

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

Wednesday, December 6, 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 October 19, 2023.
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 Travel

9. Consideration and Proposed Action on Cases Resolved by Stipulations  
**Agricultural Environmental Management Services**  
David H. Lemon, Route 3 Box 669, Westville, Oklahoma

**Consumer Protection Services**

Green Gro, 12324 E. 86th St. N., Owasso, Oklahoma,  
Pedro Santamaria, 117335 CR 536, Rockwall, 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.”

10. Consideration and Proposed Action on Cases Resolved by Final Order  
**Consumer Protection Services**  
**Terminix, 9340 Pole Road, Moore, Oklahoma**

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11. Next Board meeting scheduled for **Thursday, January 25, 2024**, 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.*

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

Idabel, Oklahoma  
October 19, 2023

The Oklahoma State Board of Agriculture met in regular session at 1:30 p.m., October 19, 2023, in the Museum of the Red River, 812 E Lincoln Rd, Idabel, 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: Brent Bolen  
Blayne Arthur  
Clay Burtrum  
Nocona Cook

Others Present: JanLee Rowlett, Deputy Commissioner  
Wade Krivanek, Director, Laboratory Services  
Mark Goeller, Director, Forestry Services  
Kenny Naylor, Director, Consumer Protection Services  
Troy Marshall, Director, Agricultural Statistics  
Teena Gunter, Director, Agricultural Environmental  
Management Services & Office of General Counsel  
Scott Alls, Director, Wildlife Services  
Lee Benson, Public Information Officer  
Craig Marquardt, Forestry, ODAFF  
Justin Jones, Forestry, ODAFF  
Brad Bain, OSU Extension

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

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the minutes of the regular meeting of August 30, 2023, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Cook, to approve the following purchases/contracts as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Burtrum, seconded by Mr. Bolen, to approve the following travel as submitted.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Burtrum, to approve the Proposed Action on Cases Resolved by Stipulations as submitted.

**Agricultural Environmental Management Services**

**Travis Clem, 23858 Brazil Creek Loop, Shady Point, Oklahoma**

**Timothy Hammons, 5983 N. 595 Road, Proctor, Oklahoma**

**Kerry Hollie, P. O. Box 353, Bokoshe, Oklahoma**

**Lee Kue, 2217 E. 580 Road. Rose, Oklahoma**

**Gary & Vickie Mead, 18229 Hodgen Road, Heavener, Oklahoma**

**Xohnhia Moua, RT #1 Box 155, Westville, Oklahoma**

**Tong Nguyen, 6064 Yosemite Falls Cove, Springdale, Arkansas**

**Van Peng, 1705 Conley Road, Idabel, Oklahoma**

**Hong An Phan, 469 Barn Swallow Road, Idabel, Oklahoma**  
**Nick Thomas, 20598 NCR 4500, Stigler, Oklahoma**  
**Duc and Quang Tran, 485 Rooster Lane, Idabel, Oklahoma**  
**Tommy Tran, 3202 Glover Road, Broken Bow, Oklahoma**  
**Van Vu, 6261 S. 444 Road, Locust Grove, Oklahoma**  
**Doua & Fang Yang, 20855 County Road 502, Colcord, Oklahoma**

**Consumer Protection Services**

**Family Dollar, 30516 Highway 59, Wayne, Oklahoma**  
**Erick Pinon, 614 Donna Drive, Guymon, Oklahoma**

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Cook	Aye

The motion carried.

A motion was made by Mr. Cook, seconded by Mr. Bolen, to table the Proposed Action on Cases Resolved by Final Order as submitted until the December Board Meeting.

**Consumer Protection Services**

**Terminix, 9340 Pole Road, Moore, 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:

Bolen	Aye
Burtrum	Aye
Arthur	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 2:22 p.m.

By \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Executive Secretary

# OCTOBER 19, 2023 BOARD MEETING

## PURCHASES/CONTRACTS

### ADMINISTRATIVE SERVICES

#### **FY23 Petroleum Traders (Bulk Fuel) - (Overage – increase contract amount to \$71,417.17)**

Due to rising fuel costs the agency request an increase of \$5,417.17 to complete FY2023 Bulk Fuel purchases. Forestry Services has several remote office locations with heavy firefighting equipment. Providing bulk fuel allows for these locations to fuel it firefighting equipment and remain in a ready status when dispatched. Without this purchase this could greatly reduce agency response times, thus putting the public and property at greater risk.

**FY24 - \$18,900** – The purchase of twenty-seven (27) Dell 24" Video conferencing monitors and forty-two (42) Dell 24" monitors. These monitors will replace outdated devices within Forestry Services and Consumer Protections Services.

### ANIMAL INDUSTRY

Grant from Homeland Security for \$80,000 – to assist in purchasing a new version of our USA Herds animal disease traceability software.

### CONSUMER PROTECTION SERVICES

#### **FY2024 Ideagen Software for Licensing, Registration, Tonnage and Data Analysis -- \$261,400.00**

CPS would like to request approval of \$261,400.00 to purchase software for licensing, registration, tonnage and analytics from Ideagen (MI Corp). This is the same company we currently use for CPS' inspections and this request is to purchase the software to begin the process of moving our licensing, tonnage, and registration programs to their system. Additionally, the analytics program will provide us with the ability to produce reports and to establish a dashboard for all program managers and supervisors that need them.

Without this tool we will have greater difficulty meeting reporting requirements both federal and state and will have less tools to manage programs which could increase the amount of time needed to accomplish job associated tasks. Additionally, the legacy licensing, registration and tonnage system needs to be moved to an updated system this will improve ongoing maintenance issues and provide us with more institutional control over the program.

### FORESTRY SERVICES

#### **FY24- \$24,000**

Contract harvesting services is needed by qualified, trained workers to lift 3 million seedlings. Each year, the Forest Regeneration Center (FRC) delivers up to 3 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.

#### **FY24- \$30,000**

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to

the next. **Justification:** This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

**FY24- \$6,000**

Pix4D is an essential program to fully utilize the capabilities of Oklahoma Forestry Services' UAV as well as its associated sensors. This program allows processing of the data captured by UAV for it to be analyzed and displayed to all parties. This will aid in OFS's program areas including response to wildfires, forest health threats, and forest management practices.

**FY24 - \$200,000**

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.

**FY24: UTV Trailers - \$23,540 (SFA Response, SICF)**

Purchase three (3) UTV trailers to haul firefighting UTV's. Trailers will be 14-16 ft. tandem axle with heavy-duty axles to accommodate hauling of UTV loaded with skid unit and water as well as additional equipment and supplies related to fire management activities. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – SICF Grant. 100% of this purchase will be reimbursed.

