine work.

Pesticide Section samples completed:

The Section completed nine 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	1	2	10	37
Concentrate	5	10	11	27
Tank Mix	3	6	23	36

Average Residue
Turnaround Time: 37 days

Average Formulation
Turnaround Time: 30 days

Totals		
# of Samples	# of Tests	# of Determinations
9	18	44

Samples the Section received by month:

The Section received 40 samples this month (see Fig B). This month the majority of the samples received were formulation samples, 78% (see Fig A).

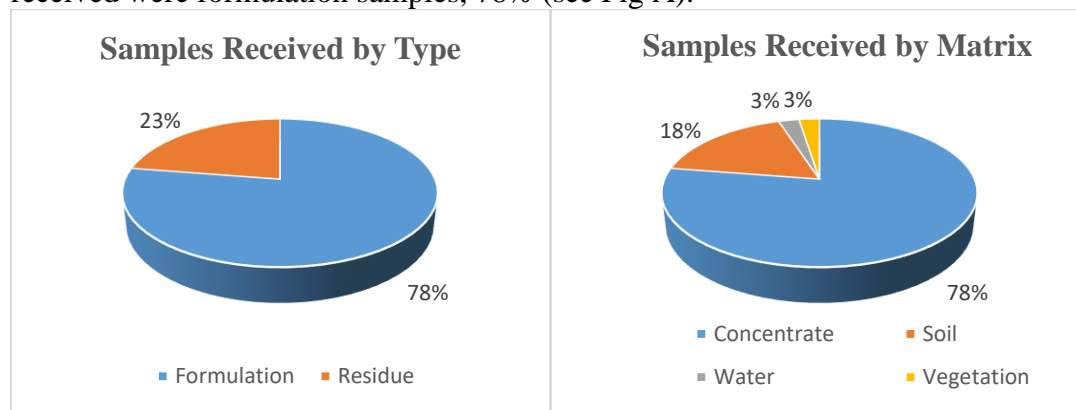
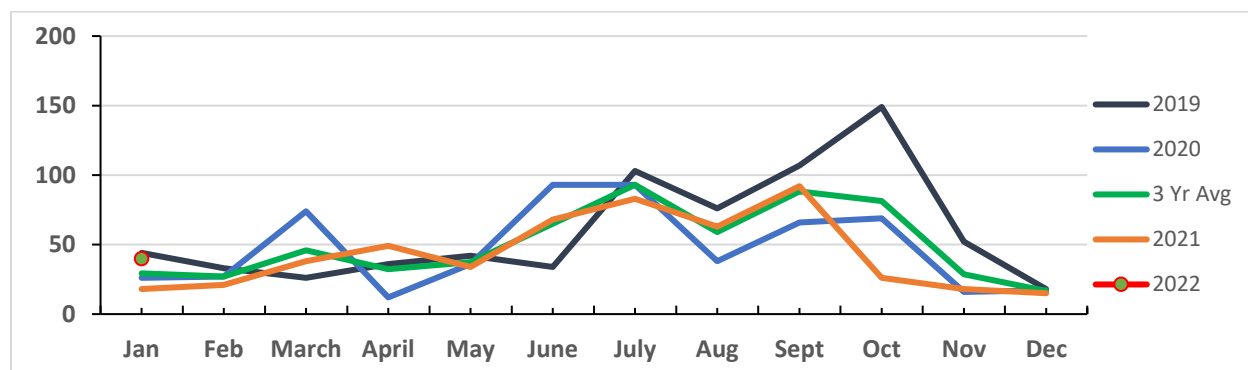


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).



.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 44 determinations which is 63% lower compared to last month.

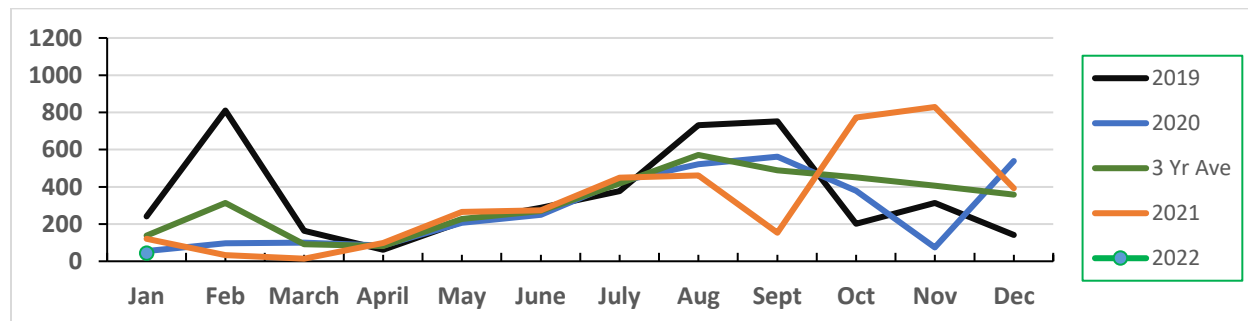


Fig C. Graph showing the number of determinations completed each month.

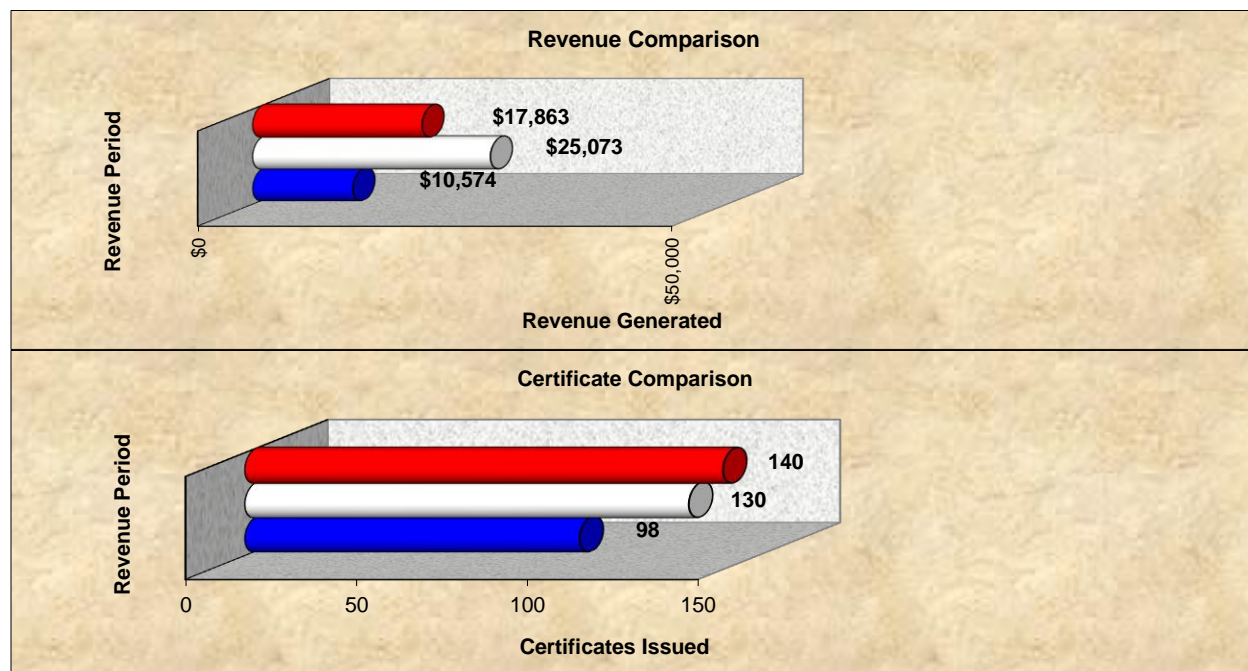
OKLAHOMA BUREAU OF STANDARDS: (Amanda Kramer, Metrologist I)

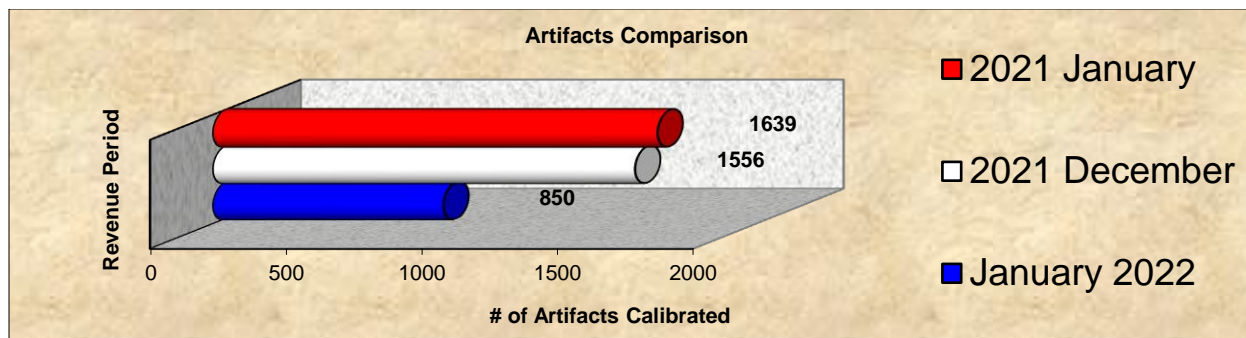
The following is a workload summary for the Oklahoma Bureau of Standards from January 1st through 31st.

The Bureau began work on internal calibrations and will continue these calibrations through the month of February. We will not be taking on additional customer work during that time. Amanda Kramer has been signed up for Mass Seminar training at NIST to work towards being able to reopen the Section for higher Echelon calibrations.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	2	\$504	4.8%	25	2.9%
In-State Customers		\$10,070	95.2%	825	97.1
Totals		\$10,574	100%	850	100%

Total Fees not Charged		# Working Days Lead Time to Next Available Date for Calibration	
\$1540		Mass I / II	N/A; unable to schedule due to staffing changes
Fees not Charged ODAFF CPS		Mass III	21
0		Volume	21





Respectfully Submitted,

Wade Krivanek
Laboratory Director
Laboratory Services Division

BOARD REPORT
AGRICULTURAL LABORATORY SERVICES
JANUARY 2022 ACTIVITIES

FEED SAMPLES	244
FEED DETERMINATIONS	740
POSSIBLE VIOLATIONS	61
 FERTILIZER SAMPLES	 2
FERTILIZER DETERMINATIONS	1
POSSIBLE VIOLATIONS	0
 LIME SAMPLES	 2
LIME DETERMINATIONS	0
POSSIBLE VIOLATIONS	0
 PESTICIDE SAMPLES	 9
PESTICIDE DETERMINATIONS	44
POSSIBLE VIOLATIONS	0
 MEAT SAMPLES	 0
MEAT DETERMINATIONS	0
VIOLATIONS	0
 INORGANIC LAB SAMPLES	 321
DETERMINATIONS	2133
 STATE-FEDERAL VET. LAB. SAMPLES	 17629
STATE-FEDERAL VET. LAB. DETERMINATIONS	18284
NUMBER POSITIVES	0
 SEED SAMPLES	 56
SEED DETERMINATIONS	106
POSSIBLE VIOLATIONS	0
 BUREAU OF STANDARDS CERTIFICATES	 98
NUMBER OF STANDARDS CALIBRATED	850
FEE CHARGES	\$10,574.00
 DAIRY SAMPLES	 318
DAIRY DETERMINATIONS	779
POSSIBLE VIOLATIONS	20
 TOTAL SAMPLES	 18679
TOTAL DETERMINATIONS	22937
TOTAL POSSIBLE VIOLATIONS	81



OKLAHOMA FORESTRY SERVICES BOARD REPORT

Division Activities from January 8, 2022 – February 18, 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 - Improving the Forests Where We Live

Southern Group of State Foresters. Mark Bays and Riley Coy represented OFS at the winter meeting of the SGSF Urban & Community Forestry Committee February 1st – 3rd in Oxford, MS. Regional strategies to address cross-state boundary projects were discussed for the upcoming work year.

Oklahoma Urban & Community Forestry Council. The U&CF Council met for their quarterly meeting via zoom conference call on February 10th. The Council's strategic planning process, new board members, annual conference and the upcoming 2022 Arbor Week activities were some of the main topics of discussion. Mark Bays and Riley Coy represented OFS on the conference call.

Upcoming Events

On March 10th OFS and the Community Forestry Council will be co-hosting the kickoff for Arbor Week in Oklahoma celebrating all the cities, Air Force Bases, college campuses and utility companies recognized by the National Arbor Day Foundation for their good practices in tree care and planting. This year's event will be held on the campus of Oklahoma City Community Foundation.

Division in the News

Mark Bays appeared on a segment of Oklahoma Gardening the weekend of January 29th – 30th. He discussed next steps and best pruning practices to help trees continue to recover from the October 2020 ice storm.



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

AmeriCorps National Civilian Community Corps (NCCC) Team join FRC – OFS is excited to welcome the third AmeriCorps NCCC team to the FRC. The FRC and FTIC was awarded the opportunity to host this ten person AmeriCorps NCCC team for 14 weeks who will be assisting with our Conservation Seedling Reforestation Project. The young professionals that make up the team are from across the country, working together as a team since last

fall. The team helps harvest and process seedlings for landowners across the state, plant seedlings for reforestation projects, interact with the public at events promoting conservation education, and other projects as needed around the Regeneration and Tree Improvement Centers. OFS is extremely grateful for the support and hard work these individuals perform for the State of Oklahoma.

Below is a welcome from Brad Phelps, Team Lead and a photo of the team.



"We are so excited to be here in Oklahoma working with OFS! Water 1, our Americorps NCCC team composed of ten individuals ranging in age from 18-25, has spent the last three months together training and working in various parts of the country. We started with training in Colorado, and then we were sent to St. Louis to work on a food insecurity project, partnering with The Bailey Foundation to help provide food and essential goods to families in need. After a brief holiday break we were sent to Kansas City to work at COVID testing sites.

We arrived in Oklahoma on February 8th very excited to get to work! The team has thoroughly enjoyed getting our hands dirty, enjoying the beautiful weather and great work atmosphere. Proud to making such an impact, the team has loved seeing the sheer number of trees we've been able to lift and process. We are so grateful for the opportunity to work with OFS, and we are so excited to see what we can accomplish together!" **Brad Phelps, Water 1 NCCC Team Lead**

Welcome Bryanna Vetsch FRC welcomes Bryanna Vetsch in her new role as Groundskeeper for the facilities. Bryanna is no stranger to the nursery as she has seamlessly transitioned from her position as a nursery technician to Groundskeeper. She has a great work ethic and brings exciting new ideas to her role. Here is an introduction and action photo from Bryanna;



“Seeing a job done well, and with beautiful outcomes, is a driving factor for the work I do every day. Hello, I’m Bryanna, the new groundskeeper at the nursery! I’m looking forward to working with each of you for a long time!

Though I’ve kept a few different jobs that enabled me to work outside, in 2017 I decided to work with the Conservation Corps in my hometown of Grand Rapids, Minnesota and I knew immediately that forestry and natural resources was the career field for me. I’ve loved the outdoors my entire life and strive for a life of sustainability. All the work done here will continue pushing me towards my dream of homesteading. While maintaining the nursery grounds, I’ll most enjoy working the gardens around the office, and witnessing the life cycles of the trees. I think some key qualities that will really benefit the nursery are my strong work ethic, artistic tendencies, and my desire to see people happy. Thank you in advance for your welcome!”
Breanna Vetsch, Groundskeeper, FRC

Oklahoma Gardening segment filmed at the FRC

FRC Area Forester, Jeri Irby welcomed the crew of Oklahoma Gardening on February 15th at the nursery in Goldsby. Host Casey Hentges and crew filmed the story of harvesting and processing the conservation tree seedlings. The episode is scheduled to air on OETA on March 19th kicking off Oklahoma Arbor Week.

Pictured to the right is a photo of the OETA film crew.



FORESTRY EDUCATION

On January 11th Education Coordinator Tony Pascall went to Broken Bow and met with Calista Stevens and a woodworker to make over 200 tree cookies for a new educational lending trunk. This trunk will include a dendrochronology lesson and will be accessible for teachers and non-formal educators.



On January 25th Tony visited the group campsite at Beavers Bend State Park and confirmed its use for this summer's Forestry Youth Camp. Camp will take place this year from June 27th to July 2nd.

On January 26th Tony took a tour of the Northeast Area with Craig Longshore to assess the Area's education needs.

On February 12th Tony went to a multi-state Project Learning Tree workshop in Marshall, TX. Four state coordinators were present from Texas, Louisiana, Arkansas, and Oklahoma. Tony learned best practices from experienced coordinators for leading PLT curriculum workshops for educators in Oklahoma.



This month Tony went to four cub scout events and led wildfire prevention and forest management programs for over 200 scouts and adults in the OKC area.

COMMUNITY OUTREACH AND COMMUNICATIONS

FOREST HERITAGE CENTER (FHC)

The Forest Heritage Center had 5,001 visitors in January of 2022. Visitation for 2021 totaled 111,190 visitors.

Partnership-Oklahoma Tourism & Recreation Department has completely remodeled two meeting rooms at the Forest Heritage Center. The rooms are available for rent through the Oklahoma Tourism & Recreation Department. Since September 2021, staff from Lakeview Lodge have been cleaning at the Forest Heritage Center. The FHC Board of Directors and Tourism are working together to develop a plan for cleaning after Lodge staff returns to their regular positions near the end of 2022.

On February 24, 2022 Lt. Gov. Matt Pinnell was the guest speaker for the Grand Opening for Hochatime Hideaway at the Forest Heritage Center. Before the ceremony, the FHC Board of Directors hosted an Appreciation Luncheon for FHC partners, Oklahoma Forestry Services, and Oklahoma Tourism and Recreation Department.



On January 11th, Anthony Pascall, Brianna Teel, woodturner Earl Braddy, and Calista Stephens had a workday to prepare wood cookies for a traveling trunk educational program. The lesson from the Dendrochronology Trunk will be used as the foundation for the 2022 Master Woodworking Artist of the Year educational contest. The educational section of the exhibit will highlight the interdisciplinary approach to wood art with the use of science and art.

