

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

Thursday, January 26, 2023  
10:00 a.m.

2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of December 7, 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 – Lee Benson

7. Consideration and Proposed Action on Purchases/Contracts
8. Consideration and Proposed Action on Cases Resolved by Stipulations

**Consumer Protection Services**

**Ag Solutions, LLC, P. O. Box 729, Satanta, Kansas**  
**Arnett Grain & Feed, P. O. Box 1567, Shawnee, Oklahoma**  
**Central Custom Ag Aviation, 3195 CR 1140, Hydro, Oklahoma**  
**Landmark Outdoor Services, 10901 E. 11<sup>TH</sup>. Street, Tulsa, Oklahoma**  
**Orkin, LLC, 3620 S. Moulton Drive, Oklahoma City, Oklahoma**  
**Rowdy Lawn, 6300 S. Choctaw Road, Choctaw, Oklahoma**  
**Texoma AG, LLC, 1928 Bishop Road, Bowie, Texas**  
**Martin Williams, 12250 X Road, Red Rock, Oklahoma**

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

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

**Consumer Protection Services**

**Deterding Aerial, LLC, 701 West Cedar Drive, Pond Creek, Oklahoma**  
**Eckles Aircraft, LLC, 330 Airport Lane, Holdenville, Oklahoma**  
**Escott Aerial Spraying, 140 Airport Drive, Nowata, Oklahoma**

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10. Consideration and Proposed Action on Proposed Permanent Rules

**ADMINISTRATIVE OPERATIONS**

**Title 35. Oklahoma Department of Agriculture, Food, and Forestry**  
**Chapter 1. Administrative Operations**  
**Subchapter 10. Requirements for Department Programs**  
**35:1-10-6. Date of federal regulations incorporated [AMENDED]**

**FEES**

**Title 35. Oklahoma Department of Agriculture, Food, and Forestry**  
**Chapter 2. Fees**  
**Subchapter 3. Fee Schedules**  
**35:2-3-5. Fees for meat inspection overtime [AMENDED]**  
**35:2-3-29. General animal industry supply fees [AMENDED]**

**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]**

**ANIMAL INDUSTRY**

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

**Chapter 15. Animal Industry**

**Subchapter 9. Livestock Special Sales**

**Part 3. Livestock Special Sales**

**35:15-9-7. Application [AMENDED]**

**35:15-9-8. Written records [AMENDED]**

**35:15-9-9. Submission of record sales [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]**

**35:15-13-6. Movement of livestock through livestock auction markets [AMENDED]**

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

**Subchapter 22. Swine Pseudorabies and Brucellosis**

**Part 7. Requirements for Swine Exhibitions**

**35:15-22-71. Exhibition requirements [AMENDED]**

**Subchapter 34. Feral Swine**

**35:15-34-13. License fees [AMENDED]**

**Subchapter 44. Farmed Cervidae**

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

**35:15-44-20. Animal identification 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]**

**WATER QUALITY**

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

**Chapter 17. Water Quality**

**Subchapter 5. Registered Poultry Feeding Operations**

**35:17-5-3. Registration, Nutrient Management Plan (NMP) required [AMENDED]**

**35:17-5-5. Nutrient Management Plan [AMENDED]**

**APPENDIX B. Nutrient Management Plan Requirements When Using Poultry Litter and Other Nutrient Resources [NEW]**

**FORESTRY**

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

**Chapter 20. Forestry**

**Subchapter 3. Rural Fire Protection Program Fund Act**

**Part 3. Financial Assistance Program**

**35:20-3-9. Determination of financial assistance program grant amount [AMENDED]**

**35:20-3-12. Financial Assistance Program grant administration [AMENDED]**

## **CONSUMER PROTECTION**

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

**Chapter 30. Consumer Protection**

**Subchapter 17. Combined Pesticide**

**Part 3. Certification, Conduct of Examinations, and Recertification**

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

**Part 5. Prerequisites for Licensing**

**35:30-17-10. Application insurance requirements [AMENDED]**

**Part 10. Minimum Standards for Pesticides**

**35:30-17-22.2. Pesticide enforcement [AMENDED]**

**Part 11. Standards for Application of Pesticide**

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

**Part 17. Minimum Standards for Termite Work for Preconstruction (Pretreats) and New Construction**

**35:30-17-73. Concrete Slabs [AMENDED]**

**Subchapter 45. Scrap Metal Dealers**

**35:30-45-9. Purchases, sales, and records [AMENDED]**

## **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]**

**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 13. Milk and Milk Products**

**35:37-13-2. Incorporations by reference [AMENDED]**

**35:37-13-7. Inspection and permit fees [AMENDED]**

**35:37-13-8. Incidental sales [NEW]**

**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**

**35:37-19-2. Definitions [AMENDED]**

**35:37-19-3. Sale and delivery requirements [AMENDED]**

**35:37-19-6. Registration fee [NEW]**

## **MARKET DEVELOPMENT**

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

**Chapter 40. Market Development**

**Subchapter 17. Agritourism**

**35:40-17-2. Definitions [AMENDED]**

**35:40-17-3. Eligibility and registration [AMENDED]**

**35:40-17-4. Additional requirements for hunting facilities [AMENDED]**

**35:40-17-6. Additional requirements for winery and brewery facilities [AMENDED]**

**35:40-17-7. Additional requirements for petting farm facilities [NEW]**

**35:40-17-8. Additional requirements for pumpkin picking facilities [NEW]**

**35:40-17-9. Additional requirements for maze facilities [NEW]**

**35:40-17-10. Additional requirements for Christmas tree facilities [NEW]**

**35:40-17-11. Additional requirements for bison facilities [NEW]**

**Subchapter 21. Oklahoma Healthy Food Financing Program**

**35:40-21-3. Applicant eligibility [AMENDED]**

**Subchapter 23. Made in Oklahoma**

**35:40-23-2. Definitions [AMENDED]**

**35:40-23-3. Applicant eligibility [AMENDED]**

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

**35:40-23-4.1. Service eligibility [NEW]**

**35:40-23-5. Application [AMENDED]**

**35:40-23-6. Logo [AMENDED]**

**35:40-23-7. Renewal and revocation [AMENDED]**

**35:40-23-8. Product endorsement [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 [REVOKED]**

**Subchapter 3. Permit Conditions and Requirements**

**35:44-3-3. Date of federal regulations incorporated [REVOKED]**

## **AQUACULTURE**

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

**Chapter 50. Aquaculture**

**35:50-1-30. Initial licensing requirements [AMENDED]**

**35:50-1-31. Renewal licensing requirements [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]**

**Subchapter 9. Seizure and Impoundment [NEW]**

**35:55-9-1. Seizure and impoundment [NEW]**

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11. Next Board meeting scheduled for **Wednesday, March 8, 2023**, at Oklahoma City.
12. Old Business
13. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
14. Adjournment

*\*Members of the Board and staff from ODAFF may join for lunch. Board Members, staff, and the public may discuss program issues during lunch; no votes or action will be taken during the luncheon.*