**FY24: Class 8 Tractor - \$204,600 (SFA – Forest Action Plan)**

Purchase of one (1) Class 8 Truck Tractor. This tractor will be used to carry a John Deere 650P firefighting bulldozer. This is a mission critical piece of equipment that will respond to wildfires and all-hazard situations throughout the entire state. The transports will be replacing trucks that are undersized, has excessive mileage and require costly repairs. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Forest Action Plan Grant. 100% of this purchase will be reimbursed.

**FY24: Firefighting Bulldozers - \$1,163,932 (State appropriated – Wildland Response Resources)**

Purchase four (4) John Deere 650P bulldozers that will be used for state-wide wildfire response, suppression, and mitigation activities. The horsepower and hydrostatic transmission of this type is well suited to the diverse wildland fuels and terrain present across all of Oklahoma. The size allows for easy transport on a truck with a dovetail bed enabling access to remote locations where fires occur. Funding for this purchase comes from the Oklahoma Legislative Session, FY24 appropriations.

**FY24: Type 6 Engines - \$536,068 ((State appropriated – Wildland Response Resources)**

Purchase six (6) Type 6 wildland firefighting engines. These engines will include the cab/chassis, slip-on firefighting unit, toolboxes, emergency lighting, mobile radios and miscellaneous firefighting supplies. These engines will be used primarily for fire suppression response on a statewide level but will also support national response if requested. These engines will be replacing aging/high mileage engines approaching twelve years being in service. Funding for this purchase comes from the Oklahoma Legislative Session, FY24 appropriations.

**FY24: UTV w/skid unit - \$71,425 (SFA Response, SICF)**

Purchase three (3) Polaris Ranger UTVs. These UTVs will be replacing units that were acquired through the Firefighter Property Program (FFP) but are no longer in service due to age and mechanical issues. Each UTV will be equipped with a slip-on skid unit in support of fire management activities.

These UTVS will be configured with windshields, canopies and seatbelts allowing safe and efficient transport of fireline personnel. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – SICF Grant. 100% of this purchase will be reimbursed.

**FY24: Pickups - \$120,000 (SFA Response and VFA, SIVF)**

Purchase one (1) ¾-Ton pickup and one (1) 1-Ton pickup. The ¾-Ton will include emergency lighting, toolboxes, mobile radios, 4-wheel drive, brush guards and other features needed for off-road work. This truck will be used to support of our fire management program including wildfire suppression, fuels mitigation and emergency response. The 1-Ton will include a toolbox, mobile radio, 4-wheel drive and brush guard for cross country and off-road work. This truck will be used in support of the Firefighter Property Program (FFP) both for picking up and dropping off surplus property. Funding for these purchases will come from the FY23 US Forest Service, State Fire Assistance – Response Grant and the FY22 US Forest Service, Volunteer Fire Assistance – SIVF Grant. 100% of this purchase will be reimbursed.

**FY24: Dovetail beds - \$208,000 (SFA Response and SFA Forest Action Plan)**

Purchase 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 these purchases will come from the FY23 US Forest Service, State Fire Assistance – Response Grant and the FY22 US Forest Service, State Fire Assistance – Forest Action Plan Grant. 100% of this purchase will be reimbursed.

**FY24: Laptops - \$19,250 (SFA Response and CWDG)**

Purchase five (5) laptop computers that will be used for supporting various Fire Management Programs including fire suppression, prescribed burning, dispatching, hazardous fuels mitigation and grant programs. These machines will be replacing outdated models and equipping newly hired personnel. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Response Grant and the FY22 US Forest Service, Community Wildfire Defense Grant. 100% of this purchase will be reimbursed.

**FY24: Lowboy trailers - \$110,000 (SFA Response)**

Purchase two (2) heavy duty, 25-ton lowboy trailers. These trailers will have full-width upper deck, tool tray, lashing rings, hardwood floor and spring assisted ramps. These will be used to haul heavy equipment such as [bulldozers](#), skid steer w/attachments and other resources in support of fire management activities statewide. Funding for this purchase will come from the FY23 US Forest Service, State Fire Assistance – Response Grant. 100% of this purchase will be reimbursed.

**FY24: Radios - \$215,265 (SFA Response, SICF)**

Purchase twenty-two (22) BKR 5000 handheld radios and sixty-two (62) KNG M150 mobile radios. These radios will be replacing handhelds and mobiles 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 communication with federal, state and local cooperators. These radios will be P25 compliant and purchased from the NASPO contract. Funding for this purchase will come from the FY23 US Forest Service, State Fire Assistance – SICF Grant. 100% of this purchase will be reimbursed.

**LABORATORY SERVICES**

**FY24 - \$95,000.00 - Near InfraRed Scanner Analyzer**

Purchase of a Near InfraRed Scanner to assess animal feeds for crude protein, fat and fiber to be used for quick and non-destructive assessment of samples using less consumables to be used in the General Chemistry Section. (To be purchased by Consumer Protection Services).

**Justification:** If purchased this unit would be utilized for approximately 95% of incoming feed samples which would reduce the need for consumables.

#### **FY24 - \$15,000.00 - Preventive Maintenance**

Purchase of a one-year Preventative Maintenance Agreement for the ICP (Inductively Coupled Plasma-Optical Emission Spectrometry Unit), in the General Chemistry Section to ensure continuous and consistent operation of the instrument and ensure the overall quality of the data being reported. (To be purchased by Consumer Protection Services).

**Justification:** Without a maintenance agreement the laboratory would not be able to verify the accuracy of the test results and the equipment could possibly fail rendering it unusable.

#### **MARKET DEVELOPMENT**

FY 2023 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of four grant partners included in this award. Effective: 9/30/23 - 9/29/26 - \$545,237.77.

Justification: 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.

FY24 – Ag in the Classroom Flat Aggie & Flat Annie – illustrator and graphic design - \$65,000.00

Justification: Aggie and Annie will come to life through a picture book and experience life through many interesting adventures, while being surrounded by accurate agriculture. In the education setting, this project will be embedded with writing, reading, math and literature. Students will learn how to write a letter and format an email, all with a focus of agriculture. Students will be able to listen to the story of Flat Aggie and Flat Annie, create their own Flat Aggie or Flat Annie, take pictures of adventures around agriculture, and share those experiences with other students nationwide. This project will ignite curiosity and stimulate creativity, while meeting the academic standards for reading, writing, math and literature in Oklahoma. This project will focus on providing educational materials for teachers of school age students, homeschool students, and groups in Oklahoma and has the potential to reach students across the United States with the support of NASDA, starting with a kickoff date at Ag Day 2024 at the Oklahoma Capitol.