Calista and Brianna toured the Museum of the Red River's collections to learn about this collection-driven museum's policies and procedures. Useful, practical information was gained on making the FHC's collection more searchable.

The Forest Heritage Center was awarded a Historic Preservation Grant from Oklahoma Historical Society. The grant will be used for a stewardship assessment of the FHC's building, current level of care for collections and help FHC staff set goals for improvement. The grant includes funds for monitoring equipment to track temperature, humidity, and light.

Calista attended a seven hour grant writing webinar presented by the Center for Nonprofits.

Four grants were submitted to the Oklahoma Arts Council for Beginning Woodturning, Camp Discover, Master Woodworking Artist of the Year, and Folk Festival.



The FHC will soon launch a program of "First Saturday" activities. Beginning on March 5th a Chuckwagon cooking demonstration will be held at the FHC. Chisolm Trail Museum director Jason Harris and Little Dixie Chuckwagon owner Lynn Shackelford specialize in "Cattle Trail" cooking. Their extensive knowledge of the history and skills of the cattle trail era, as well as the delicious wood-fired cooking, will delight guests of all ages. The monthly program of "First Saturday" activities at the Forest Heritage Center will enhance the experience of guests. Each month will feature a different presenter. Programs that are currently scheduled for 2022 are chuckwagon cooking, history tour of Beavers Bend State Park, survival class, basket making, Dutch oven cooking class, woodturning, and Christmas at the Cabin.

The Master Woodworking Artist of the Year Competition and Exhibit will open on March 6th. The exhibit is free to the public and will be open Thurs-Sun through May 8th.



The monthly program of "First Saturday" activities at the Forest Heritage Center will enhance the experience of park guests.

Each month will feature a variety of demonstrators, crafts people, speakers, and educators. The current lineup of presentations involves basket making, woodturning, a survival class, and a cornhole tournament.

Information about each month's activity will be listed on the Forest Heritage Center's Facebook page under the Events tab.



Located inside beautiful Beavers Bend State Park!



For more information contact: Calista Stephens or Brianna Teel (580)-494-6497 fhc@ag.ok.gov



PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

From January 8th through February 18th the Northeast Area had 26 fires that burned 356 acres.

On January 18th Dakota Green started as the new Forest Ranger I in Jay. NE Area personnel completed the online annual firefighting safety refresher. The Area completed the Work Capacity Test on January 27th.

Cole Hix, Craig Longshore, and Andy James met with Tulsa Fire Department (TFD), Tulsa Police Department, and Tulsa Parks Authority on January 19th concerning the Turkey Mountain Urban Wilderness prescribed burn project. They also completed an on site visit on January 24th to discuss any of TFD's concerns regarding the prescribed burn plan. Craig Longshore, Wes Hayes, and Kaley Helton attended a dispatch meeting covering the new dispatch plan for OFS on February 8th. NE Area Rangers Cole Hix, Billy Riggs, Chad Bateman, and Isaac Merchant traveled to western Oklahoma on February 15th to preposition for high fire danger that occurred in the area.



- On January 13th NE Area Foresters and Rangers completed a private land prescribed fire in Muskogee County that treated 20 acres.
- On January 30th NE Area completed a 266 acre Stevens Grant prescribed fire in Sequoyah County.
- On January 31st NE Area completed a 180 acre Stevens Grant prescribed fire in Adair County.
- On February 10th NE Area completed a 130 acre Stevens Grant prescribed fire in Adair County.
- Tony Hadley and Isaac Merchant assisted with the prescribed fire at the US Bureau of Reclamation's McGee Creek Natural Scenic Recreation Area on February 12th – 14th.
- NE Area Rangers started line construction on a Stevens Grant prescribed fire project in Delaware County.

Craig Longshore and Evan Long met with Tony Pascal, OFS' Forestry Education coordinator, and Breanna Teel from the Forest Heritage Center to discuss the NE Area's education needs.

Evan Long met with three landowners to assess their property for tree health and stewardship planning. He also assisted an additional eight landowners with tree health, ID, and other forest management concerns. Evan assisted with three prescribed burns in the Area.

Connie Robinson responded to various landowner requests for information regarding seedling planting and forestry questions. She had 13 site visits in Delaware, Mayes, Tulsa, Osage, and Rogers County regarding prescribed

burn plans, tree identification, and forest management planning. Robinson completed two Forest Stewardship Plans and assisted the Forest Inventory and Analysis crews on an inventor plot.

On February 2nd Administrative Programs Officer Kaley Helton competed a CPO webinar covering the American Rescue Plan Act for credits towards her Certified Procurement Officer certification.

EAST CENTRAL AREA

Forest Protection Highlights:

From January 8th through February 18th the East Central Area has suppressed 65 fires that burned 8,752 acres.

Forest Management Highlights:

Three new forest stewardship plans have been completed since last report on a total of 352 acres. The properties are in Latimer and Pittsburg counties.

Four prescribed burn plans for 200 acres have also been prepared for a property in LeFlore County.

Personnel update:

EC Area supervisors interviewed individuals for the Forest Ranger I vacancies in the Four Corners Unit in southern Pittsburg County and Red Oak Unit in Latimer County. Two candidates are awaiting pre-hire physicals to further the hiring process.

Intern Forester update:

JT Allen and Craig Marquardt have reviewed all applicants for next summer's intern position. Applications were received from Purdue, Kentucky, Southern Illinois, Iowa State, Stephen F. Austin, and, of course, OSU. Top applicants were interviewed via Zoom calls. Documentation is now underway to confirm the selection of Cullen Reeves from the University of Kentucky to be the 2022 summer intern.

Safety / Training Highlights:

EC Area personnel completed the online portion of RT-130 Wildland Firefighting Annual Safety Training and Refresher. The annual Work Capacity Test was also conducted for EC Area personnel with all passing at the Arduous level.

Jason Whaley took an opportunity to meet with several Forest Rangers at the site of a recent prescribed burn. The purpose of the meeting was to evaluate control lines and talk about water quality Best Management Practices in conjunction with our wildfire suppression and prescribed burn activities.

SOUTHEAST AREA

Forest Protection Highlights:

Protection Area Fire Response: In January SE Area extinguished 94 fires that burned 1,672 acres and had 16 false runs. From February 1st through the 18th the SE Area has extinguished 67 fires that burned 5,968 acres and had 4 false runs.

Out of Protection Area Fire Response: The "1980 Road" fire burned 4,080 acres.

- SE Area Dispatcher, Whit Kent, started on January 3rd and has recently resigned his position
- Candidates were interviewed for the Ranger I position at Bethel. Colton Fuller is scheduled to take the pre-hire physical/drug test on February 21st. His anticipated start date is February 28th
- The annual Work Capacity Test was administered on January 25th
- Received bids for drones – progressing with procurement process.
- Brock Hill and Don Cook met with Wade Patterson with McCurtain County 911 to discuss dispatch procedures for OFS and local fire departments.
- Don Cook attended the McCurtain County Firefighters Association meeting in January to discuss how to develop Task Forces with the fire departments regarding the Hochatown Project. They also discussed the things that worked well and the things that did not work well with a recent wildland fire that caused a structure fire (cabin) and subsequent loss in Hochatown.
- Don Cook went to Goldsby and met with Aaron Williams, Brian Ryles, and Andy James – Fuels Mitigation

Forest Management/Programs Highlights:

- Brock Hill conducted ten landowner contacts for the reporting period.
- Will Phifer conducted nine landowner assists/contacts.
- JT Allen conducted 17 landowner contacts.
- Seedlings sold/distributed = 139,000
- 97 acres of timberland planted
- 60 acres site preparation



Prescribed Fire Assistance:

- Meeting with Kris Wilson, USFS, to discuss potential Stevens Grant Prescribed Burning in FY22
- Bear Creek Unit at the US Bureau of Reclamation's McGee Creek NSRA – burned 3,576 acres
- Byington Fuel Reduction Burn – 10 acres (Stevens Grant)
- Carney Beautification Burn – 8 acres (Stevens Grant)
- Onyx Valley Reduction Burn – 40 acres (Stevens Grant)
- OMAC-Benson Reduction Burn – 570 acres (Stevens Grant)
- Two prescribed burn plans written by Will Phifer were approved for implementation
- Four miles of fireline was constructed at Atoka Wildlife Management Area with 2.5 miles remaining
- One burn plan written by JT Allen for 90 acres in McCurtain County and approved for implementation

Safety/Training Highlights:

- Tama Lester attended a CPO webinar on February 2nd.
- Antlers District – safety meeting LCES-Communications

- Don Cook, Bradley Walker and Bryden Walker taught wildland fire courses at the Great Plains Technology Center in Lawton, OK – Destry Horton Wildland Fire & EMS Academy

Upcoming events/activities:

- Tama Lester complete Travel Policy Refresher course
- All personnel complete the safety training for blood borne pathogens and asbestos.

WILDFIRE RESPONSE

Wildfire Activity & Outlook Executive Summary:

The La Nina influence continues to play out in an almost textbook manner driving overall warmer and drier conditions. Fortunately, Oklahoma has experienced a few cold air intrusions and a couple well-timed, beneficial shots of moisture that has kept the significant fire potential in check. Notwithstanding, Oklahoma Forestry Services has responded to over 300 wildfires in the first forty-five (45) days of 2022 and fire departments have also responded to many wildfires. Weather in mid-February offered a brief respite from increasing fire danger concern although the current outlook remains rather grim moving into the mid- to latter-stages of spring with the overall pattern favoring warmer/drier than normal conditions coupled with excessive fuel loading in many areas of the state. County Burn Bans have remained in place in many western and central counties, and while criteria for a Governor's Burn Ban have not been fully met the conditions, fire behavior and fire occurrence have rested just beneath the levels that trigger that consideration. OFS completes fire environment analysis weekly considering the criteria established for a Governor's Burn Ban in both statute and administrative code as well as a number of other objective analytics that are utilized as supporting indices including Energy Release Component, analogous weather patterns, fire and resource commitment trends, etc.

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OFS updates the Dormant Season Wildfire Potential monthly with circulation of that product to interagency and fire department partners. One of the overriding inputs this year is the La Nina phase of the El Nino Southern Oscillation cycle (ENSO). Unfortunately, the current cycle continues to project a ominous outlook that is strengthened by the Artic Oscillation (AO) and Pacific North Atlantic Oscillation (PNA). The current alignment of the phases of each of those are analogous to recent years where significant wildfires occurred including the Northwest Oklahoma Complex (780,000+ Acres) and Rhea Fire (280,000+ Acres). A quick comparison of La Nina vs. non-La Nina years is depicted to the right.

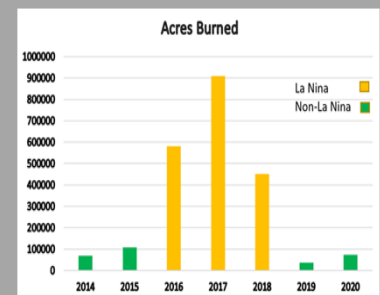
Wildfire Response:

As of February 18, 2022, OFS has responded to 315 wildfire dispatches that have burned 19,172.7 Acres. 75 primary residences have been directly protected with eight lost. In addition, 42 outbuildings have been saved while 18 were lost. When analyzing fire cause data, the number of fires resulting from escaped controlled burning and prescribed fire are higher than normal (comprising 13.4% of active wildfire responses).

La Niña vs. Non- La Niña



- Fire Occurrence is 199% more frequent during La Niña when compared to El Niño or ENSO-Neutral.



- Acres Burned is 496% more during La Niña when compared to El Niño or ENSO-Neutral.
- Increased acreage and associated severity results in much more structure loss and increased probability of casualties.

Prescribed Fire Activity:

As of February 18, 2022, OFS has completed 13 prescribed fires treating 5,140 acres. OFS has numerous other prescribed burning plans completed and prepared for execution depending upon fire weather, fuels conditions and resource availability. OFS prescribed fire activity has been curtailed due to the continued wildfire response, although crews are planning to capitalize on some moisture improvement that arrived in mid-February.

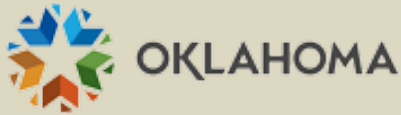
STATE FORESTER ACTIVITIES from January 8, 2022 thru February 23, 2022

- Participated in the course delivery of S-520 Advanced Incident Management at the National Advanced Fire and Resource Institute in Tucson, AZ from January 18th thru January 24th
- Attended the January Board of Agriculture Meeting
- Attended the January and February monthly meetings of the Rural Fire Coordinators
- Attended ODAFF Director's Meetings
- Attended a virtual training in the use of Wildfire Analyst software
- Attended two virtual meetings of the Northern Rockies Incident Commanders group
- Attended the January and February NASF All State Foresters Monthly Policy conference call
- Participated in two Incident Commander Incident Management Remote Response virtual meetings
- Participated in three virtual meetings of the NWCG Medical and Public Health Advisory Team
- Participated in the Winter Meeting of the NASF Wildland Fire Committee
- Participated in the OFS February "First Tuesday" meeting
- Conducted one MS-Teams meeting with the Northern Rockies Incident Management Team #1 to discuss each Team Section's current status
- Met with State Representative Hardin to discuss potential funding and Work Capacity Test concerns
- Participated in four virtual meetings as the Southern States representative to the USFS Community Wildfire Defense Grant Program Development Committee
- Reviewed and scored vendor bid packages interested in developing a Strategic Communications Plan for the State of Oklahoma
- Conducted interviews to select a vendor to develop a statewide Strategic Communications Plan
- Attended a special meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee
- Delivered a key note address to the Southern Region Annual Incident Management Team meeting

Respectfully Submitted,

Mark Goeller
Director/State Forester





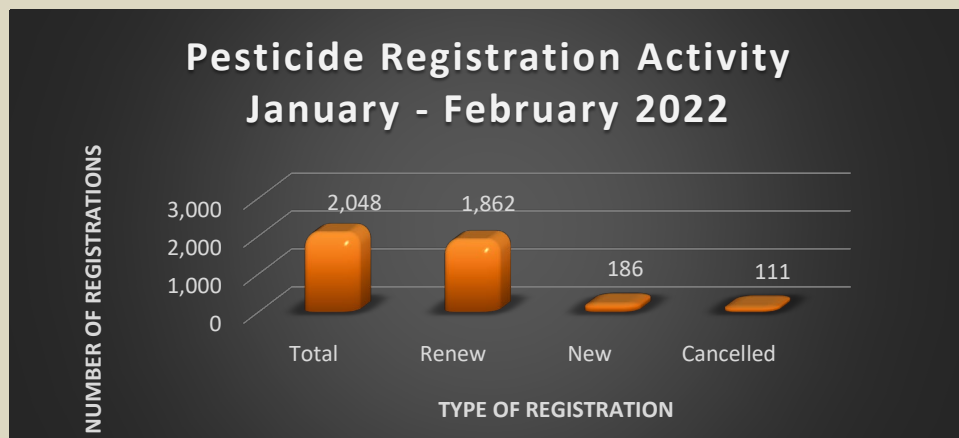
CONSUMER PROTECTION SERVICES DIVISION

MARCH 9, 2022 BOARD MEETING REPORT FOR DECEMBER/JANUARY 2022

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for January 1st to February 17th in 2022 are presented in the following chart. A total of 2048 products were registered, of the products registered 1862 were renewals and 186 were new. There were 111 products cancelled.



Pesticide Samples

Pesticide samples taken December 2021 - January 2022 are presented in the following chart. A total of 11 Residue, 38 Concentrate, 4 Pollution, 4 Tank mix, and 7 Documentary samples were taken.

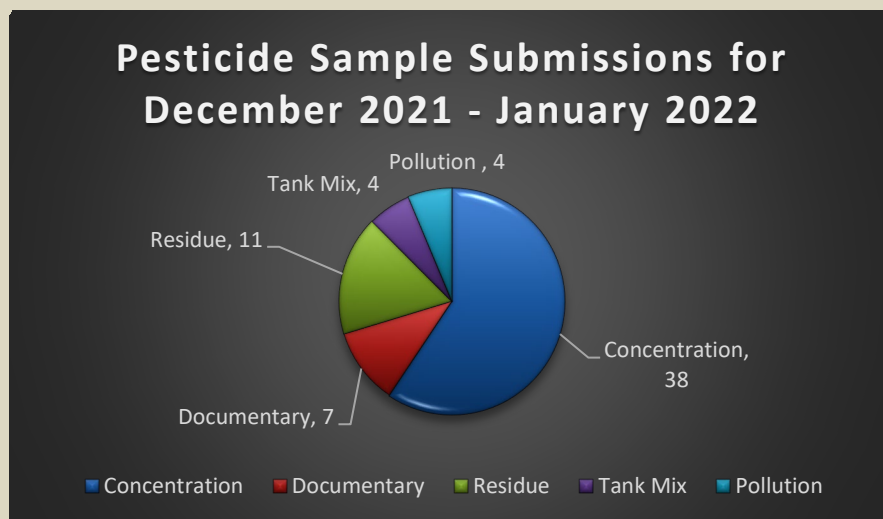


Table 1. Inspection Count for December 2021 - January 2022*

Inspection Type	Number of Inspections		
	December	January	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	46	51	97
Pesticide Applicator Facility	32	19	51
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	17	18	35
Container Containment Inspection	0	0	0
Producer Establishment	0	0	0
Use	82	47	129
Termite	0	0	0
Wood	0	0	0
Pre-treat	0	2	2
Drift Investigation	0	0	0
Pesticide Label	3448	3583	7031
Worker Protection	6	0	6
Total	3631	3720	7351

* 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 20 nonagricultural use samples, 14 agricultural use samples and 30 market samples for a total of 64 samples.

Licensing & Certification:

Stop work orders (SWO) were sent out on January 25th to all companies that had failed to renew by January 1st; approximately 300 SWOs were issued.