If this proposed expense is not approved and therefore the project is not completed, the potential for students to continue to have misconceptions of real-life agriculture experiences around Oklahoma would continue.

FY2024 – Ag in the Classroom bilingual books - project funded entirely by the Specialty Crop Block Grant - \$10,000.00

#### **WILDLIFE SERVICES**

\$29,040 – ODAFF Wildlife Services is requesting approval for the cooperative agreement with the Southeast Landfill regarding the control and removal of nuisance birds defecating on and damaging

property. As well as, reducing the threat of bird/aircraft interactions at Tinker AFB.

\$110,500 - ODAFF Wildlife Services is requesting approval to purchase two 4x4 trucks. These are replacements to the fleet of vehicles that have high mileage and will be used for field staff in completing their duties. Not approving will result in excessive vehicle repairs.

# **Oklahoma Department of Agriculture, Food & Forestry**

## **December 6, 2023, Board Report**

### **Administrative Services**

# Administrative Services



- First floor renovations continue:
  - Painting completed
  - New carpet installed
  - Cubicles have been installed in the Office of General Counsel and Mailroom
  - HR and Marketing will be next for cubicles followed by Finance
- Two vacant positions
  - Front office administrative position
  - Accountant

# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES SEPTEMBER 2023



INVESTIGATIONS		SEPTEMBER	YTD	FYTD
LIVESTOCK		2	20	7
FIRE			6	2
PROPERTY		5	30	9
TIMBER			5	1
AGENCY ASSISTS	ODAFF		1	1
AGENCY ASSISTS	EXTERNAL		4	2
OTHER		3	18	8
TOTAL INVESTIGATIONS OPENED		10	84	30
CLOSED PENDING ADDITIONAL INFORMATION		2	18	6
NO CRIME		3	33	10
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		2	9	6
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		1	13	5
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		8	73	27
COUNTS FILED		2	15	3
VALUE OF LOSSES - ALL CRIMES		\$166,595	\$1,086,721	\$459,170
RECOVERED LOSSES - ALL CRIMES		\$69,100	\$681,925	\$366,525
NUMBER OF CATTLE REPORTED STOLEN		44	305	93
NUMBER OF CATTLE RECOVERED		9	43	18



# Administrative Services – Investigative Services

## INVESTIGATIVE SERVICES ACTIVITIES OCTOBER 2023



INVESTIGATIONS	OCTOBER	YTD	FYTD
LIVESTOCK	1	21	8
FIRE		6	2
PROPERTY	1	31	10
TIMBER		5	1
AGENCY ASSISTS      ODAFF		1	1
AGENCY ASSISTS      EXTERNAL	3	7	5
OTHER	1	19	9
<b>TOTAL INVESTIGATIONS OPENED</b>	<b>6</b>	<b>90</b>	<b>36</b>
CLOSED PENDING ADDITIONAL INFORMATION	1	19	7
NO CRIME	1	34	11
NO PROSECUTION		0	0
CLOSED - ASSIST CASE		9	6
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION	1	14	6
REFERRED FOR ADMINISTRATIVE ACTION		0	0
<b>TOTAL INVESTIGATIONS COMPLETED</b>	<b>3</b>	<b>76</b>	<b>30</b>
COUNTS FILED	2	17	5
VALUE OF LOSSES - ALL CRIMES	\$72,500	\$1,159,221	\$531,670
RECOVERED LOSSES - ALL CRIMES	\$48,725	\$730,650	\$415,250
NUMBER OF CATTLE REPORTED STOLEN	41	346	134
NUMBER OF CATTLE RECOVERED	35	78	53

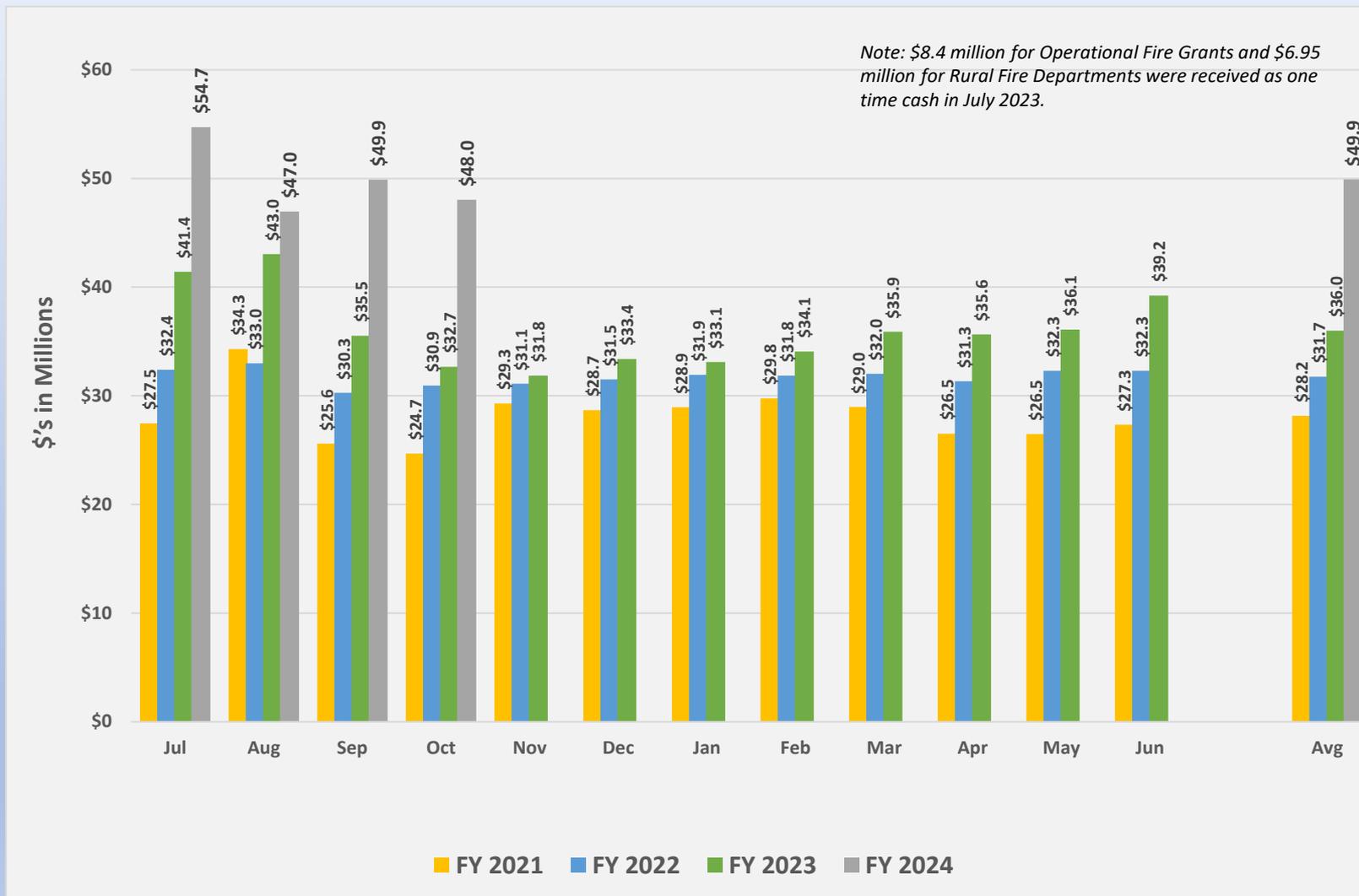




# Available Cash at Month End

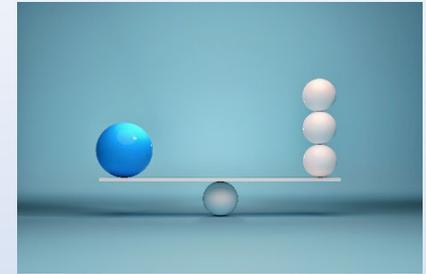
## Months Ending: July 2020 – October 2023

per Allotment Budget & Available Cash Report Fiscal Year 2021-2024



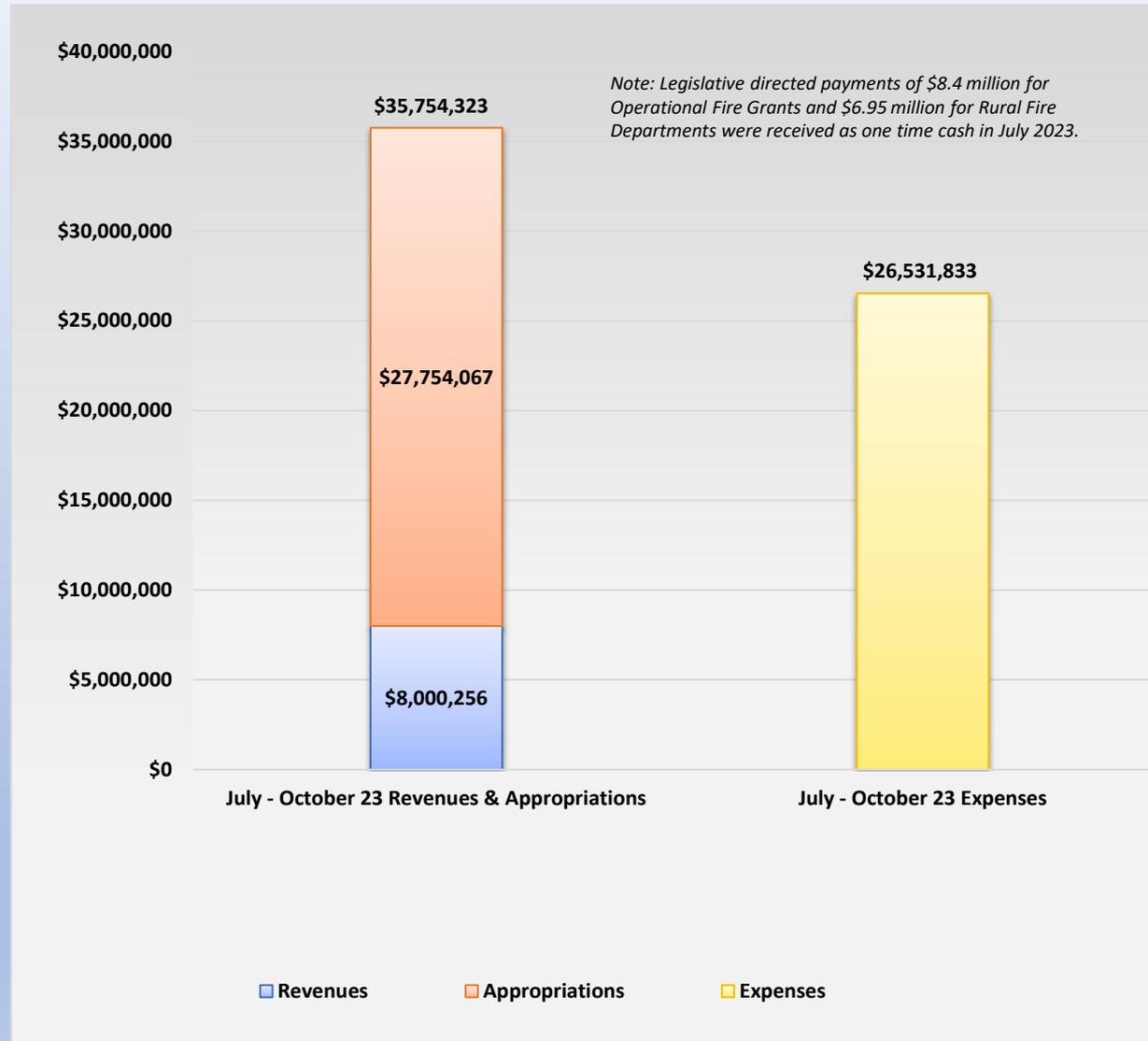
Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,447,157 as of 10/31/2023.