Service technician certifications expire at the end of 2022. Since all service technicians must complete the exam to recertify, we will begin the renewal process on July 1, 2022. All other expiring categories will start renewals on September 1, 2022.

Private Applicators:

The CEU spreadsheet for private applicators was updated on the ODAFF website on February 5th.

Pesticide Complaints

PESTICIDE COMPLAINTS	January 5, 2022 – February 17, 2022			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED	6	6	6	6
MUSK THISTLE	0			
CASES REFERRED TO OGC:	6			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Environmental Program

On February 1st 2022, a CPS inspector conducted an investigation at the Hunter's Creek neighborhood in Edmond after receiving a complaint reporting improper disposal of a herbicide by Laguna Landscaping LLC. During the investigation, there was residual application dye observed on the street, around and down into the storm drain. Two swab samples were collected on site, including one for checking herbicide residues and the other as a control sample. Additionally, Laguna Landscaping LLC has a suspended license and should not have been performing herbicide applications.



Figure 2: Dye in the storm drain.



Figure 1: Application Dye around the drain.

Plant Protection Program

Phytosanitary Certificates

Federal

Federal phytosanitary certificates Issued from January 1, 2022 – January 31, 2022

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

2 Federal phytosanitary certificates issued @ \$106.00 each

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

3 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (January 1, 2022 - January 31, 2022)			
Country	Product	Quantity	Phytos Issued
China	Barrelclover Seed	20 Gram	1
Germany	Medicago	1 Gram	1
Indonesia	Miscanthus Seed	78.499 MT	1
Mexico	Potatoes	2,160 bags	1
Netherlands	Barrelclover Seed	1 Gram	1

Companies applying for federal phytosanitary certificates:

International Ingredient: 1

OSU Biosciences: 3

Colo-Kist 1

State

State phytosanitary certificates Issued from January 1, 2022 – January 31, 2022

19 phytosanitary certificates for 2,687 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: 32/32 100%

Compliance agreements returned with signatures: 27/32 84%

Left to do: Waiting on NM agreements for 2 nurseries, 3 nurseries possibly not shipping out of state

Certificates issued after agreements are completed 27/32 84%

Left to do: Waiting on NM agreements for 2 nurseries, 3 nurseries possibly not shipping out of state

Hemp

5 licensed growers

7 licensed processors/handlers

We are continuing to work on the online application process and have updated the 2022 list of ODAFF Hemp Processors/Handlers.

Apiary

73 active licenses. Tulsa Oklahoma has the highest number of licensed beekeepers. Will be participating in an event for schools in July to teach Oklahoman kids about bees!

RUP

460 active licenses. Oklahoma City has the highest number of licensed RUP dealers.

Cooperative Agriculture Pest Survey

Grants awarded to ODAFF under PPA 7721 Farm Bill funds for two surveys:

- Grape Disease and Pest Survey, \$26,633. \$18,000 of that is for laboratory analysis by the OSU Plant Disease and Insect Diagnostic Lab (PDIDL). They are the only qualified and USDA certified lab in the state. We will reach out to all grape growers to assess the health of the crop.
- Phytophthora ramorum Nursery Survey, \$20,000. This award provides funding for ODAFF field staff to assist the USDA APHIS with 2 compliance surveys at a previously positive nursery.

Cooperative Agreements (CA) with the USDA APHIS that run from Jan to Dec:

- Forest Pest Survey, \$14,075. Field staff place 8 traps at each of 24 sites surveying for invasive pests.

- Karnal Bunt Survey, \$5,000. Field staff collect up to 32 wheat samples to analyze for the presence of *Tilletia indica*.
- Imported Fire Ant Survey, \$57,178. 16 counties bordering the IFA quarantine and other high traffic counties are surveyed on 2- or 5-mile grids for the presence of IFA.

Cooperative Agreement that runs August 1, 2021 to July 31, 2022:

- P. ramorum Laboratory Agreement, awarded \$44,525. This agreement covers analysis of samples from a previously positive nursery and any other samples collected during trace forwards or nursery inspections.

Cooperative Agreement that run July to June:

- Infrastructure, \$53,154. This CA partially funds the State Survey Coordinator.

AGRICULTURE RESOURCE SECTION

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 to more efficiently process feed samples.

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of January 10th – February 16th, 2022.

Type of Investigation	Number
Dry Fertilizer Facility	13
Liquid Fertilizer Facility	10
Pre-Site Facility	0
Anhydrous Ammonia Storage Tanks	13 (20 Total Tanks)
Anhydrous Ammonia Nurse Tanks	13 (237 Total Tanks)

Type of Sample	Number
Fertilizer	26
Lime	0

Joshua Maples, Fertilizer Program Administrator, attended the Winter Annual AAPFCO Meeting which took place February 13-16, 2022 in Mobile, Alabama. There he represented the state of Oklahoma as a vice-chair on the Uniform Bills committee as well as an active member on 6 committees throughout the AAPFCO business and committee sessions. He engaged with other state control officials and industry professionals in the ongoing objective of creating more uniformity in the regulation of agricultural lime, fertilizers, and soil amendments across the different states.

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 42 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. Fourteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Five stop sales were issued for products deficient in Vitamin A. Two stop sales were issued for products deficient in Crude Protein. One stop sale was issued for a product deficient in Calcium. One stop sale was issued for a product deficient in Salt. One stop sale was issued for a product deficient in Phosphorus. One stop sale was issued for a product deficient in Crude Fat. One stop sale was issued for a product deficient in Copper. One stop sale was issued for a product deficient in Zinc. One stop sale was issued for a product exceeding limits in Crude Fiber.

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 December 2021- January 2022

Nutritional Guarantee	Number of Label Violations		
	January ¹	December ²	Two Month Total
Crude Protein	21	21	42
Non-protein Nitrogen	0	0	0
Crude Fat	3	8	11
Crude Fiber	2	2	4
Calcium	3	4	7
Phosphorus	3	4	7
Salt	0	0	0
Magnesium	1	4	5
Potassium	1	2	3
Copper	1	2	3
Iron	0	0	0
Zinc	6	2	8
Vitamin A	1	5	6
Medicated Feed	0	0	0
Total	42	54	96

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

Table 2. Feed Stop Sale Summary December 2021- January 2022

Nutritional Guarantee	Number of Stop Sales		
	January ¹	December ²	Two Month Total
Crude Protein	2	1	3
Non-protein Nitrogen	0	0	0
Crude Fat	1	3	4
Crude Fiber	1	0	0
Calcium	1	2	4
Phosphorus	1	1	2
Salt	1	2	2
Manganese	0	0	0
Potassium	0	0	0
Copper	1	1	1
Zinc	1	1	2
Vitamin A	5	7	15
Medicated Feed	0	0	0
Total	14	18	33

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

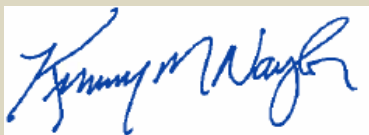
Weights & Measures Program

During this period the large capacity scale technicians tested 111 Vehicle scales, 9 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 958 small scales and 20 platform scales, 22 of the scales were rejected. There were 25 random pack inspections and 57 standard pack inspections conducted that resulted in 10 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 106 price verification inspections were conducted at various retailers that resulted in 14 companies receiving letters of warning.

The ODAFF Ranch Scale testing program has begun. 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.

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
March 9, 2022
Activities January 8, 2022 – February 18, 2022

Animal Disease Traceability:

Dr. Gorczyca is on the VET-CVI committee to assist USAHerds states in the implementation of the eCVI once it becomes available this spring. It currently is being tested in 5 states and Oklahoma will be in the next round of states to test the application before the final production release. The timing of VET-CVI becoming available could not have come at a better time. AgView, the eCVI that the National Pork Board hosted, will be discontinued in April. We want to encourage AgView users to continue to use eCVIs and we are hopeful that we will be able to transition them directly to VET-CVI.

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 are working with Allflex to reactivate their approved state vendor status to purchase RFID wands utilizing the ADT supplemental funding.

Aquaculture:

There was no activity in the Aquaculture program during this time.

Biologics:

During this time, biological product renewals were sent out automatically through the Kelly Registry System. Biological products expire March 20th of each year. Companies needing to renew products were given the option this year of renewing online through the Kelly System or mailing in renewal forms with payment. There is an additional fee for a company to renew online however the efficiency of using the Kelly System allows for timelier issuance of approved biological product permits.

Cattle Programs:

Brucellosis:

We have no active bovine Brucellosis cases currently.

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (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:

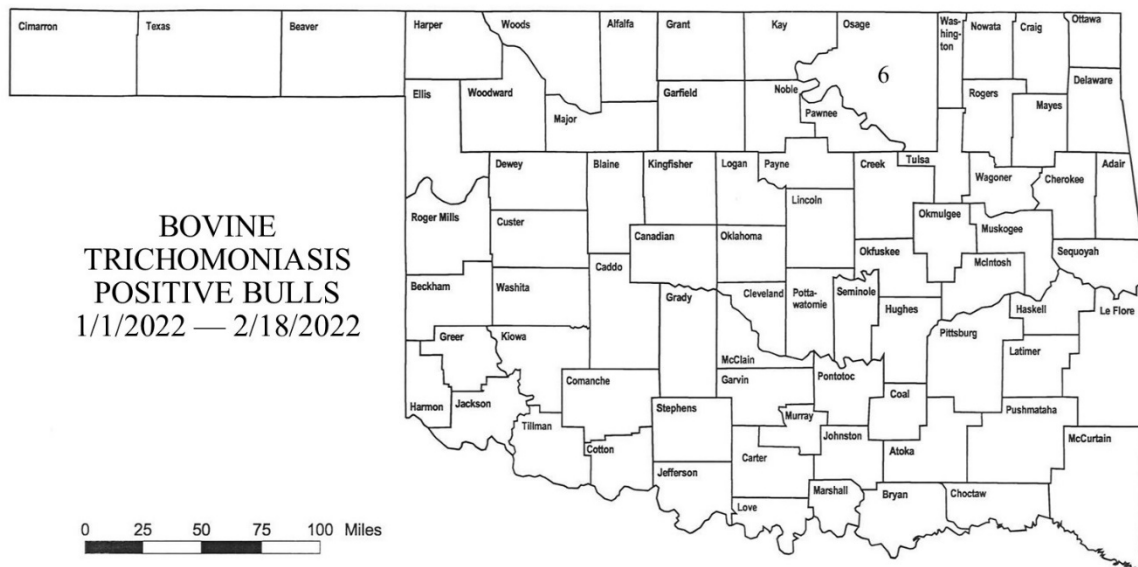
The herd plan for the dairy in Cimarron County requires yearly tests as long as exposed cows are in the herd. We have scheduled a meeting with USDA Cattle Health Staff to discuss this, as we believe we have already surpassed the amount of surveillance needed for that herd.

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 2,031 Oklahoma bulls were tested, and five 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.



2,128 bulls tested / 6 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 2022 for this reporting period, we have received 11 positive reports, nine from new premises. In 2021 for the same period, we were very similar with 12 positive reports, 10 were from new premises.

The yearly average total for the last seven years is 119 positive reports on 73 new premises. That represents a total of 550 farms that have probably purchased this disease.

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 soon realize that having good records will pay by known linkage to positive animal and by more rapid progress for disease elimination.

Emergency Management:

Considering the confirmed cases of Highly Pathogenic Avian Influenza, Drs. Gorczyca and Ruby have been going through preparatory actions to ensure that AIS is ready to respond. We will be meeting with ODEMHS and other state partners to advise them of the response plan and the assistance that ODAFF will need should HPAI be confirmed in the state. We have ordered additional PPE assets and disinfectant and will be working with County Emergency Managers to have the C&D trailers operational and ready for deployment. Dr. Ruby has been working with the LSIs to confirm the Kifco foaming unit is in working order and lastly, we are developing HPAI response communication documents with Morgan and Audrey's assistance. Dr. Ruby has been in contact with the commercial poultry veterinarians to determine their level of preparedness and to ensure they are enhancing their on-farm biosecurity practices. Our next steps will be to begin outreach through OSU Extension collaboration to educate backyard poultry owners about enhancing their biosecurity practices and to report unusual illness in their flocks.

The National Veterinary Stockpile Full Scale Exercise has been rescheduled for May 11-12, 2022. Dr. Gorczyca is working with OSDH and the NVS exercise team to begin the planning process.

On January 21, Dr. Gorczyca and Dr. Leslie Cole participated in a review of the OKMRC State Animal Response Team conducted by the Region VI MRC Coordinator, Sandi Wiggins. The team has been struggling due to lack of volunteers to assist with training and engagement. The SART will have the opportunity to apply for a grant that would provide funding for a volunteer to assist with training and engagement.

On February 9, Dr. Gorczyca and Dr. Hall met with Kylee Deniz to discuss US SHIP roll out for Oklahoma which is tentatively scheduled for March 1. Dr. Gorczyca will be collaborating with OK Pork Council and the US SHIP Oklahoma Delegates to ensure the program's initiation will be successful.

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

Through continued investigation of the positive case of Equine Piroplasmosis in December, two additional positive cases were found. One of the horses was euthanized and the second has been enrolled in the USDA treatment program. The horse undergoing treatment will remain under quarantine until serology testing is negative. Both the positive cases are horses that are suspected of participating in unsanctioned racing where spread of this disease occurs due to unhygienic practices. No additional positive cases were found in the investigation of these two horses.

Farmed Cervidae Programs:

We have hired an Administrative Assistant for this program. She is a Registered Veterinary Technician who has managerial experience. We're anxious to begin training her and are excited to see the positive changes we believe she'll make in the management of the program.

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:

The same RVT who we hired to manage the Farmed Cervidae Programs will also manage the Feral Swine Program. She begins work on February 28.

Foreign Animal Disease:

On February 9 we were notified that Highly Pathogenic Avian Influenza had been confirmed in a commercial turkey flock in southwestern Indiana. Since that case, other cases have been confirmed in commercial poultry in Kentucky, Indiana, and Delaware. Cases in backyard flocks have been confirmed in Maine, Virginia, and New York. This strain has been circulating in Europe for almost two years and is being carried by wild migratory waterfowl that were infected in their breeding grounds where they commingle with waterfowl from other parts of the world.

ODAFF and APHIS personnel only performed one FAD investigation during this time frame. It was a hog in Oklahoma County with lesions compatible with FMD or Vesicular Stomatitis. Thankfully it was not a FAD.

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. This has gained greater significance due to the finding of ASF in the Dominican Republic and Haiti.

Livestock Market Audits:

During this period, one livestock market changed ownership. The Okmulgee sale barn is being bought by the partnership of Jordan Booth and Dakota Bebee. The new Okmulgee Livestock Auction, LLC plans to host their first sale on March 3. Staff also sent packets to individuals interested in purchasing the Mountain View facility as well as a chicken auction near Warner that is considering selling sheep, goats, and pigs. In addition to this activity, staff has been busy wrapping up the yearly renewals of all the states livestock

markets. This period also allowed for a new market orientation as well as several custodial account reviews, none of which turning up any violations.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	0
Market custodial audits completed	5
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

During the early part of this time the 2nd Annual Cattlemen's Congress concluded. It was a success. CC supplied interns from OSU who assisted our veterinarians and inspectors in verifying that cattle were properly documented to come onto the fairgrounds.

On Jan 3, Dr. Stone was interviewed by a group of FFA students and their advisor, in preparation for speech competition, on the use of RFID tags, the advantages over NUES tags and issues that producers may have with their use.

January 8 – 10, Dr. Stone, ODAFF LSI's and USDA AHT's checked consigned animals for official identification, proper test results and CVI's for the Simon Bucking Stock Sale. Animals are consigned from all parts of the US and Canada for this event.

On January 12 Secretary Arthur and I met with Representative Trey Caldwell, Michael Kelsey from OCA, and Steve Thompson from Oklahoma Farm Bureau to discuss BVD PI issues in cattle.

On January 13 Dr. Stone checked all animals' documentation at the International Finals Rodeo in Guthrie.

On January 19 we had a virtual meeting of our Field Staff to discuss various issues and bring everyone up to date on cases, disease alerts, etc.

The Oklahoma Veterinary Medical Association Annual Conference took place January 27-29 in Norman. AIS and USDA personnel provided a full day on the 27th of regulatory topics. Approximately 250 veterinarians and technicians attended the hybrid meeting. Secretary Arthur graciously greeted the attendees in the morning and noted the importance of veterinarians and veterinary medicine to Oklahoma Agriculture.

On February 10 Drs. Gorczyca-Southerland, Stone, Ruby, and I attended a virtual meeting of the Southern Animal Health Association.

Poultry Programs:

There have been 19 sick or dead birds submitted for our sick bird/dead bird program for 2022.

Highly Pathogenic Avian Influenza (HPAI) has been in circulation in Europe, Asia, and Africa since 2020. The United States has a very robust surveillance system for AI and has been monitoring for this strain of HPAI in migratory birds. In January 2022 through migratory bird surveillance, multiple wild waterfowl in the Atlantic migratory bird fly zone were found to be positive for the Eurasian strain. This was the first time since 2016 this strain has been detected in the United States. In January, there were two different flocks of mixed birds that were confirmed positive in Newfoundland and Labrador, Canada with the Eurasian strain of HPAI. On February 9th, a domestic turkey flock in Indiana was confirmed positive for the Eurasian strain of HPAI. Since that occurrence there have been four additional positive commercial flocks in two counties in Indiana, two positive commercial flocks in two counties in Kentucky, one positive commercial flock in Delaware, and a positive backyard flock in Virginia, Maine, New York, and Michigan. All these cases have been confirmed to be the Eurasian HPAI strain. Through USDA funding, increased surveillance in the migratory flyways has been initiated. Oklahoma is in the central flyway and to date, there have been no reported positive detections. We are currently working with our industry to increase biosecurity in both commercial and backyard flocks in hopes of preventing incursion of this virus into Oklahoma.