# Administrative Services - Finance



- Cash balance as of 10/31/2023 was \$48 million compared to \$32.7 million as of 10/31/2022
  - Increase of \$15.3 million from the prior year and is primarily attributed to the following:
    - \$7.4 million increase in appropriated cash for increases in legislative directed payments includes funding for:
      - Rural fire departments for the replacement of equipment and gear burned during fires
      - Rural fire coordinators
    - Funds encumbered for purchases that are delayed due to supply chain issues
    - Timing of payments

# Total Revenues, Appropriations and Expenses July – October 2023

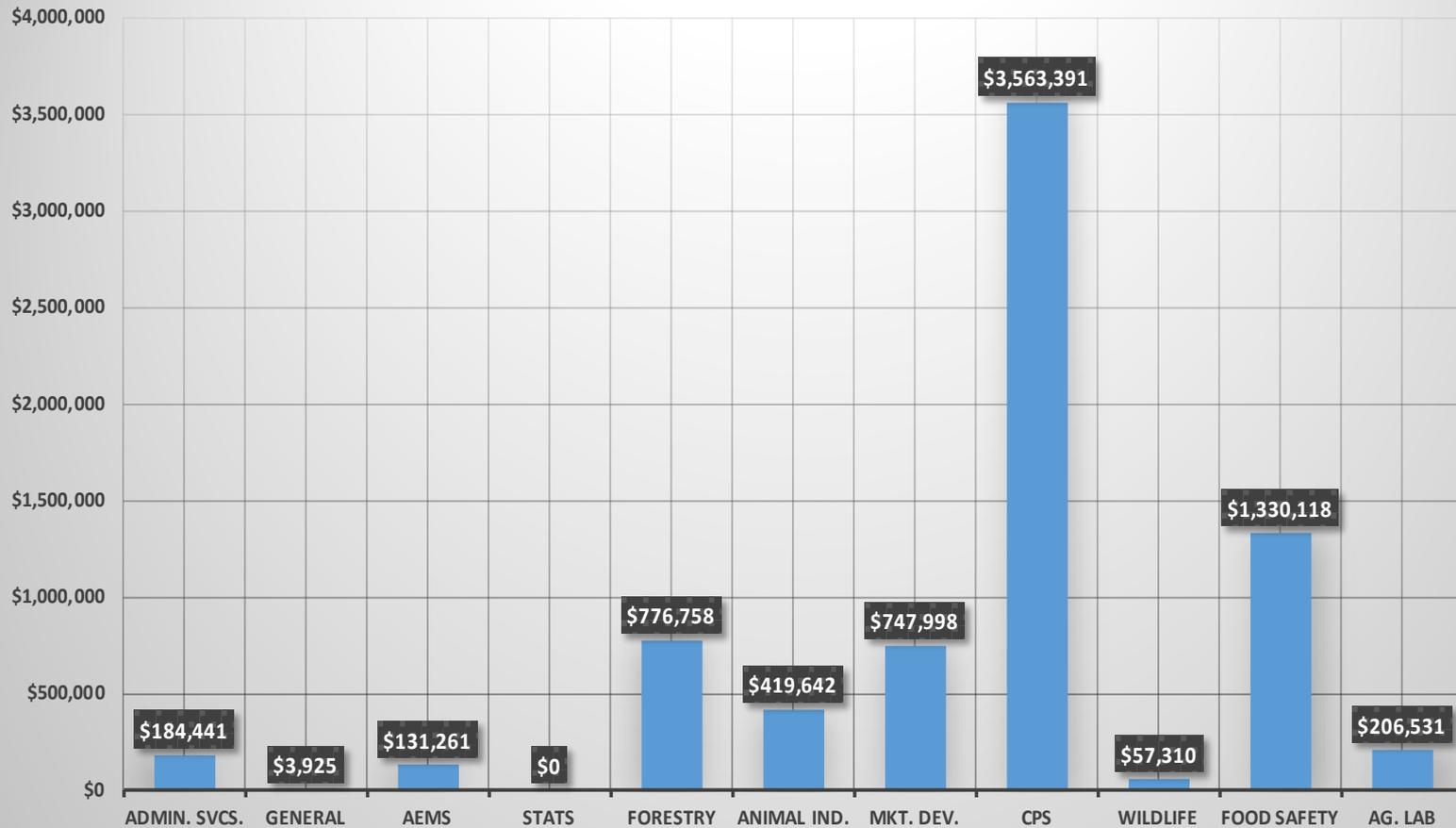




Oklahoma Department of Agriculture, Food and Forestry		
Revenue Summary by Division		
Division	Oct. 2023 Revenue	Fiscal Year 2024 Revenue thru Oct. 2023
Admin. Svcs.	121,903	184,441
General Counsel	2,100	3,925
AEMS	64,594	131,261
Stats	-	-
Forestry	133,322	776,758
Animal Ind.	18,351	419,642
Mkt. Dev.	332,021	747,998
CPS	684,392	3,563,391
Wildlife	10,810	57,310
Food Safety	272,155	1,330,118
Ag. Lab	45,081	206,531
<b>Division Total</b> (see division receipts graph on next slide)	<b>1,684,728</b>	<b>7,421,376</b>
Commodity Storage Indemnity	25,134	97,915
Appropriations	2,995,017	27,754,067
<b>Agency Total</b>	<b>4,704,879</b>	<b>35,273,358</b>
<i>Note: Clearing fund, 79901, is not included in the above table.</i>		