Rabies in Livestock:

There has been one confirmed case of rabies in a horse since the last board report. It was a ranch horse that did not leave the owner's premises and had no history of being vaccinated against rabies. One person who had direct contact with the sick horse has undergone post exposure prophylaxis and the other 4 horses that shared a pasture with the affected horse have been updated on their rabies vaccine and will be kept under close observation for the next 6 months.

Sheep and Goat Programs:

There were no changes to this program during this time.

Swine Programs:

On February 9 Dr. Gorczyca-Southerland and I attended a virtual meeting with Kylie Deniz of Oklahoma Pork Council to discuss how OKPork can assist ODAFF in the roll out of US Swine Health Improvement Program to Oklahoma pork producers.

On February 10 Dr. Gorczyca-Southerland and I attended a virtual meeting of US Swine Health Improvement Program (US SHIP) as ODAFF is Oklahoma's Official State Agency for this program.

The same RVT I mentioned in the notes on Farmed Cervidae and Feral Swine will also manage the swine programs.

Miscellaneous:

We completed and submitted the workplans and budget plans to USDA for the program work we do cooperatively for them. They pay us \$660,000 to perform work related to our cooperative programs.

On January 12 Secretary Arthur, Deputy Commissioner Rowlett, and I met with Myranda Kisler and her parents. Myranda is Miss Rodeo Oklahoma Teen this year and her father is one of our Livestock Inspectors.

On January 19 I attended a Directors Retreat with other ODAFF Division Directors. We had some fun, interactive instruction on team building, marketing, and other subjects.

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 January/February 2022 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 675 properties with an estimated 2,275,683 acres of land under agreement. Additionally, WS helped 315 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 \$171,520. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$107,056. Feral swine damages accounted for losses totaling \$68,112, while other species of wildlife were responsible for \$55,788 in damages to property, agriculture, and livestock.

Providing Wildlife Services

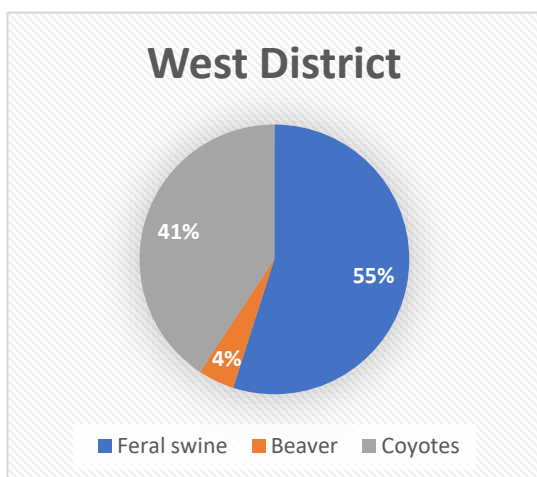


Figure 1: Species Removed in West District by percentage during January/February 2022

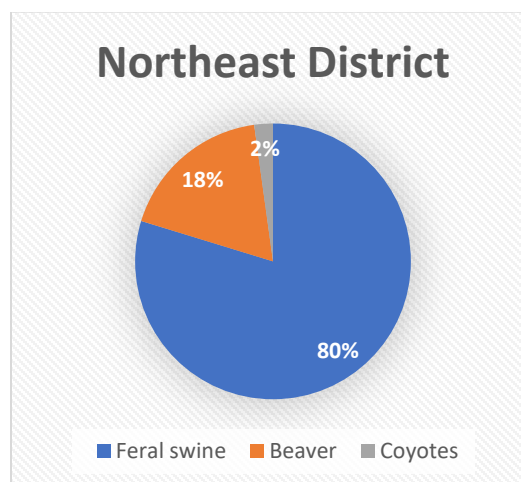


Figure 2: Species Removed in the Northeast District by percentage during January/February 2022

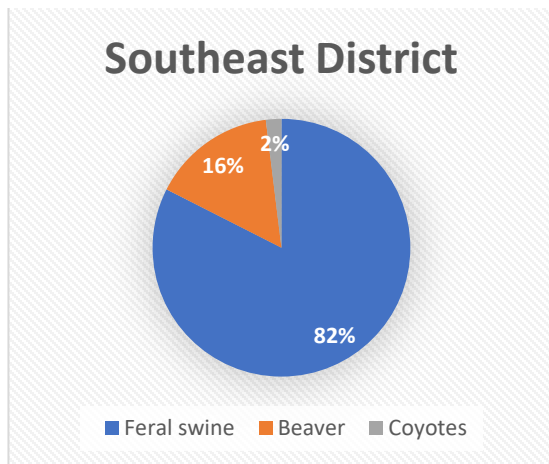


Figure 3: Species Removed in the Southeast District by percentage during January/February 2022

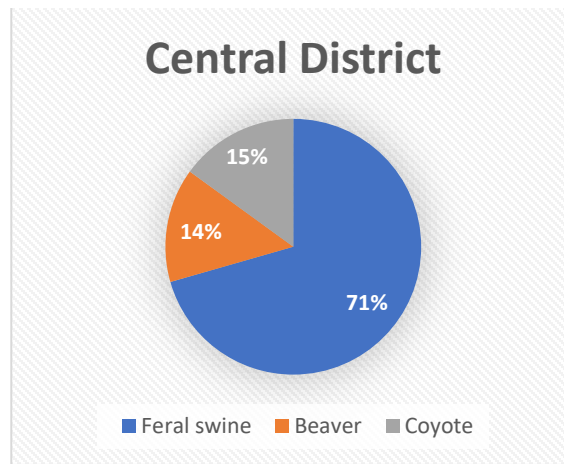


Figure 4: Species Removed in the Central District by percentage during January/February 2022

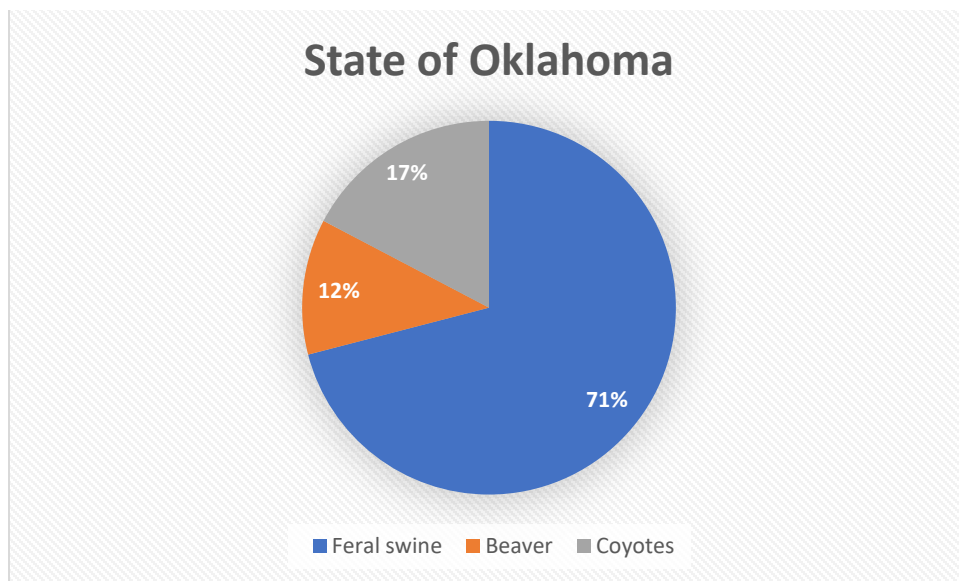


Figure 5: Species Removed in the State by percentage during January/February 2022

Coyote Damage Management

Comanche County livestock producer 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 Comanche County quickly responded to the request and examined the carcass and confirming that coyotes were responsible for the loss of the calf. The Specialist used snares and M-44 sodium cyanide devices to remove nine coyotes. Control efforts continue to prevent additional losses.

Beckham County livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes killed three calves valued at \$2,643. 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 valued at \$881. Control efforts have removed 13 coyotes and are continuing at this time to further reduce predation losses to coyotes for the producer.

Feral Swine Damage Management

Jackson County landowner contacted WS needing assistance with feral swine damaging his wheat fields and pastures. The landowner estimated that feral swine damage to the wheat fields and pastures to be \$10,000. The Wildlife Specialist assigned to Jackson County quickly responded to the request and verified feral swine were responsible for the damage. A live trap was utilized to remove 36 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.

Cotton County landowner requested assistance with feral swine rooting up his pastures. The landowner estimated that feral swine were responsible for \$2,000 in damage to his pastures. The Wildlife Specialist assigned to Cotton County quickly responded to the request and verified the damage to the field. The Specialist utilized a live trap to remove 28 feral swine from the area. Feral swine activity in this area is closely being monitored to determine if further management is needed.

McIntosh County landowner called WS with a complaint that feral swine were rooting up his pasture. After investigating the property, abundant damage was verified. Utilizing pre-bait and then a corral-type trap, 12 feral swine were removed from the property. Work is ongoing at this time. The landowner was advised of environmental changes that could help prevent future damages caused by feral swine.

Pawnee County landowner contacted WS reporting feral swine sightings and damages to a pasture. A WS Specialist responded to the call and verified the damage. A corral-type trap was placed on the property and 18 feral swine have been removed from the property. Work is ongoing and the landowner was advised of environmental changes that could help prevent future damages caused by feral swine.

Bryan County rancher called WS for assistance with feral swine damaging his pasture. Damages were verified and estimated at \$4,000.00. A remote camera trap was set-up and 19 feral swine were removed from this property. This project is concluded.

Marshall County church camp contacted WS for assistance with feral swine to their property. Damage to the lawns and fields was verified and estimated at \$3,000.00. A remote camera trap was placed at a pre-baited site and 18 feral swine were removed. This project is concluded.

Coal County rancher called WS for assistance with feral swine. The rancher reported feral swine damage to his cattle pastures. Damage was verified and estimated at \$3,000.00. Aerial operations were conducted at this location by WS and 47 feral swine were removed to stop the damages and conclude this project.

Beaver Damage Management

Kingfisher County Commissioner contacted WS with beaver damage concerns. The Commissioner reported that beavers were responsible for \$5,000 to the road and bridge structure. The Wildlife Specialist assigned to Kingfisher 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.

Dewey 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 \$1,000 to the bridge structure and roadbed. The Specialist for Dewey 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.

Muskogee County landowner contactd WS regarding beaver damage. The landowner reported that beavers had moved into a drainage ditch on his property and had begun cutting down trees. A WS Specialist visited the location and verified that beavers were responsible for an estimated \$750 in damage to the trees. Conibear traps were used to remove three beavers from the ditch and no further damage has been observed.

Tulsa County resident requested WS to inspect possible beaver damage to his trees and pond dam. Upon inspection of the property, it was determined that beavers were responsible for the damage. Conibear traps were set on the property to help eliminate the beavers. Two beavers have been trapped and work is still ongoing. Estimated cost to repair pond damage is \$1500. The landowner was instructed on environmental changes and beaver dam removal methods that can be utilized to help prevent future problems.

Murray County property owner called WS for assistance with beavers that had moved onto the property right beside their well house. Beavers had dammed up a spring and the water was backing up onto the well house that provided drinking water for the family. The owners were concerned for the quality of their water and the possibility of “beaver fever” infecting the family’s water supply. Beaver sign was confirmed by WS and damages were minimal. Conibear traps were placed and seven beavers were removed to conclude this project.

McClain County Commissioner called WS for assistance with beavers that were flooding a county road causing an estimated \$5,000.00 to the public road. Conibear traps were placed and seven beavers were removed to conclude this project.

Pottawatomie County landowber contced WS for assistance with beaver damage to trees around her pond and a dammed creek. Damages included loss of hardwood and softwood trees and damming of feeder creek above and below beaver lodge. The damming activities have forced water over a gravel driveway leading to the property owners home. The lower dam will require removal to prevent further damage to the driveway. Value of the loss is estimated at \$10,000 depending on the driveway repairs and dam removal costs. Beaver traps were set at the lodge, in bank holes, and at one of the dams. Three beavers have been removed and in an effort to determine progress, the beaver lodge had been torn open to force any remaining beavers to do repairs. Traps remain in place and work is ongoing at this time.

Cleveland County landowner contacted WS with an issue with beaver damage to their pond. The estimate damage to the standing trees and pond dam is estimated at \$8000.00. Conibear traps were utilized and seven beavers have been removed from the property. Trapping efforts are still ongoing at this time.

Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS January/February 2022

County	Beaver	Coyote	Feral swine	District
Adair		1		NE
Alfalfa		4		W
Atoka	21		38	SE
Beaver		59		W
Beckham		46	110	W
Blaine	4	2		W
Bryan	14		640	SE
Caddo			117	W
Canadian	2			C
Carter				SE
Cherokee	4		9	NE
Choctaw	17		52	SE
Cimarron		24		W
Cleveland	5			C
Coal				SE
Comanche		30		W
Cotton			171	W
Craig	12		29	NE
Creek	16		10	NE
Custer		10	23	W
Delaware	2			NE
Dewey	13		39	W
Ellis	4	44	13	W
Garfield	2	3		W
Garvin	10	8		SE
Grady	1		38	W
Grant	1	7		W
Greer		65	11	W
Harmon		26	33	W
Harper		2		W
Haskell	1			NE
Hughes			17	SE

Jackson		38	96	W
Jefferson	9			SE
Johnston	17	3	99	SE
Kay	2		28	NE
Kingfisher	4	3		W
Kiowa		3		W
Latimer	3		13	SE
Leflore	55		35	SE
Lincoln	2	2	32	NE
Logan	7	11	86	W
Love	17	2	68	SE
Major	5	10		W
Marshall				SE
Mayes				SE
McClain	16	11	39	SE
McCurtain	23		6	SE
McIntosh	7		25	NE
Murray	8		140	SE
Muskogee	19	7	22	NE
Noble			82	NE
Nowata	13			NE
Okfuskee	7		67	NE
Oklahoma	11	23	81	C
Okmulgee	3		39	NE
Osage		7	74	NE
Ottawa	11			NE
Pawnee	4		167	NE
Payne	7			NE
Pittsburg	20	6	115	SE
Pontotoc	9		2	SE
Pottawatomie	8	4	46	C
Pushmataha	16	2	16	SE
Roger Mills	5	24	114	W
Rogers	12			NE
Seminole	2		80	SE
Sequoyah	3		35	NE
Stephens	5	59	1	W
Texas		69		W
Tillman	6	27	46	W
Tulsa	6			NE

Wagoner	18	1	38	NE
Washington				NE
Washita	13	4		W
Woods		57		W
Woodward	1	38		W

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

Wildlife Disease Sampling

During the month of January, Wildlife Services' collected samples from 15 feral swine in 2 Counties; Bryan County and Atoka County. The samples collected will be tested for classical swine fever, pseudorabies, swine brucellosis, and for genetics. All samples were opportunistically collected during feral swine direct control operations on properties that have requested Wildlife Services assistance with feral swine damage.

Table 2: Species/Disease sampling, January 2022

Species/Disease	Sample Type	Samples
classical swine fever	blood/serum	15
genetics	tissue	15
pseudorabies	blood/serum	15
swine brucellosis	blood/serum	15
Total Samples		60

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

**February 2022 Activity Report
for
March 2022 Board Meeting

Agricultural Statistics Division**

General: For the **month of February**, rainfall totals averaged 1.03 inches throughout the state, with the Southeast district recording the highest precipitation at 1.96 inches and the Panhandle district recording the lowest precipitation at 0.14 of an inch. According to the February 15th, US Drought Monitor Report, 98 percent of the state was in the abnormally dry to exceptional drought category, up 71 points from the previous year. Additionally, 88 percent of the state was in the moderate drought to exceptional drought category, up 77 percent from the previous year. Statewide temperatures averaged in the high 30's, with the lowest recording of -12 degrees at Kenton on Friday, February 4th and the highest recording of 82 degrees at Altus on Wednesday, February 16th. Topsoil and subsoil moisture conditions were rated mostly very short to short.

Small Grains: Winter wheat grazed reached 61 percent. Rye grazed reached 45 percent. Oats grazed reached 45 percent.

Pasture and Livestock: Pasture and range condition was rated at 58 percent fair to very poor. Livestock condition was rated at 84 percent fair to good.

Surveys: Surveys administered by the Oklahoma call center are listed in the table below:

Survey	Enumerated by:	Survey Dates
Farm Producer Survey (Expanded Demographics)	DCC	2/2 – 2/25
Agroforestry Survey	DCC	2/15 – 4/5
Cotton Ginning	DCC	3/1 – 3/2
March Crops APS	DCC	2/27 – 3/18
Berry PDI	DCC	3/11 – 3/30
2020 Census of Ag Content Test	DCC	3/15 – 4/16
NACS	DCC	3/14 – 5/27
April Milk Production	DCC	3/31 – 4/13
Cash Rents	DCC	4/18 – 6/21
April Labor	DCC	4/18 – 5/10
May Ag Yield	DCC	4/29 – 5/7

Statistics: On February 18, 2022, the Farms and Land in Farms Report was published. Highlights include:

In 2021, the number of Oklahoma farms declined to 77,200 farms, down 100 farms from 2020. Land in farms remained at 34.4 million acres. The average size of farm increased from 445 in 2020 to 446 in 2021.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 38. In addition, our internet home page was hit 3,844 times in January, which is up 36 percent from 2021.

Releases for February:

Crop Production
National Hemp Report
Corn, Soybean, Sorghum County Estimates
Cattle on Feed
Agricultural Prices

Relating Dates:

February 1, 2022
2021 Crop Year
2020-2021 Crop Year
February 1, 2022
February 15, 2022

Release Dates:

February 9, 2022
February 17, 2022
February 24, 2022
February 25, 2022
February 28, 2022

Releases for March:

Crop Production
Price Reactions Reports
Cattle on Feed
Hogs and Pigs
Agricultural Prices
Prospective Plantings Report

Relating Dates:

March 1, 2022
2021 Crop Year
March 1, 2022
March 1, 2022
March 15, 2022
March 1, 2022

Release Dates:

March 9, 2022
March 11, 2022
March 25, 2022
March 30, 2022
March 31, 2022
March 31, 2022

Meetings and Events:

SPR NASDA Enum ARMS 3 Training
Indonesia Area Frame Discussion
Team 7 Producer Webinar
Team 8 Producer Webinar
Team 13 Producer Webinar
Team 5 Producer Webinar
OK DCC March Ag Training

Date:

February 2, 2022
February 14, 2022
February 23, 2022
February 23, 2022
February 24, 2022
February 24, 2022
February 24, 2022

Location:

Virtual
Virtual
Virtual
Virtual
Virtual
Virtual
Virtual

Respectfully Submitted,



Troy Marshall

MARKET DEVELOPMENT SERVICES

March 9, 2022

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 46
- Total Number of Pre-service Teachers Impacted: 21
- Total Number of Extension Educators Impacted: 0
- Total Number of Students Directly Impacted by Coordinators: 535
- Total Number of Resources Given: 9,920
- Total Number of Teachers/PreService Teachers Resources Given to: 56
- Total Number of PreK-12th Grade Students Resources Given to: 1,131

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

- The AITC website had 14,881 visits and 12,285 unique pageview visits.
- The AITC monthly email is delivered to 15,824 accounts.
- The AITC Facebook page now has 7,879 followers.
- The AITC Twitter page now has 586 followers.
- Oklahoma AITC Instagram account now has 600 followers.
- Oklahoma AITC Pinterest account now has 209 followers.
- The AITC YouTube channel now has 8,310 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
21 Student Teachers	Northwestern Oklahoma State University	Grady's in the Silo; Pig Personality Test; Protect the Pringle; Pig Bookmark; Red Dirt Symbols; Ag Magazine	Barn; AITC Pen; Oklahoma Agriculture Magazine; ABC Coloring Book; Red Dirt Symbols; Specialty Crop Activity Book; PA Resource, Early Childhood, Elementary, and High School Swine Tear Sheet; Engineering Process Design Tear Sheet; Specialty Crop Tear Sheets; Careeropoly Game; Financial literacy cards
1 after school program teacher	Grove Elementary - Tulsa Union	AITC Website, Resources, Curriculum	Barn including one of every resource

Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
130 4th grade students	Bridge Creek Intermediate - AITC Contest Winner Presentation	N/A	Copy of Poster in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
20 Kindergarten students	Hugh Bish Elementary School, Lawton - AITC Contest Winner Presentation	N/A	Copy of coloring sheet in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
150 6th Grade students	Willard 5th and 6th Grade Center - Ada - AITC Contest Winner Presentation	N/A	Copy of Poster in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
20 high school students	The Academy-Oklahoma History Class	Abernathy Boys	Red Dirt Symbols; Red Dirt Groundbreakers
75 8th grade students	TAP-Woodward Middle School	Grady's in the Silo; and Pig Personality Quiz	Career Infographic Card
20 Pre-K students	Fairview Elementary School - AITC Contest Winner Presentation	N/A	Copy of coloring sheet in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
20 Pre-K students	Cushing Elementary School - AITC Contest Winner Presentation	N/A	Copy of coloring sheet in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
20 Kindergarten Students	Claremore Elementary School - AITC Contest Winner Presentation	N/A	Copy of coloring sheet in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
50 7th grade students	Owasso Middle School - AITC Contest Winner Presentation	N/A	Copy of poster in frame; Senator and Representative Citations; Gift card and medal sponsored by the Oklahoma Beef Council
30 students (K, 2nd grade, and 5th grade)	Peavine Elementary School - Stillwell - AITC Contest Winner Presentation	N/A	Copy of coloring sheet in frame; Senator and Representative Citations; Gift card and medal

		sponsored by the Oklahoma Beef Council
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Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Creekwood Elementary - Broken Arrow	Thomas Elementary School
Stuart Elementary School	Washington Irving Elementary School
Wister Elementary School	Cross Timbers Elementary - Edmond
Salina Elementary School	Barnwell County Career Center
Preston 4-H Club	Little Axe Elementary School
Tulsa County OSU Extension	MacArthur Middle School - Lawton
Skyline Elementary School - Stillwater	Central Elementary School - Idabel
Banner Elementary School - El Reno	Peters Elementary School - Broken Arrow
Salina Elementary School - Salina	Clyde Boyd Middle School - Sand Springs
Duke High School	El Reno Public Schools
Garvin County Farm Bureau	Madill High School
Chandler Schools	Orvis Risner Elementary - Edmond
Enid Public Schools	Paula Pumpkin Patch
Payne County Farm Bureau	Mustang FFA
Muskogee Nation Conservation District	Oklahoma City Public Schools

Ag in the Classroom- Other Events

Event	Highlights
Teresa Brunnemer was named the Oklahoma Ag in the Classroom Teacher of the Year	We were able to surprise Teresa at Morrison Elementary School. Her Pre-K class was present to see her win, but the surprise was live-streamed for all of Morrison schools to see.
Workshops accepted for National Ag in the Classroom Conference were announced	Oklahoma AITC had 9 workshops accepted to be presented at the National Ag in the Classroom Conference in July in Saratoga Springs, NY. Two workshops will be presented by AITC State Coordinators, but the other 7 workshops will be presented by teachers throughout Oklahoma.

National Excellence in Teaching about Agriculture Award Application Submitted	Dusti McCartney, our 2021 Oklahoma Ag in the Classroom Teacher of Year, was nominated and submitted by Oklahoma AITC to be a recipient of the National Excellence in Teaching about Agricultural Award. We will find out about the award at the end of February.
Oklahoma AITC featured in the Tulsa World and on News Channel 7 out of Lawton	Both news sources covered our contest and winners within their communities, Owasso and Lawton. Link to Tulsa World article: https://tulsaworld.com/community/owasso/news/ag-in-the-classroom-owasso-7gc-students-nab-state-honors-for-creative-works-spotlighting-farming/article_f892f3da-8eb5-11ec-b5b0-a731e03a71db.html

AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
Lawton Farmers Market	Lawton	Farmers Market	Attended ribbon cutting ceremony for new farmers market building w/ Secretary Arthur

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Cottonwood Creek Ranch	OKC	Country Stays	Site visit, added to program, AYC job shadow
Oklahoma Tulips	Harrah	Horticulture	Site visit, added to program

Agritourism – Web and Social Traffic

Facebook: 18,831 page likes

Instagram: 2,088 followers

Loklahoma

Facebook: 3,189 page likes

Agritourism - Other Activities

- Oklahoma Wine Trails app
 - 2022 Kickoff meeting with Darcen and Alyssa
 - Phone consults: Diane Dean – updated wine profiles, Waddell Vineyards – updated wine profiles
- OKLAS
 - Stakeholder meetings
 - Registration released – newsletters, social, press releases sent out
 - Contacted and confirmed breakout sessions and tour stops
 - Meeting w/ Ruth Inman about marketing session “Google business profile for beginners”
- Phone consult/conversations with: Kate Thomas – new FM questions, Kimberli Thompson – new winery, Jerrod Vasquez – new FM questions, Laura McNett – new FM questions, Dawna Livesay – OKLAS, Sweet Pickens Pumpkin Patch – joining agritourism in fall, Oklahoma Energy & Agricultural Training (OK EAT) – joining agritourism this spring
- Email consultation with: Oklahoma Tulips, Cottonwood Creek Ranch, Flix Brewhouse Presented at the Mounds Farmers Market board meeting
- Regenerative Ag virtual Meeting
- Oklahoma Christmas Tree Association virtual meeting
- SCBG 21 – Submitted application for hand washing stations and farm food snack videos

- Attended NAFDMA – one day bus tour, one day tradeshow, two days of breakout sessions
- Attend TODS meeting
- Help supervise ag youth council trip to Stillwater/Oklahoma State University: FAPC, teaching greenhouses, dairy center, Pfeiffer farms
- Attend Oklahoma Local Ag Collaborative meeting

ECONOMIC DEVELOPMENT

Activity	Action
Agriculture Enhancement & Diversification Program	The selection committee met on February 3 rd and voted in favor of recommending one (1) Farm Diversification grant and one (1) Ag Event grant for approval.
2022 SCBG application	A Request For Applications (RFA) was sent out on January 31 st to 50+ individuals who have submitted an application or inquired about the SCBG within the past 4 years, along with a press release sent to statewide media outlets. The deadline to have applications submitted to ODAFF will be February 28 th . Oklahoma will receive \$574,883.73 to fund projects this year.
2021 H.R. 133 SCBG	The selection committee met on January 13 th to make their final decisions on which projects would be included in the State Plan for the special H.R. 133 Specialty Crop Block Grant. The \$797,812.77 Oklahoma will receive will be distributed to nine (9) projects split between Oklahoma State University, Oklahoma Pecan Growers Association, Mid-America Technology Center and ODAFF. After the committee's decision ODAFF's grant coordinator has worked with the recipients to modify their proposals to fit USDA's requirements and submitted to State Plan to USDA-AMS on February 18 th .

FARM TO SCHOOL

ACTIVITY	ACTION	LOCATION
Specialty Crop Grant 2020	School Gardens Spring crops are on their way at all of our garden sites. Visits and data collection will begin later this spring.	Home & Office

School Garden Statewide Contest	Categories: Best Start Up Garden Best Education Garden Best Harvest Garden Best Community Collaboration Garden Best Overall Garden Farm Bureau Women's Leadership Team is sponsoring the contest. Garden winners will receive monetary award from \$500-\$1000 and recognition.	
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Contacts	Actions	Location
Bruce Buechner No Name Ranch	Regarding selling beef to local schools. Already selling to Wynnewood, Pauls Valley, Maysville and working Elmore City. Also sells to the public.	phone
Doug & Amy Ratzlaff – Hilltop2Farm	Contacted about supplying a local school beef. Attended F2S training last summer and has contacted the Superintendent from Kremlin-Hillsdale. Also working on a school garden.	phone
Brandon Sheppard Riverfield Country Day School - Tulsa	Nutrition Director. Contacted regarding Farm to School in Oklahoma. Trainings coming soon.	phone
Lisa Griffin – Child Nutrition Director for Union Schools	Set up a meet and greet event of farmers and schools to encourage more participation in F2S. March 4 at Union High School Street.	phone

Active Partners with: Farm Bureau Women's Leadership Team, Hunger Free Oklahoma, Healthy Schools Oklahoma, Department of Human Services, LFPA from Ag Marketing Service, ODAFF Food Safety Division, Cooking For Kids –OSU, Oklahoma Master Gardeners – Shelley Mitchell

INTERNATIONAL

Activity	Action	Location
Certificate of Free Sale	<ul style="list-style-type: none"> • QSM • BioZ • Lopez 	

Food Export	<ul style="list-style-type: none"> Completed several recruitment calls for the 1st & 2nd qtr shows. Launched the National Restaurant Buyers Mission with selection and invitation of the buyers. This will be an Oklahoma led project May 22-25 Attended the Food Export Buyers board meeting virtually at the NASDA winter policy meeting New Liason assigned to Oklahoma for Food Export- Bryce Krull- met with Bryce to go over OK companies active with Food Export as well as leads for recruitment 	
FAS	<ul style="list-style-type: none"> FAS seminar on Mexico Food Labeling and import regulations FAS office in the U.S. Mission to the United Nations (USUN) in Rome 	
USLGE	<ul style="list-style-type: none"> Attended the Annual meeting-update from FAS, overall strategic plan from consultants, voted in 2 board members to fill vacancies 	
USLGE Planning	<ul style="list-style-type: none"> As a continuation of our planning met with NM, KS and TX rep to gain insight on 2023 UES application. Reaching out to the breed associations to ID the correct contacts for the program 	
National Livestock Credit Corp	<ul style="list-style-type: none"> Still waiting on the Israel staff to be able to travel to inspect cattle. 	
Ok Dept. of Commerce	<ul style="list-style-type: none"> Met to discuss the UK visit and the new MOU as well as future collaborations 	

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	See monthly co-op advertising report	Direct link to the monthly reports (Feb data is being gathered now): 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.	January – The Mule, OKC & Edmond February – Scratch Kitchen – Paseo Arts District, OKC
Social Media Stats	Staff, and MIO media committee plan social content each month with our advertising agency, Krush Digital Marketing	Twitter: 5,524 Instagram: 4,567+ Facebook: 22,795+
Recipes of the Month	MIO recipes are developed each month highlighting member company products	January: Coconut Crusted Chicken Tenders Personal Pan Pizzas Fresh Start Pizza Mini Frittata Muffins February: Brownie Bottom Cheesecake BBQ Pork Sliders
Jan/Feb Featured Retailer	Doc's Country Mart – Bixby, OK	Staff coordinated with owner and store manager to create new signage and displays for their stores highlighting MIO products.

Made in Oklahoma Coalition – Other Activities

Activity	Information
MIO Spring Recipe Photoshoot Jan. 28 th	Spring MIO recipes were shot and we are preparing those recipes to be featured and shared across MIO media platforms.
February MIO Meeting - Feb. 4 th	Staff and MIO president Courtney Talbot led the monthly membership meeting. Over 40 members and partners were on this zoom meeting.
MIO Winter Recipe Guide	Launched February 1 st <ul style="list-style-type: none"> - Highlights over 20 members - Features 15 seasonal MIO recipes - Products link to member websites
Edible OKC March/April feature:	Ad features MIO coffee recipes three ways: <ul style="list-style-type: none"> - Iced Cinnamon Honey Latte

	<ul style="list-style-type: none"> - Espresso Martini - Chocolate Fudge Swirled Ice Coffee
OK Living Partnership highlighting MIO Recipes	<p>Launched Feb 1st:</p> <ul style="list-style-type: none"> - Highlights 2-3 MIO recipes per month - Free publication to electric coop members - MIO provides recipe content and OK Living does the ad design
MIO Thunder Promotions & Court Cart	<p>MIO Presence at Thunder Games:</p> <ul style="list-style-type: none"> - 3.4 v. Minnesota - 3.8 v. Bucks - 3.30 v. Atlanta - 4.3 v. Suns <p>MIO food items featured in MIO Court Cart:</p> <ul style="list-style-type: none"> - New dining concept features MIO menu items - Staff worked with Exec. Chef Andrew Murin to source MIO items and develop menu
Specialty Food Marketplace Presentation: - Feb 3 rd	Staff organized a membership opportunity call with SFP Marketplace. SFP provides online marketplaces for MIO members to get in front of retail audiences and ship product directly to retailers free of charge.
MIO Food Supply Chain Roundtable Discussion - Feb 4 th	Staff organized a roundtable discussion on the current state of the food supply chain in Oklahoma with Secretary Arthur and Dep. Secretary Rowlett and 12 OK food manufacturers.
Doc's Country Mart Shopper Sweepstakes & Sampling Event - Feb. 11 th	<p>Sweepstakes: Staff organized the shopper sweepstakes for the Doc's store in Bixby. Shoppers entered to win through their J loyalty program and were given 7 minutes to grab as many MIO products as possible. Over \$1000 in groceries were given away by MIO.</p> <p>Sampling event: We had 6 companies participate in the sampling event. Customers were happy to see our folks back in the store sampling products.</p>
MIO Membership Interviews: - Feb. 15 th	<p>4 new members were onboarded:</p> <ul style="list-style-type: none"> - Pancho Anaya Mexican Bakery – Tulsa, OK - Sam's Tulsa Salsa—Tulsa, OK - MollyCoddled Hashslinger – OKC, OK - OK Beverage Logistics – Associate member, Tulsa, OK
MIO Capitol Visit - Feb 16 th	Staff and MIO members handed out initiations to our upcoming legislative reception and MIO restaurant guides at the capitol. Members had the opportunity to interact with their legislators and talk about the importance of MIO.

MADE IN OKLAHOMA PROGRAM

Meeting/Event	Date	Location	Details
Zoho Meeting	Jan. 20	Virtual	Met with Michelle Scott of 3Leaf Consulting regarding Zoho, an online business productivity platform
Tulsa State Fair Meeting	Jan. 26	Virtual	Initial meeting with TSF vendor coordinator to discuss Made in Oklahoma vendors at Tulsa State Fair

Ag Day Planning	Jan. 27	OKC	Toured capitol grounds to plan for Ag Day
E-Commerce Meeting	Feb. 9	OKC	Met with several ODAFF employees to discuss issue with PayPal and the MIO E-Commerce site
Hudson Springs Tour	Feb. 9	Guthrie	Toured venue as potential location for the Made in Oklahoma Showcase
OSF/MIO Store	Feb. 9	OKC	Met with Suzy from the Oklahoma State Fair to discuss plans for 2022 Made in Oklahoma Store

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.

New Producers:

- Figments of Imagination
- Heavenly Kernels
- 4T Ranch Beef
- Chichi and Zinny's Goodie Butter
- EB Photo, LLC
- Sassy Shiny
- Rope Revival
- RocketSlug
- Big Kid Food Company
- Queen City + Co.
- Larry Myrick – Beef
- Garden Patch
- Broken Box Beef

New Retailers:

- Sliauter Associates – Lake Hefner Golf Club

Other Made in Oklahoma Activities:

- Planning for Ag Day
- Planning for 2022 Tulsa Home and Garden Show
 - Received 20 applications, only 10 spots in MIO section
- Managed payments on MIO Store through PayPal, manually paying producers through MIO PayPal account

MARKET NEWS SERVICES

January 7, 2022 – February 18, 2022

- **Grain Report:**

	January 7, 2022	February 18, 2022	DIFFERENCE
WHEAT: (bu)	\$7.25-\$7.80	\$7.85-\$8.50	\$0.60 to \$0.70 Higher
MILO: (bu)	\$5.67-\$6.22	\$6.14-6.74	\$0.47 to \$0.52 Higher
SOYBEANS: (bu)	\$13.00-\$13.52	\$15.11-\$15.41	\$2.11 to \$1.89 Higher
CORN: (bu)	\$5.92-\$6.57	\$6.39-\$7.16	\$0.47 to \$0.59 Higher
COTTON: (lb)	111.39 cents	116.66 cents	5.27 cents Higher

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

FEEDER STEERS

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

- (02-15-21) No Sale Due to Weather
- (02-09-21) \$149.00-170.50 Wtd. Avg \$159.75
- (02-15-22) \$190.00-225.00 Wtd. Avg. \$207.50

HEIFERS

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

- (02-15-21) No Sale Due to Weather
- (02-09-21) \$124.50-149.00 Wtd. Avg \$136.75
- (02-15-22) \$153.50-\$181.00 Wtd. Avg. \$167.25

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 9,067 subscribers
January 7, 2022 – February 18, 2022 (up from 164 subscribers last report).