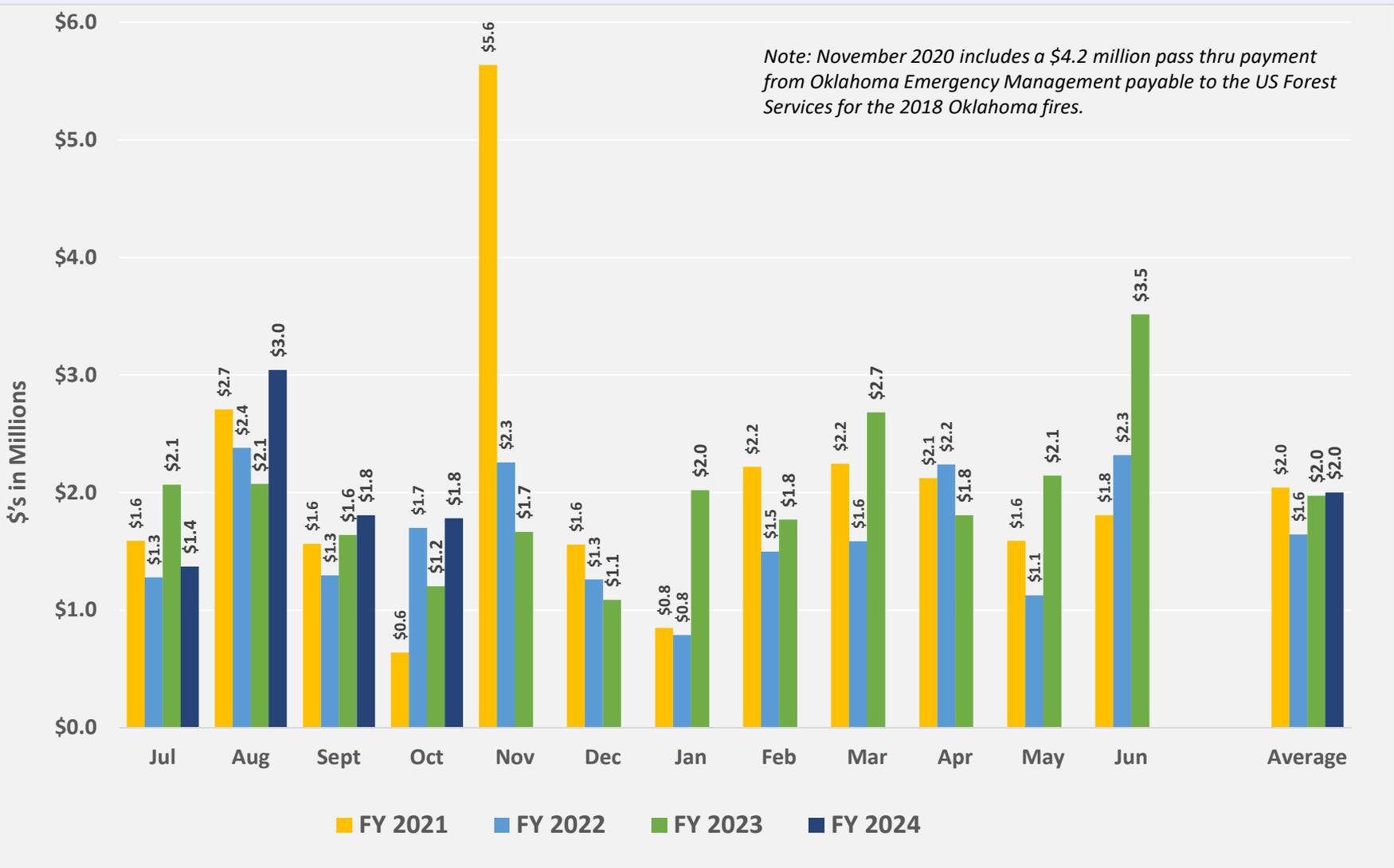
# Revenue By Division July – October 2023



*Note: Clearing fund, 79901, is not included in the above table.*

■ Fiscal Year 2024 Revenue thru Oct. 2023

# Total Revenue by Month July 2020 – October 2023



# Administrative Services - Finance

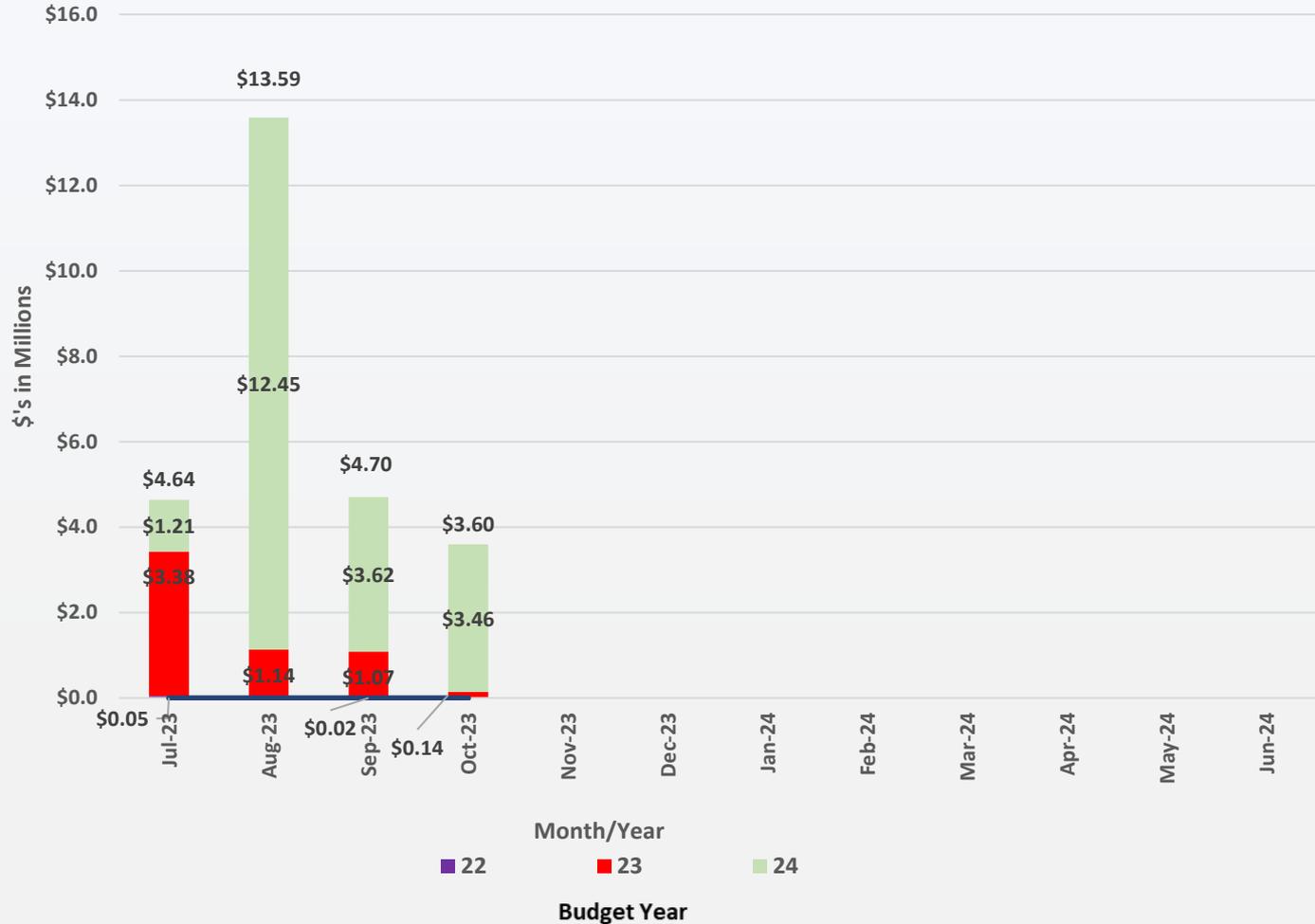
- Revenues (excluding appropriations) for fiscal year 2024 thru October 2023 were \$8 million
- Revenues for the same period last fiscal year were \$7 million
  - This is an increase of approximately \$1 million and is primarily due to:
    - An increase in federal reimbursements
    - Timing of payments received