- **Voice Messaging System:**

The market news voice messaging system during

- Monthly Total: January 7, 2022 – February 18, 2022 **6,356 Accessed Times**
- Compared to Last Month: December 7, 2021 – January 7, 2022 **3,657 Accessed Times**
- Compared to Last Month: **Accessed Times-Is UP by 2,699**

- **Oklahoma Agriculture Market News**

- **Facebook Page**

- Likes/Followers 229
 - UP 32 Likes/Followers
 - People reached through pasted month: 538 People

- **Oklahoma Hay Directory**

Hay Directory is up to date, 19 out of the 34 growers still have hay for sale. The others have sold out of hay and would like to be back on the Oklahoma Hay Directory when they have hay again.

- **Hay Report**

This Month: January 7, 2022 - February 18, 2022 Hay Traded 7,912

Last Year January 7, 2021 - February 18, 2021 Hay Traded 779

UP 7,133 Bales Reported

**Current: OKLAHOMA HAY MARKET REPORT
2-18-22**

Receipts: 2,237 Last Reported: 2,401 Year Ago: 315

Compared to last report: We continued to receive winter weather which allowed the hay market to stay steady. We still need more moisture in our state to continue to help with the drought conditions and wheat pastures. Thus far, according to the Mesonet for most of the state is experiencing abnormally dry conditions or worse. In the Oklahoma Panhandle the drought conditions are exceptional, Western Oklahoma is in extreme drought, Central Oklahoma has moved into more of an extreme drought, and Eastern part of Oklahoma is in a severe drought. Looking into the future, on the 6-to-10-day we may receive some more moisture in the near future.

*** The next report release will be March 4th. ***

Central

Alfalfa: Premium (Trade/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	238	200.00	200.00	Delivered

Alfalfa: Good/Premium (Trade/ Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Ground	4	135.00	135.00	Delivered

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

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Squares 4x4		60.00		F.O.B.

Grass: Good/Premium (Trade/Per Bale)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	128	85.00	85.00	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 (Ask/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		60.00		F.O.B.

Prairie/Meadow Grass: Good (Ask/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	136	50.00	50.00	F.O.B.

Northeastern

Alfalfa: Premium (Trade/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	128	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	285	50.00	50.00	Delivered

Wheat Straw: (Trade/Per Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Squares	500	125.00	125.00	Delivered

Northwestern

Alfalfa: Premium (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	68	190.00 190.00		Delivered

Alfalfa: Good/Premium (Ask/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 Round	34	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 Bale)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	350	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.

Prairie/Meadow Grass - Good (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square		100.00		F.O.B.

Sudan - Good/Premium (Ask/Per Ton)				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	32	140.00 140.00		F.O.B.

Southeastern

Bermuda Grass: Premium (Trade/Per Ton)

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	96	145.00	145.00	Delivered

Southwestern**Alfalfa: Good (Ask/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	68	170.00	170.00	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
Medium Round	90.00		F.O.B.	

MixednGrass: 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
March 09, 2022 Board Report for the
Agricultural Environmental Management Services
Division - Activities from
Dec. 26, 2021 thru Feb. 13, 2021**

AEMS Division Monthly Activities

- Representatives from the AEMS division participated in multiple Illinois River Watershed working group calls.
- Representatives from the AEMS division hosted a carcass disposal overview webinar.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 35
- Number of AgPDES PGP Authorizations this reporting period: 15
- Number of AgPDES CGP Authorizations this reporting period: 42

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:

16	Complaints received and investigated this reporting period.
6	Complaints closed this reporting period
Complaints Received - Breakdown	
Cattle - 2	
Swine – 1	
Poultry- 2	
Misc. Animal -0	
Other – 2	
Animal Shelter 2	
Pet Breeder 7	
85	Year to date complaints received in FY 22
59	Year to date complaints closed in FY 22
161	LMFO/CAFO inspections, plus technical assistance
261	Poultry inspections and technical assistance
18	Pet Breeders/Shelters inspections and technical assistance

CAFO and LMFO Activities - Month and Fiscal Year 2022

	Dec. 26-Feb. 13, 2021	FY 22 Total
Complaint or Compliance Follow-ups	13	115
Annual Inspections	132	577
Technical Assistance with Contacts	29	104
Site Visit/Review – No contact made	17	64

Poultry Activities – Month and Fiscal Year 2022

	Dec. 26-Feb. 13, 2021	FY 22 Total
Complaint or Compliance Follow-ups	5	25

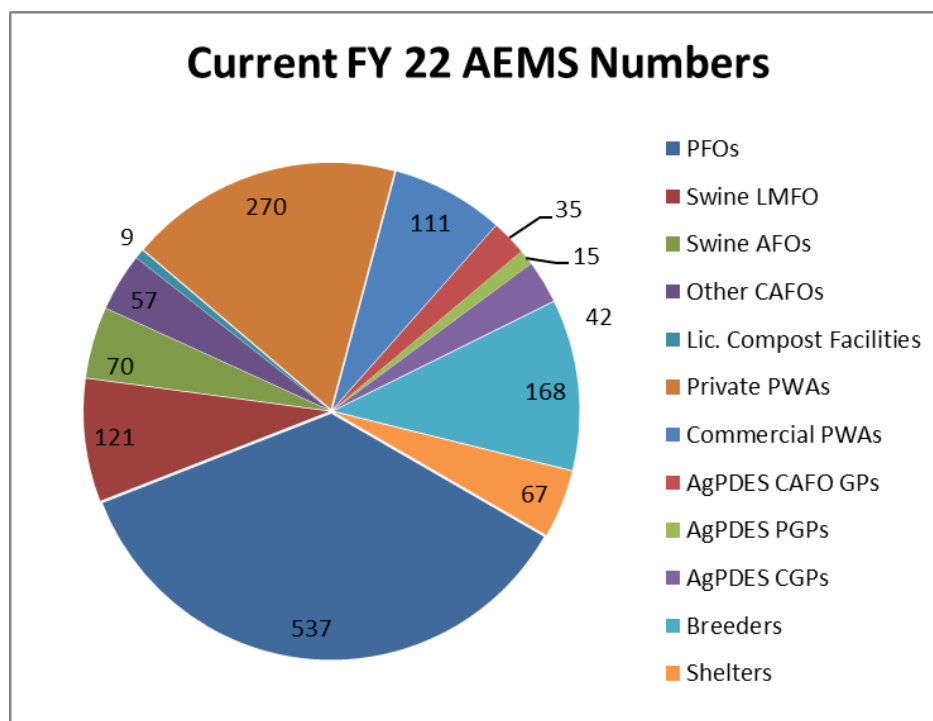
Annual Poultry Inspections	105	111
Poultry Technical Assistance	156	778
Site Visit/Review – No contact made	102	483
Eucha-Spavinaw CNMP Written	12	57

Pet Breeders Activities – Month and Fiscal Year 2022

	Dec. 26-Feb. 13, 2021	FY 22 Total
Complaint or Compliance Follow-ups	16	46
Breeder/Shelter Annual Inspections	15	41
Breeder/Shelter Technical Assistance provided w/owner/operator	3	48
Breeder/Shelter Close out	2	20

Composting Activities – Month and Fiscal Year

	Dec. 26-Feb. 13, 2021	FY 22 Total
Complaint or Compliance Follow-ups	1	4
Site Inspections (Annual or Compliance follow-up)	1	3
Technical Assistance provided with owner/operator	1	2



Respectively

Teena G. Gunter
AEMS Division

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

**JANUARY 2022 BOARD REPORT
REGARDING JANUARY 8, 2022 THROUGH FEBRUARY 20, 2022 ACTIVITIES
OF THE
OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2022)	Amount of Fines for this Board Meeting
\$3,300.00	\$3,050.00
\$57,475	2021 Total (5/31-12/31/2021)

CONTRACTS REVIEWED OR DRAFTED (17):

Forestry - 3
Market Development - 4
Animal Industry - 1
Administration - 1
Wildlife Services - 3
OGC - 2
Laboratory Services - 1
AMES - 1
CPS - 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 129
Total Number of New Cases: 36
Total Number of Cases Closed: 16
NOVs Sent: 35

OTHER ACTIONS AND PROCEEDINGS:

Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF, 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.
<i>Superior Termite & Pest, Inc. V. ODAFF</i> , Tulsa County District Court Case No. CV-2022-200, Petition for Appeal from Final Agency Order served. Response Drafted.

MEETINGS:

Date	Activity
January 10, 2022	OBA Legislative Monitoring Committee
January 12, 2022	Director's Meeting
January 13, 2022	ALJ Docket
January 13, 2022	Advancing Oklahoma

January 13, 2022	Intern Interview
January 13, 2022	Illinois River Working Group
January 14, 2022	Elevate Drone Training
January 19, 2022	OBA Indian Law Section
January 19, 2022	Director's Retreat
January 19, 2022	CNMP Working Group
January 20, 2022	OMES Civil Service Rules Hearing
January 20, 2022	Illinois River Working Group
January 24, 2022	NACA and Springdale NPDES Permits
January 24, 2022	Collections Meeting
January 25, 2022	Director's Meeting
January 26, 2022	State Board of Agriculture
January 26, 2022	Attorney General and SAFETEA
January 26, 2022	Intern Interview
January 27, 2022	AgPDES
January 27, 2022	Nutrient Management Plans
January 27, 2022	AEMS HQ
January 27, 2022	Illinois River Working Group
January 28, 2022	OBA Legislative Kickoff
February 1, 2022	Carcass Disposal Webinar
February 1, 2022	Director's Meeting
February 1, 2022	OBA GALPS meeting
February 2, 2022	Fire Marshal's Office
February 2, 2022	Nutrient Management Plans
February 3, 2022	Illinois River Working Group
February 4, 2022	OGC Staff
February 4, 2022	Seaboard Foods
February 8, 2022	Director's Meeting
February 8, 2022	2022 Integrated Report Interagency
February 8, 2022	House Agriculture Committee
February 9, 2022	Nutrient Management Plans
February 9, 2022	OBA Women in Law Section
February 10, 2022	ALJ Docket
February 10, 2022	Commissioners of Land Office
February 10, 2022	Illinois River OK Working Group
February 14, 2022	Senate Agriculture Committee
February 14, 2022	Illinois River OK Working Group
February 15, 2022	Leadership Oklahoma Spring Summit
February 15, 2022	House Agriculture Committee
February 16, 2022	OU Law Government Career program
February 16, 2022	UADA Glyphosate webinar
February 17, 2022	Advancing Oklahoma
February 17, 2022	Organic Certification Applicant
February 17, 2022	Illinois River Working Group

RULE ACTIVITIES:

Chapter 1. Administrative Operations (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 10. Agricultural Products (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 13. Fuel Alcohol (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 15. Animal Industry (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 30. Consumer Protection (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 37. Food Safety (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 40. Market Development (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 44. AgPDES (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2022): Permanent rules adopted by Board January 26, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 1, 2022. Statement of Submission filed with Office of Administrative Rules February 1, 2022.
OHRC
Chapter 40. Veterinarian Practices and Restrictions (Permanent FY 2022): Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.

Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2022): Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.
Chapter 60. Running the Race (Permanent FY 2022): Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.
Chapter 65. Pari-Mutuel Wagering (Permanent FY 2022): Permanent rules adopted by Commission February 17, 2022. Agency Rule Report submitted to the Governor, Legislature, and Cabinet Secretary on February 24, 2022. Statement of Submission filed with Office of Administrative Rules February 24, 2022.

OPEN RECORDS REQUESTS (4):

AEMS: 0
AIS: 0
CPS: 0
OHRC: 4
ADMIN: 0

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: Carlos 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: 51
Assistance to AEMS: 29
Assistance to CPS: 5
Assistance to Wildlife Services: 2
Assistance to Forestry: 12
Assistance to AIS: 7
Assistance to Admin: 3
Assistance to Market Development: 3
Assistance to other state or federal agencies: 10
Assistance to Food Safety: 14
Assistance to NASS: 0
Assistance to Executive Office: 17
Assistance to Lab: 1
Assistance to Investigative Services: 3
Assistance to Legislature: 2

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Teena G. Gunter', with a long horizontal flourish extending to the right.

Teena G. Gunter
General Counsel

FOOD SAFETY REPORT MARCH 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 475,294 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts. ODAFF inspectors provided USDA Shell Egg grading on 43,743 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:

- Five organic crop producers
- One organic livestock producer
- Three organic processors
- Collected seven organic samples
- Eleven 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 and 2 requests for organic processing applications
- Jeff Stearns, Dee Raper and Bryan Buchwald virtually attended the National Organic Program Certifier Training & Accredited Certifier Association Professional Development Training

Produce Safety Section

- Produce Safety Alliance classes planned for this spring and On-Farm Readiness Reviews
- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- MCAFDO board meeting
- Completed FDA ER220 Traceback Investigations course
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Sent an e-mail newsletter to inform constituents of the latest information
- Completed a farm investigation on a whistleblower concern.
- On-site technical assistance at 2 farms
- Remote technical assistance at 1 farm
- Calculate and submit aggregate data.
- Assisting with the Produce Safety Program Standards development

Homemade Food Freedom Act Board

- Answer questions about the Food Freedom Act
- Provide information for the OK State Fairgrounds
- Received 6 complaints on the Homemade Food Freedom Act and sent warning letters

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	00

See details below:

ACCIDENT LOCATION	ANIMAL/PRODUCT	DISPOSITION
W I-44 & I-244 split Tulsa, OK	103 mix load of cattle	16 dead were buried at Pecan Creek ranch, Muskogee, OK

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	2
Samples Not Analyzed	0
Samples Analyzed	2
Samples Non-Compliant	0
Samples Negative results	2

***** Samples were halted because of lack of supplies at the lab (No STEC PCR Reagents).
The lab has received the supplies and we are back on track.**

Jan. 20.

Jim Sharp, Nick Prince and I performed the review to open Fehdan processing in Shawnee.

Feb. 10

Jim Sharp performed the review to open Porter' processing in Hugo.

Feb. 11

Jason Hoel and Dr. Hardage performed the review to open Noble County Meats in Perry.

MEAT INSPECTION

Number of Cattle	626
Total Beef Condemned	0 lbs
Number of Swine	42
Total Pork Condemned	0 lbs
Number of Sheep and Goats	1850
Total Condemned	0 lbs
Number of Chickens	400
Total Condemns	0 lbs
Number of Exotic Deer	0
Total Condemns	0 lbs
TOTAL MEAT INSPECTED	469,350 lbs

PROCESSED MEAT INSPECTED

Processed Red Meat	541,660 lbs.
Condemned on Reinspection	0 lbs
Poultry (Portions)	208,998 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	750,658 lbs

DAIRY SECTION

Dairy services recently received notification of a grant awarded in the amount of \$21,148.73 to acquire reimbursement funding for equipment needed to support the Oklahoma Grade A Dairy program.

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.

In February of 2022 dairy inspectors: Pete Echelle, Scott Fisher, Gary Lewis, and Jayson Jones met with the owners of Red Ridge Creameries in Lahoma. They discussed plans for the plant to become IMS listed and workshopped ideas on how to produce new products with existing equipment. Minor improvements to the plant were noted and the producers are closer to expanding their business across state lines.

Recently received a Food Safety Plan from Swans Dairy in Claremore. Swans dairy is suspended for all raw milk sales due to *Listeria Monocytogenes*. ODAFF will review and discuss changes that need to be made to the Food Safety Plan.

Sincerely,

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

Scott Yates
Director of Food Safety

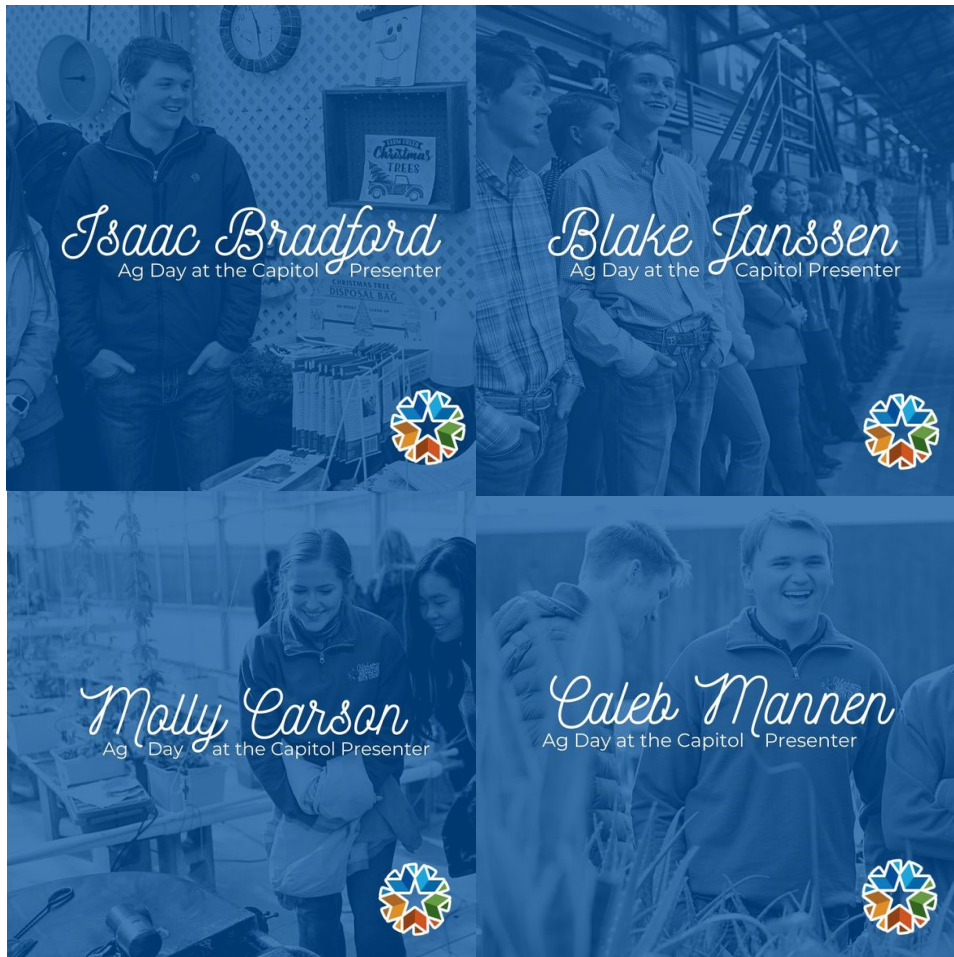
Communications Board Report

January 2022 – February 2022

Submitted by Morgan Vance

Agriculture Youth Council Presenters Chosen | Each year, Agriculture Youth Council members are required to complete two agricultural job shadows and present to the group what they have learned. Based on the opinion of a panel of judges, the top four presenters have been selected to share at Ag Day at the Capitol on March 24 to an audience of family members, legislators, government officials and agricultural interest groups.

The 2022 AYC Ag Day at the Capitol Presenters will be Blake Janssen, Caleb Mannen, Isaac Bradford, and Molly Carson. Congratulations!



During their Feb. session, they also heard from Dr. Ruth Inman on personal branding and updated their resumes to better prepare for scholarship submissions and to have a leg-up when they get to college this fall.

Skillathon Contest Registration Open | Registration and study guides are now available for the OYE Skillathon set for 1:30 p.m. to 4:30 p.m. on March 14.

The contest will take place at the Oklahoma State Fair Grounds in the Barn 3 Sales Pavilion during the Oklahoma Youth Expo. There is no cost to register, however students must be YQCA certified to qualify. Students do NOT have to be an OYE exhibitor to participate. Certification and registration must be completed by March 8, 2022 to participate - no exceptions will be made.

An orange poster with a background of a hand holding a pencil over a grid of letters. The text reads: "OYE SKILLATHON REGISTRATION OPEN", "The Oklahoma Youth Expo Skillathon is an event open to all 4-H and FFA members. Students will be competing for part in a \$10,000 scholarship fund, which will be divided amongst the top five individuals in three age categories: junior, intermediate and senior. Study guides are now available.", "Registration due by March 8, 2022.", and "For more information or to register, visit ag.ok.gov/skillathon-contest/". A white star logo is in the bottom right corner.

OYE SKILLATHON REGISTRATION OPEN

The Oklahoma Youth Expo Skillathon is an event open to all 4-H and FFA members. Students will be competing for part in a *\$10,000 scholarship fund*, which will be divided amongst the top five individuals in three age categories: junior, intermediate and senior. *Study guides are now available.*

Registration due by March 8, 2022.

For more information or to register, visit ag.ok.gov/skillathon-contest/

For more information, answers to frequently asked questions, registration and study guides, please visit <https://ag.ok.gov/skillathon-contest/> or email morgan.vance@ag.ok.gov



ODAFF Visits the NASDA Winter Policy Conference | Secretary Blayne Arthur and Deputy Commissioner JanLee Rowlett recently returned from representing #OklahomaAg at the 2022 National Association of State Departments of Agriculture (NASDA) Winter Policy Conference. In addition to participating in discussions regarding the the upcoming 2023 #FarmBill and other policy, Sec. Arthur had the opportunity to chair the Animal Agriculture committee as well as appear on RFD-TV.

Fraudulent AGH Report | On Feb. 16th, the OK Dept. of Agriculture received a fraudulent report of an Asian Giant Hornet from the McAlester, Oklahoma area. This report was fraudulent and utilizes a stock image. AGH has not been found in the southern United States. Any posts circulating about AGH sightings in Oklahoma are not true. There have not been any AGH, nicknamed the “murder hornet” confirmed in Oklahoma, or any surrounding states.

For an overview of what an AGH looks like, visit our disease overview tab and click on Asian Giant Hornets.

Although there are no AGH in Oklahoma, we have many lookalike species. If you believe you have seen a suspicious hornet that could be Asian Giant Hornet in Oklahoma, head to <https://ag.ok.gov/disease-alerts/> to report it. If you believe you saw an Asian giant hornet in another state or province, please report it to the department of agriculture for that state or province.

Preparing for Highly Pathogenic Avian Influenza | As Highly Pathogenic Avian Influenza (HPAI) continue to spread in northern and eastern parts of the US, ODAFF Animal Industry Services and communications staff are diligently working to share information and prepare for any potential outbreak in Oklahoma. Increased biosecurity among commercial and backyard flocks is a main focus, and plans are underway to host a series of informational webinars aimed at various groups of stakeholders to help share information to protect Oklahoma’s poultry industry.

Found these dead cicada killers or mud daubers on my property next to my oak tree. Anyone know what happened? Attack from a rival nest? Location in McAlester, Oklahoma.



Sec. Arthur Sends Letter to EPA Regarding Enlist Products | Sec. Blayne Arthur sent a letter to the EPA regarding the recent 7-year registration of Enlist and Enlist Duo products and her concerns over the label restrictions that prohibit farmers in 45 of Oklahoma's 77 counties to use them.

The new rules issued by EPA take the use of Enlist herbicides off the table for approximately 70% of Oklahoma soybean acres. We will continue to have conversations with the EPA to keep all critical tools available for our Oklahoma producers.



**State of Oklahoma
Department of Agriculture, Food, and Forestry**

J Kevin Stitt
Governor

Blayne Arthur
Secretary of Agriculture

February 11, 2022

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan,

On behalf of the state of Oklahoma and our agriculture industry, I write to respectfully share concerns regarding the recent seven-year registration of Enlist One and Enlist Duo products by the Environmental Protection Agency. While we appreciate the work and time allocated to keep these tools available for some producers, the significant label restrictions and limitations make practical use of these products impossible for the cotton, soybean and corn producers in over half of Oklahoma's 77 counties.

With the limitations on this registration, approximately 70% of Oklahoma soybean acres can no longer utilize Enlist herbicides. Many of these acres are double-cropped, which also limits the use of Xtend technology due to the cutoff date. This is deeply concerning, as it takes a crucial tool away from so many producers and comes at a time when many have already made purchases of products they can no longer utilize.

Enlist One and Enlist Duo are critical crop protection tools used by our producers. This technology has been counted on by farmers to produce high-quality grain and fiber with the most efficient use of natural resources possible. In fact, many producers have already purchased and received product that cannot be used, creating waste and unnecessary expense. With supply-chain disruptions and limited availability of alternative varieties, changing technology so close to planting and ultimately continuing business for many of these farmers is not a simple or affordable option due to these restrictions. Furthermore, limiting availability of technology for producers creates an environment conducive to building resistance to weeds and pests, which is a long-term concern for stewards of the land and environment.

In addition to the added cost to the farmers, there are concerns with the ability of our agency to properly enforce these restrictions. First, the label includes language that will be virtually unenforceable. ODAFF recommends the use of precautionary language as an alternative. For instance, management practices such as reduced applications, residue tillage management, cover crops, or vegetative filter strips could be implemented to minimize runoff to sensitive areas. Additionally, there will certainly be an added cost to the State of Oklahoma, as the label restrictions will create additional responsibility to respond to complaints and enforce regulation to ensure proper use of these products.

2800 N. Lincoln, Oklahoma City, OK 73105 • (405) 521-3864



State of Oklahoma
Department of Agriculture, Food, and Forestry

J Kevin Stitt
Governor

Blayne Arthur
Secretary of Agriculture

We understand that many of these county-level bans are a result of the EPA's concerns regarding the new Endangered Species Act (ESA) data, and specifically in Oklahoma, concerns about the American Burying Beetle (ABB). The eastern half of our state is considered a home to these beetles; a species down listed on the Federal List of Endangered and Threatened Wildlife from endangered to threatened in 2020. The Enlist ban appears to be based on the ABB habitat, but many of the counties included in the proposed ban fall outside of the beetle's critical habitat. Additionally, the EPA also references the Monarch butterfly and bees. The Monarch butterfly is not listed under the ESA and no bees found in Oklahoma are listed on the ESA list. This has drawn many questions about the data used to inform these restrictions.

Furthermore, Oklahoma is home to renowned entomologist, Dr. Wyatt Hoback, an Associate Professor in Entomology and Plant Pathology at Oklahoma State University, who is considered a preeminent expert on ABB but was not consulted on these label restrictions. Dr. Hoback has shared that he is not aware of any detriment that would be caused to the ABB by allowing the use of these herbicides. I would urge the EPA to consider *all* data available in regards to the impact of Enlist products on these species, as new or additional information may open opportunities to amend the registration and allow use in additional counties. Please utilize experts in the states and review the process by which the science is considered. Our agency and producers in our state would appreciate increased transparency regarding the justification for label restrictions and the data these decisions are based on.

Again, we appreciate the time and effort put into the registration of these products, but hope that more can be done to ensure the review and registration of these products is comprehensive and transparent so that technology can be utilized to the full extent possible to feed and clothe the world and also protect our land and water for future generations.

Thank you for your consideration and, if I can offer any information or be of assistance to the EPA in any way, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Blayne Arthur".

Blayne Arthur
Oklahoma Secretary of Agriculture

2800 N. Lincoln, Oklahoma City, OK 73105 • (405) 521-3864

MARCH 9, 2022 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

\$422,000 - Purchase of new agency vehicles. These vehicles are needed to replace aging fleet vehicles. Replacement of these vehicles are critical to the agency mission and if not replaced may put the employee and public at greater risk.

\$6,000 – Asset Panda – Purchase of an agency inventory software system. This system will allow for easy asset tracking. It is a cloud-based technology that offers complete flexibility to manage assets for our agency. The software offers a mobile application for users and customizable content creation. This system will replace an outdated Microsoft Database, the system will allow for migration of those assets into this new cloud-based program.

Animal Industry

ALLFLEX \$21,683.00

20 - LPR

16 - AWR300

16 - Cases for the AWR 300 ATB300

Purchasing with Cooperative Agreement Supplemental funds.

Forestry Services

FY22 – Transport Trucks, \$458,850 (245 Fund)

Purchase of three (3) Class 8 Truck Tractors that will be used to carry Type 3 firefighting bulldozers. These are mission critical pieces of equipment that will respond to wildfires and all-hazard situations throughout the entire state. With new transports in service, OFS will be able to provide timely and reliable responses, limiting the threat to life and property. The transports will be replacing trucks that are undersized, has excessive mileage and require frequent, costly repairs. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision.

FY22 - Dovetail Beds, \$256,000 (245 Fund)

Purchase of four (4) custom dovetail beds that will be permanently mounted to Class 8 truck tractors for the purpose of hauling firefighting bulldozers. Beds will include headache rack, emergency lighting, blade rest, toolboxes and hydraulic ramps. These specialized beds will allow OFS to safely secure and transport bulldozers responding to wildfires and all-hazard situations. Funding for this entire purchase will come the OFS 245 fund as part of an approved budget revision.

FY22 - Mobile Radios and Accessories, \$17,000 (Community Fire Protection Grant)

Purchase twenty (20) Bendix-King KNG M150 mobile radios and accessories (programming cables, batteries, microphones, etc.). These radios will be replacing units that are no longer being manufactured or supported by the vendor. The radios will be used by our Fire Management Program to support wildfire/emergency response, fuels mitigation projects and coordination/communication with federal, state and local cooperating response agencies. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from the US Forest Service – FY21 Community Fire Protection Grant (\$17,000) as part of an approved budget revision.

FY22 – Laptop Computers, \$19,200 (SFA/VFA Grants & 245 Fund)

Purchase six (6) laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching and hazardous fuels mitigation. These machines will be replacing outdated models, equipping newly-hired personnel or positions that now require virtual duties. Acquisition cost for each unit is estimated at \$3,200. Funding for this purchase will come from the FY21 US Forest Service State Fire Assistance - Response Grant (\$6,200), Volunteer Fire Assistance Grant (\$6,000) and OFS 245 Fund (\$7,000) as part of an approved budget revision.

FY22 – Pickup Trucks, ½-ton, 4X4, \$82,000 (245 Fund)

Purchase two (2) ½-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program and forest management program statewide. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$41,000/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

FY22 – Pickups, ¾-ton, 4X4, \$149,250 (SFA Grant & 245 Fund)

Purchase three (3) ¾-ton pickups which will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. These trucks will be used primarily to support of our fire management program including wildfire suppression, fuels mitigation and emergency response. These trucks are part of the OFS equipment replacement schedule targeted at removing equipment with excessive use and age. Acquisition cost for these units is estimated at \$49,750/each. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant (\$47,500) and OFS 245 Fund (\$101,750) as part of an approved budget revision.

FY22 - Gooseneck Trailer, \$20,000 (SFA Grant)

Purchase one (1) heavy duty, tandem axle trailer with ramps. This trailer will be used to transport a skid steer with attachments for the purpose of treating hazardous fuels in and around At-Risk Communities statewide. This program is part of the National Cohesive Wildland Fire Management Strategy with the intent of developing fire adapted communities. Funding for this purchase will come from the FY18 US Forest Service State Fire Assistance - Mitigation Grant.

FY22 – Wildland Brush Coats, Nomex, \$30,000 (245 Fund)

Purchase one hundred (100) sets of Winter Personnel Protective Equipment (PPE) for OFS firefighters required to work in below freezing temperatures during wildland firefighting efforts. These brush coats with liners will meet NFPA 1977 Standards on protective clothing for wildland firefighting. Not only will this PPE enhance firefighter safety, but it will make fireline conditions more tolerable during the winter months. Acquisition cost for these brush coats/liners is estimated at \$300/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

FY22 - Fireline Cooking System, \$8,700 (245 Fund)

Purchase one hundred (100) JetBoil Personal Cooking systems to be utilized by OFS firefighters when required to work long hours in remote locations as part of emergency response efforts. This will allow our personnel to have hot meals and liquids when they are not able to leave the scene due to ongoing response efforts. Acquisition cost for these cooking systems is estimated at \$87/each. Funding for this purchase will come from the OFS 245 Fund as part of an approved budget revision.

FY22 - Road Grader Updates, \$10,000 (245 Fund)

OFS acquired a road grader through the Firefighter Property Program free of charge. This piece of equipment will be used for firefighting efforts in western Oklahoma as well as prescribed burning projects where terrain will allow. For this piece of equipment to be serviceable, it will require new tires, hydraulic hoses, fluid/filter change, installation of mobile radios and construction of a brush guard/push rail. Acquisition cost for these items is estimated at \$10,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

FY22 - Truck Accessories, \$11,000 (245 Fund)

OFS acquired a Class 8 Truck Tractor using US Forest Service – Volunteer Fire Assistance Grant funds in 2021. This truck will be used to pick up surplus property across the country that will be given to Oklahoma fire departments free of charge. For this truck to function and be effective, it will require a wet kit, aluminum headache rack, toolboxes, chains/boomers and installation of a mobile radio. Acquisition cost for these items is estimated at \$11,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

FY22 - Service Truck Updates, \$6,000 (245 Fund)

OFS acquired a service truck through the Firefighter Property Program free of charge. This truck will be used to support Heavy Equipment Task Forces dispatched across the entire state for emergency response situations. For this truck to be serviceable, it will require a tune-up, tires, fluid/filter change, fuel transfer tank, cutting torch, tools and installation of a mobile radio. Acquisition cost for these items is estimated at \$6,000. Funding for these purchases will come from the OFS 245 Fund as part of an approved budget revision.

FY22 - \$9,900

Aerial spray pesticide application to the seed production pine tree orchards. OFS needs to spray the cone crop in our genetically improved pine tree orchards. This year there was a noticeable decrease in embryotic-material filled seed in the cones collected at the orchards. This is a result of the presence of cone worms/seed insects. Aerial application of pesticide spray to the orchards will control these pests (cone worms/seed bugs). **Justification:** Without this purchase, there will be a continued decline in the production of genetically-improved seed.

FY23 - \$7,700

Telephone and internet service for East Central Area offices. This maintains phones/internet for contact with landowners, received prescribed/controlled burn notifications, receive calls for fires where assistance is needed, etc. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites.

FY23 - \$7,600

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

FY23 - \$7,000

Electrical service for East Central Area offices is a necessity in order to operate. **Justification:** Necessary purchase/expenditure for continuity of operations in Forestry Services East Central Area.

FY23 - \$14,000

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

FY23 - \$9,300

Land Lease, Commercial, SE Area Headquarters Office Complex, Broken Bow – land where office is located 22 acres MOL. Renew lease with the Commissioners of the Land Office for the land occupied by OFS' SE Area headquarters complex. From this office complex, OFS coordinates all forest management and fire protection programs in SE Oklahoma. **Justification:** without this lease, OFS would not have an office in the SE region of Oklahoma

FY23 - \$1,950

Land Lease, land only, SE Area Headquarters Complex, Broken Bow – land behind office complex area 240 acres MOL. Renew lease with the Commissioners of the Land Office for the land occupied by the Oklahoma Forestry Services forestry development demonstration area. **Justification:** OFS utilizes this property to develop and maintain a forestry development demonstration area to inform the public on proper timber and land management practices.

FY23 - \$12,000

Electricity for the SE Area Headquarters complex, Antlers office complex, Carter Tower complex, Sobol Tower radio repeater, Tom Tower radio repeater. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes and radio repeater sites. Each office complex and radio repeater site performs critical public safety functions related to wildland fire and forest management activities.

FY23 - \$12,500

Telecommunications – phone/internet for SE Area HQ, Antlers Complex. **Justification:** Necessary purchase/expenditure for continuity of operations at office complexes utilizing phone/internet services critical for the public safety functions related to wildland fire and forest management activities.