# Total Expenses by Month July 2020 – October 2023



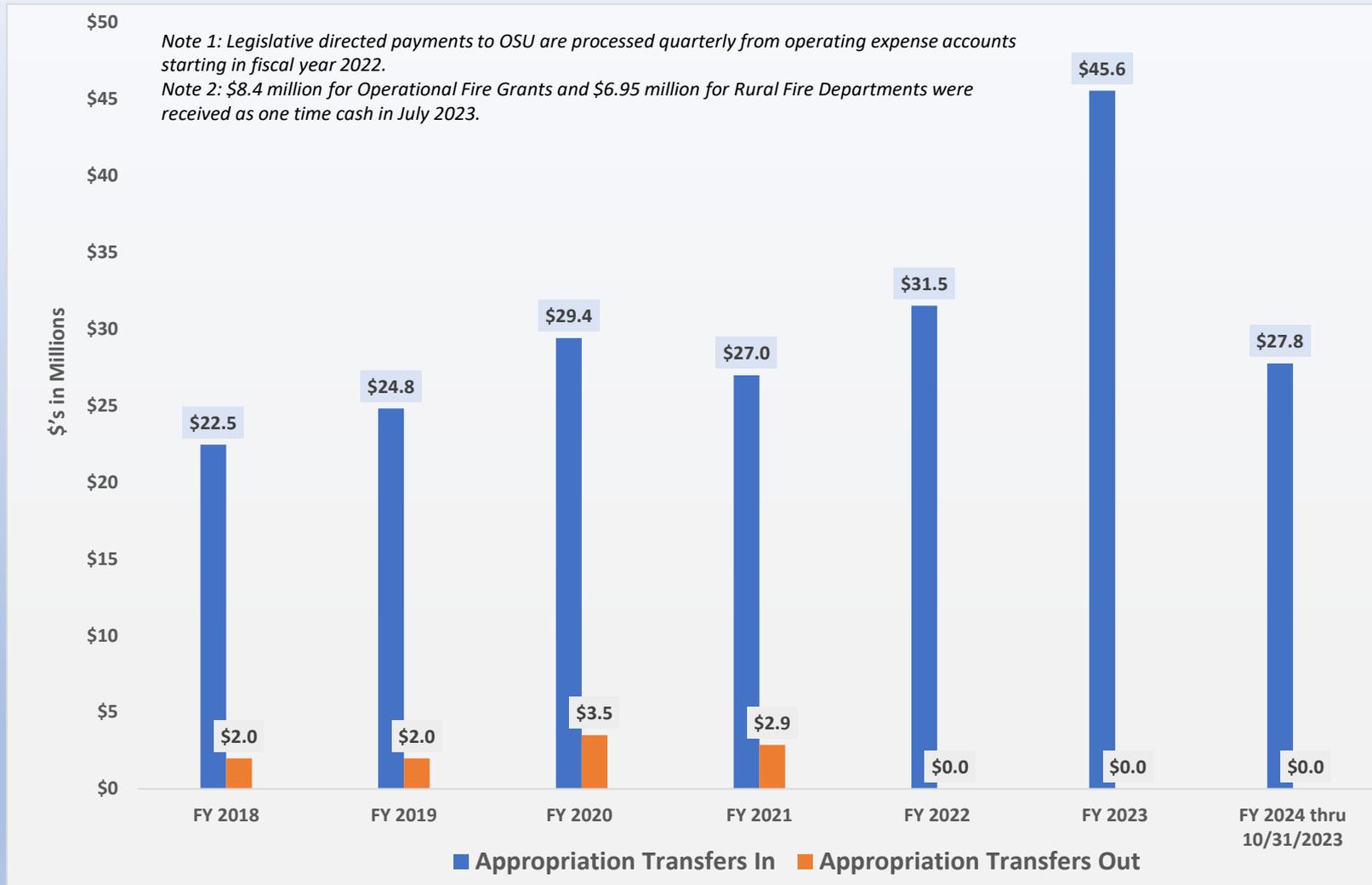
# FY 2024 Total Expenses by Month with Budget Year



# Administrative Services - Finance

- Total expenses for fiscal year 2024 thru October 2023 were \$26.5 million compared to \$27.5 million for the same period last fiscal year
  - This decrease of \$1 million was primarily due to the timing of legislative directed payments.

# Appropriations FY 2018 thru October 2023





# Commodity Storage Indemnity Investment Report

As of October 31, 2023

As of October 31, 2023			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,447,157
<u>FY-2024 Receipts</u>			
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		25,134	97,915
Reinsurance		-	-
ODAFF Support Services		-	-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	25,134	97,915
		=====	=====