FY23 - \$6,000

Utility services for SE Area HQ, Antlers Complex, Carter Tower Complex. **Justification:** Necessary purchase/expenditures for continuity of operations at office complexes and Carter Tower complex utilizing water, sewer, trash, propane, and natural gas utilities/services critical for the public safety functions related to wildland fire and forest management activities.

FY23 - \$22,275

Heavy Equipment maintenance and repair for all SE Area equipment/buildings. **Justification:** Necessary purchases/expenditures for maintenance and repair of all SE Area equipment including dozers, trailers, tractors, mowers and buildings/shops used to for the public safety functions related to wildland fire and forest management activities. Without these maintenance/repairs the equipment used to fight wildland forest fires would be out of service thus creating a potential threat/hazard to the surrounding communities and natural resources of the State of Oklahoma.

FY23 - \$19,000

Electric, phone/internet, utilities for the NE Area's Jay District Office, Rose Tower, Area HQ Complex, and Sallisaw District Office. **Justification:** Necessary expenditure to maintain emergency response radio communications for the NE Area.

FY23 - \$24,000

AT&T Local & Long-Distance Telephone service for Forest Tree Improvement Center at Idabel; and long distance telephone service for the Forest Regeneration Center and Community Fire Offices at Goldsby. This service is necessary for communication to the public and governmental agencies. **Justification:** required for continuity of operations at these office complexes.

FY 23 - \$5,200

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

FY23 - \$42,000

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

FY23 - \$12,000

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

FY23 - \$10,000

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

FY23 - \$100,000

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

FY23 - \$50,000

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

FY23 - \$200,000

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

FY23 - \$3,870,000

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

FY23 - \$50,000

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

FY23 – \$15,000

Purchase PPE – Wildland Firefighter boots for OFS front-line personnel. **Justification:** This equipment is mandatory for all personnel responding to wildfires or supporting prescribed burns anywhere in Oklahoma. This equipment must be periodically updated. Without this equipment there is an increased risk to personal safety to Forestry Services' firefighters and liability to the Agency. The price per pair has increased.

FY 23 - \$25,000

Sub-awards will be given for the development of Community Wildfire Preparedness Plans (CWPP) for eligible Oklahoma communities. Funding limits have been established according to community population and type of plan. Communities with a population of 5,000 or less are eligible to receive \$2,500 for new plans and \$1,250 for revisions of existing plans; for populations greater than 10,000 communities are eligible to receive \$5,000 for new plans and \$2,500 for a revision of existing plans. County-wide CWPPs are eligible for up to \$10,000 in funding for plan development. Applications will be reviewed and approved by OFS Hazardous Mitigation Coordinator and Fire Staff. CWPP's identify critical Wildland Urban Interface (WUI) areas within a community needing mitigation work to protect homes and infrastructure from wildfire. **Justification:** Without these plans being developed by communities, the probability of significant impacts from wildfires will only continue to increase if hazardous fuels are not addressed. Funding for development of the CWPPs will come from the 2018 US Forest Service, State Fire Assistance - Mitigation Grant.

FY23 – \$325,000

Rural Fire 80/20 Reimbursement Pass-through Grants awarded to certified rural fire departments serving communities under 10,000 in population. Funding limits per application are \$30,000 of state appropriated funds for construction and \$20,000 for fire equipment.

Justification: Fire departments awarded these grants are able to fulfill a critical public safety function by purchasing firefighting equipment and/or build, remodel, or expand fire stations.

FY23 - \$8,000

Purchase gear needed to support OFS employees on extended overnight travel supporting emergency responses as directed by the agency. As an agency OFS makes available both equipment and personnel to support incidents in-state and throughout the country at any time of the year. Primarily OFS responds to wildfires but in the past has also provided assistance to winter storms as well as severe storms. **Justification:** During these responses it is important that our personnel are supplied with the necessary gear for a safe and effective assignment. Examples of items to be purchased include gear bags, tents, sleeping bags, cold weather gear and Fireline packs. Acquisition cost for an individual item will not exceed \$350/each. Funding for this gear will be provided from revenue accrued from out of state emergency response.

FY23 - \$150,000

For use of P-Cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be for repairs more than \$5,000 when a piece of equipment has significant issues and requires Board approval. **Justification:** This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

FY23 - \$150,000

For use of Comdata Cards to repair firefighting equipment including but not limited to transports, engines, pickups, and other rolling stock. These purchases will be for repairs more than \$5000 when a piece of equipment has significant issues and requires Board approval.

Justification: This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

Southern Pine Beetle Prevention Program-Bobby Bowman FY22 - \$7,100.

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

Market Development Services

FY2022 – 30 hotel rooms x 2 days (at the state per diem rate) - Ag in the Classroom Teacher Road Trip - \$5,760.00

FY2022 – Ag in the Classroom – printing – Coloring Book, Ag Mag & Soils, Plants & Animals oh my! - \$13,984.47

FY2022 – Amy Reinke - Ag Enhancement & Diversification Grant - \$10,000.00

FY2022 – Oklahoma Red Angus Association – Ag Enhancement & Diversification Ag Event Grant - \$7,500.00

FY2023 – State Fair of Oklahoma - Made in Oklahoma Store – flooring - \$5,500.00

FY2023 – Tulsa County Public Facilities Authority – 2022 Tulsa State Fair - Booth space will be purchased then sublet to Made in Oklahoma companies at a cost share rate - \$25,924.00 ODAFF contracts with the Tulsa County Public Facilities Authority for the purpose of providing a Made in Oklahoma Exhibit in the Exchange Center during the Tulsa State Fair. ODAFF sublets booth spaces within this exhibit area to MIO companies. The MIO Exhibit at the Tulsa State Fair is a rare opportunity for new MIO companies to introduce their products to an average of over 1 million potential customers. The average number of companies impacted each year is between 30-35 companies. The event falls within the purpose of the MIO Program which is to assist local agricultural companies in collectively promoting brand awareness and consumer loyalty for Oklahoma products through cooperative marketing activities. If this proposed expense is not approved, there will not be a labeled MIO exhibit at the Tulsa State Fair. The economic impact to the MIO companies intending to participate in this Exhibit will potentially lose thousands of dollars in sales during the 11-day event held each year.

FY2023 – AgHERculture Summit – facility rental and food – \$10,000.00

FY2022 – Made in Oklahoma & Made in Oklahoma Store bags - \$9,000.00

FY2022 – Contract between ODAFF and the Oklahoma Grape Industry Council to promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns - Funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund - \$30,000.00

This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This grant project with the Oklahoma Grape Industry Council will promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns along with increasing the positive economic impact of the wine industry in Oklahoma. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

Office of General Counsel

Contract for OGC Administrative Law Judge FY 2022 effective 2/1/2022 – 6/30/2022.

Contract not to exceed \$10,000.

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

APPROVAL OF CASES

ON THIS 9th day of March 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 9th day of March 2022.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
March 9, 2022

Cases Resolved by Stipulation

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Eric Chapman	OGC-21-426	AEMS	\$200.00
Kimberly & Brian Folkner	OGC-21-681	AEMS	\$250.00
John Hambrick	OGC-21-436	AEMS	\$300.00
Teng Her	OGC-21-449	AEMS	\$200.00
Tom J. Lewis	OGC-21-458	AEMS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
EDKO	OGC-21-751	CPS	\$1,000.00

Food Safety Division

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Twisted Sister Butcher, LLC	OGC-21-183	FS	\$900.00

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ERIC CHAPMAN
Case File No. OGC 21-426**

**ERIC CHAPMAN
15599 W. GREASY BEND ROAD
MANNSVILLE, OK 73447**

Summary of Facts: Respondent failed to submit an 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: Richard D. Herren

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.

ERIC CHAPMAN
15599 W. GREASY BEND RD.
MANSSVILLE, OK 73447

RESPONDENT.

Case No: OGC-21-426

FILED
FEB 25 2022
STATE BOARD OF AGRICULTURE

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

Eric Chapman
Printed Name and Title:

Date: 2-17-22

**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.

**ERIC CHAPMAN
15599 W. GREASY BEND RD.
MANNSVILLE, OK 73447**

RESPONDENT.

FILED

DEC 29 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-426

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 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 the 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

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

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

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

ENFORCEMENT PROCEEDINGS

25. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

26. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

33. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

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

35. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check

or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 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 29 day of Dec, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

ERIC CHAPMAN
15599 W. GREASY BEND RD.
MANNSVILLE, OK 73447



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.

Signature

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. KIMBERLY AND BRIAN FOLKNER
Case File No. OGC 21-681**

**KIMBERLY AND BRIAN FOLKNER
OUTLAW ENGLISH BULLDOGZ
105156 4190 RD
CHECOTAH, OK 74426**

Summary of Facts: Respondent failed to complete and submit a 2021 Annual Report necessary for the renewal of the Commercial Pet Breeders License.

Statute or Rule Violation: 4 O.S. 30.11

Proposed Administrative Penalty: The penalty was assessed at \$250. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Richard D. Herren

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.)

KIMBERLY AND BRIAN FOLKNER)
OUTLAW ENGLISH BULLDOGZ)
105156 S 4190 RD)
CHECOTAH, OK 74426)

RESPONDENT.)

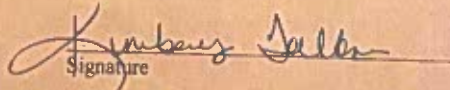
Case No: OGC-21-681

STIPULATION

Respondent accepts and stipulates to pay the proposed administrative penalty or fine of Two Hundred Fifty Dollars (\$250.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:


Signature

Kimberly Folkner - owner/Breeder
Printed Name and Title

Date: 2/17/22

RECEIVED

FEB 17 2022

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

**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.)

KIMBERLY AND BRIAN FOLKNER)
OUTLAW ENGLISH BULLDOGZ)
105156 4190 RD)
CHECOTAH, OK 74426)

RESPONDENT.)

FILED

DEC 09 2021

[STATE BOARD OF AGRICULTURE]

Case No: OGC-21-681

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing 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.

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.

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, acted as a commercial pet breeder in Checotah, Oklahoma.
16. Pursuant to the Oklahoma Commercial Pet Breeders and Animal Shelter Act, O.S. §30.1, ODAFF has authority to regulate persons who own and operate a commercial pet breeding operation.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.
 - a) On April 22, 2021 a Letter of Warning was sent to the Respondent for failure to return the completed 2021 Annual Report by February 1, 2021.
 - b) The Respondent was required to take appropriate corrective action by May 24, 2021.
 - c) ODAFF still has not received Respondent's 2021 Annual Report.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent failed to return the completed 2020 Annual Report by the statutory deadline, thereby violating OAC §35:55-1-9.

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 **Two Hundred Fifty Dollars (\$250.00)** and that Respondent submit his 2021 Annual Report.
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.

DATED THIS 2 day of December, 2021.

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

Wendi Morse

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, 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:

**KIMBERLY AND BRIAN FOLKER
OUTLAW ENGLISH BULLDOGZ
105156 S 4190 RD
CHECOTAH, OK 74426**



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-21-681

**KIMBERLY AND BRIAN FOLKNER)
OUTLAW ENGLISH BULLDOGZ)
105156 S 4190 RD)
CHECOTAH, OK 74426)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to pay the proposed administrative penalty or fine of **Two Hundred Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. JOHN HAMBRICK
Case File No. OGC 21-436**

**JOHN HAMBRICK
12485 ROCK ISLAND RD
CAMERON, OK 74932**

Summary of Facts: Respondent a poultry waste applicator applied poultry waste without a current soil test analysis.

Statute or Rule Violation: 2 O.S. §10-9.19(1) & (2)

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

Deviations: None.

Other Actions Required: None.

OGC Attorney: Richard D. Herren

**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.

JOHN HAMBRICK
12485 ROCK ISLAND RD.
CAMERON, OK 74930

RESPONDENT.

Case No: OGC-21-436

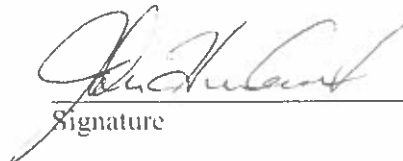
FILED
FEB 07 2022
STATE BOARD OF AGRICULTURE

STIPULATION

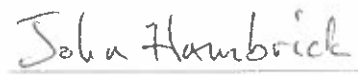
Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Hundred Dollars (\$300.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office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

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

RESPONDENT:



Signature



Printed Name and Title:

Date: 1-31-22

**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.

**JOHN HAMBRICK
12485 ROCK ISLAND RD
CAMERON, OK 74932**

RESPONDENT.

FILED

DEC 09 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-436

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 being a poultry waste applicator in Oklahoma.

16. Pursuant to 2 O.S. § 10-9.20, 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 Division of the Department received Respondent's 2019-2020 Annual Litter Report.

19. Respondent applied poultry litter without having a current soil analysis.

20. On or about April 7, 2021, ODAFF sent Respondent a Letter of Warning.

21. To this date, Respondent has failed to provide missing information.

ALLEGED CONCLUSIONS OF LAW

22. Based upon the application of the above law to the aforementioned facts, violated 2 O.S. § 10-9.19(1) and 2 O.S. § 10-9.19(2) by failing to submit a completed Annual Litter Report and by failing to provide a current soil analysis.

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.

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 Three Hundred Dollars (\$300.00).

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 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:

JOHN HAMBRICK
12485 ROCK ISLAND RD.
CAMERON, OK 74932



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. TENG HER
Case File No. OGC 21-449

TENG HER
1010 BROWNING RD.
VALLIANT, OK 74764

Summary of Facts: Respondent failed to submit an 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: Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JAN 26 2022
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

TENG HER
1010 BROWNING RD.
VALLANT, OK 74764

RESPONDENT.

Case No: OGC-21-449

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

Printed Name and Title

Date:

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

FILED

DEC 09 2021

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

**TENG HER
1010 BROWNING RD.
VALLIANT, OK 74764**

RESPONDENT.

Case No: OGC-21-449

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 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 the 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

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

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

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

ENFORCEMENT PROCEEDINGS

25. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

26. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

33. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

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

35. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check

or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 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:

TENG HER
1010 BROWNING RD.
VALLIANT, OK 74764

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

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. TOM J. LEWIS
Case File No. OGC 21-458**

**TOM J. LEWIS
P.O. BOX 1512
SALLISAW, OK 74955**

Summary of Facts: Respondent failed to submit an 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: Richard D. Herren

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

FEB 14 2022

STATE BOARD OF AGRICULTURE

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

COMPLAINANT,

v.

TOM J. LEWIS
P.O. BOX 1512
SALLISAW, OK 74955

RESPONDENT.

Case No: OGC-21-458

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:

Tom J. Lewis
Signature

Tom J. Lewis
Printed Name and Title:

Date: 2-8-22

Please Take my
Permit off file.
I am to old to continue
cant get help!!
950?

Ph # 760 267 1256

Thanks!

**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.

**TOM J. LEWIS
P.O. BOX 1512
SALLISAW, OK 74955**

RESPONDENT.

FILED

DEC 29 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-458

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 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 the 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

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

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

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

ENFORCEMENT PROCEEDINGS

25. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

26. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

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

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

33. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

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

35. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check

or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 23 day of November, 2021.

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

Wendi Morse

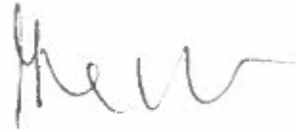
Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
Shelby Turner, OBA # 34010
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 29 day of Dec., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TOM J. LEWIS
P.O. BOX 1512
SALLISAW, OK 74955



GINA BLAYLOCK

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

v.

RESPONDENT.

Case No: OGC-21-458

Page 8 of 8

OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY

v. EDKO

Case File No. OGC-21-751

**EDKO
P.O. BOX 130547
TYLER, TX 75713**

Summary of Facts: Respondent applied herbicide in a negligent manner causing damage on an adjacent property from the intended target property.

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

Proposed Administrative Penalty: The penalty was assessed at \$1000; Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Brady Robison

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.)

EDKO)
P.O. BOX 130547)
TYLER, TX 75713)

RESPONDENT.)

Case No: OGC-21-751

RECEIVED
JAN 21 2022
OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

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

JASON D. SELLERS COO
Printed Name and Title

Date: 1/13/22

**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.

**EDKO
P.O. BOX 130547
TYLER, TX 75713**

RESPONDENT.

FILED

DEC 29 2021

STATE BOARD OF AGRICULTURE

Case No: OGC-21-751

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, 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 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 22, 2021, a complaint investigation was conducted at 737 N. 8th St. in Enid, OK.
- This complaint concerned an herbicide drift from an application to the OG&E power line right of way.
- ODAFF's inspector observed herbicide effects in the vegetation in complainant's lawn, beyond the OG&E right of way area.
- Respondent's application records indicate that Opensight and Vaslan were applied to the right of way along the 700 block in Enid, OK on July 13, 2021.
- A vegetative sample was taken from the complainant's property and a trace amount of Triclopyr was recovered.
- A vegetative sample was taken from Respondent's application area and Triclopyr and Metsulfuron-Methyl were recovered in the analysis.
- As a result of this investigation, it was concluded that Respondent's application resulted in an off-target drift onto the complainant's property.
- On or about November 9, 2021 a Letter of Warning that detailed the above violation was sent to Edko.

ALLEGED CONCLUSIONS OF LAW

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 thereby causing a drift.

ATTORNEY CONFERENCES

18. 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.
19. 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.
20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

21. 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.
22. 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.

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

24. 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

25. 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

26. 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

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

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

29. 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

30. 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)**.

31. 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 29 day of Dec, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**EDKO
P.O. BOX 130547
TYLER, TX 75713**



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-21-751

**EDKO)
P.O. BOX 130547)
TYLER, TX 75713)**

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: _____

**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-21-751

**EDKO)
P.O. BOX 130547)
TYLER, TX 75713)**

RESPONDENT.)

STIPULATION

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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: _____