Oklahoma Department of Agriculture, Food & Forestry

Monthly Budget Report - Budget Year 2024

As of October 31, 2023

Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru October 31, 2023

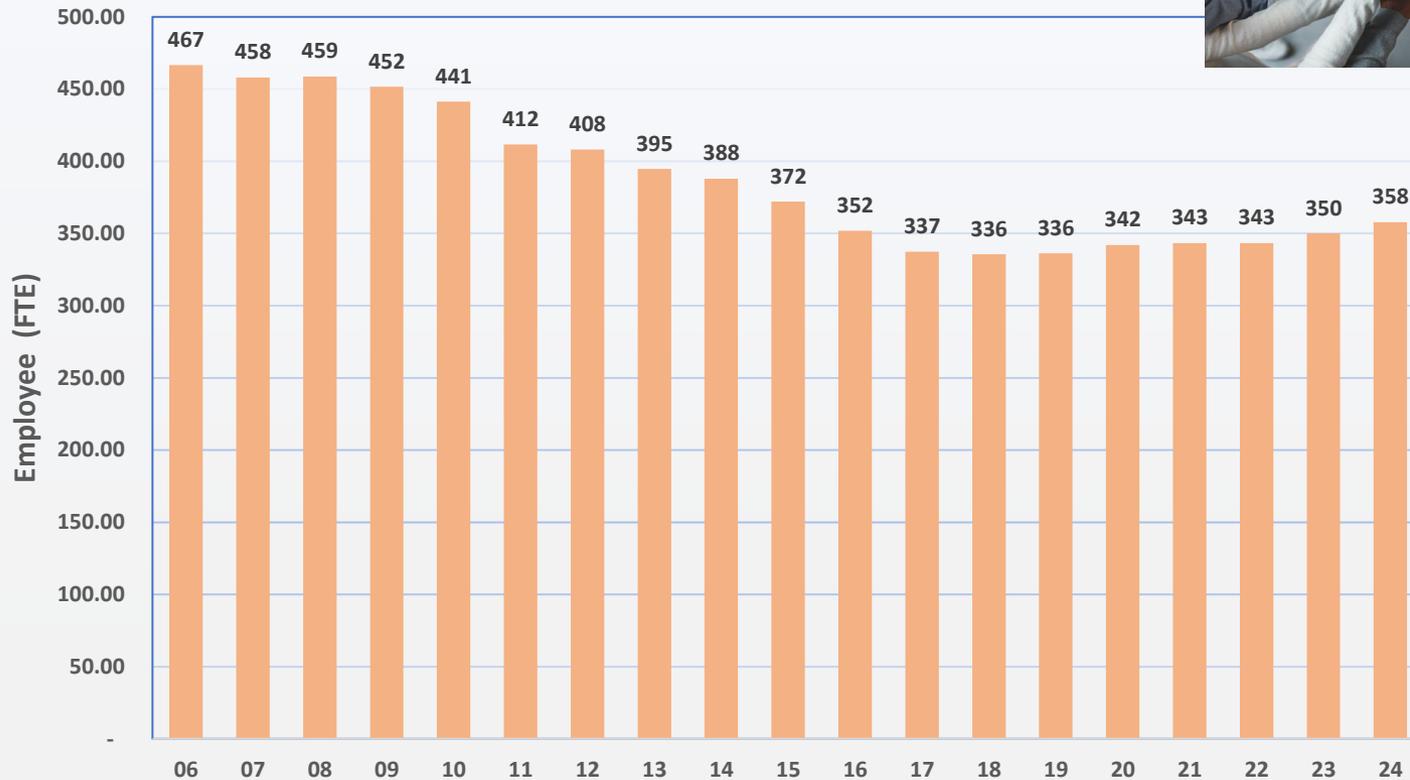


Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	22,838,350	6,509,815	23,192,444	(6,863,908)
512	Insur. Prem-Hlth-Life,etc	5,558,363	1,531,272	396,212	3,630,879
513	FICA-Retirement Contributions	5,597,514	1,522,829	1	4,074,684
515	Professional Services	3,169,160	244,695	3,523,087	(598,622)
519	Inter/Intra Agy Pmt-Pers Svcs	30,000	2,729	22,341	4,930
521	Travel - Reimbursements	518,530	53,182	-	465,348
522	Travel - Agency Direct Pmts	495,863	98,679	-	397,184
531	Misc. Administrative Expenses	1,355,557	171,870	290,359	893,328
532	Rent Expense	690,348	203,913	434,718	51,717
533	Maintenance & Repair Expense	1,987,084	214,460	477,621	1,295,003
534	Specialized Sup & Mat.Expense	1,585,302	180,059	816,398	588,845
535	Production,Safety,Security Exp	160,843	8,741	8,237	143,865
536	General Operating Expenses	313,154	35,190	-	277,964
537	Shop Expense	584,517	101,036	137,098	346,383
541	Office Furniture & Equipment	3,356,536	104,968	421,821	2,829,747
542	Library Equipment-Resources	982	20	-	962
543	Lease Purchases	1,697,171	702,723	994,448	0
552	Scholar.,Tuition, Incentive Pmt	340	555	-	(215)
554	Program Reimb,Litigation Costs	17,321,725	8,889,901	4,241,063	4,190,761
555	Pmts-Local Gov't,Non-Profits	12,189,156	132,896	1,119,027	10,937,233
559	Assistance Pymts to Agencies	3,594,000	-	3,000,000	594,000
561	Loans,Taxes,Other Disbursements	650	-	-	650
564	Merchandise For Resale	150,150	-	150,000	150
601	AFP Encumbrances	-	-	2,635,463	(2,635,463)
810	Req Only	-	-	2,020,913	(2,020,913)
	<b>Operating Totals</b>	<b>83,195,295</b>	<b>20,709,533</b>	<b>43,881,250</b>	<b>18,604,512</b>

**Oklahoma Department of Agriculture, Food & Forestry**
**Monthly Budget Report - Budget Year 2024**
**As of October 31, 2023**
**Fiscal Year 2024 Annual Budget to Actuals for Budget Year 2024 thru October 31, 2023**

<b>Class Funding</b>	<b>Class Fund Description</b>	<b>Annual Budget</b>	<b>Expenditures</b>	<b>Encumbrances &amp; Pre Encumbrances</b>	<b>Available Budget</b>
19311	FY23 Carryover	-	-	89,732	(89,732)
19401	GRF- Duties	35,940,203	6,648,135	21,629,874	7,662,194
20500	Rural Fire Defense Eqp Rev Fd	199,449	-	190,000	9,449
21000	Agriculture Revolving Fund	25,204,040	4,799,721	16,646,914	3,757,404
22500	Enhancemnt & Diversificatn Fnd	250,000	55,608	82,943	111,449
23000	Okla Pet Overpopulation Fund	35,000	25,000	10,000	-
23500	Animal Friendly Revolving Fund	35,000	-	35,000	-
24000	Unwanted Pesticide Disp Fund	350,000	-	350,000	-
24500	Rural Fire Revolving Fund	50,000	-	-	50,000
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	439,275	73,674	189,523	176,079
26200	Poultry Grading Revolving Fund	1,154,297	354,226	694,887	105,184
28500	Milk & Milk Prod Inspec Rev Fd	471,032	91,708	330,468	48,856
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	10,000	10,000	80,000
42000	Specialty Crop Federal Funds	1,140,000	46,314	535,218	558,469
43000	Farm and Ranch Stress Alliance	225,000	-	105,879	119,121
43500	Local Food for Schools Co-op	1,800,000	240,563	2,065,063	(505,626)
57901	Duties	15,773,999	8,364,585	915,750	6,493,664
	<b>Totals</b>	<b>83,195,295</b>	<b>20,709,533</b>	<b>43,881,250</b>	<b>18,604,512</b>

# Employee FTE Totals Fiscal Year FY 2006 – FY 2024



**Note 1:** FTE listed for fiscal year 23 was based on the FTE from August 15, 2022 thru June 30, 2023 as the Workday HR system was implemented on August 15, 2022.

**Note 2:** FTE listed for fiscal year 24 was based on the FTE for July – October 2023.

Fiscal Year

**DECEMBER 2023 BOARD REPORT  
AGRICULTURE LABORATORY SERVICES  
(September and October 2023 Activities)**

**QUALITY MANAGEMENT SECTION:** (Daniel Tripp, QA Manager)

The Food and Dairy Section has started a shelf-life extension study for the Molecular Assay 2 – *Salmonella* Kit. The most recent run was used to determine if the kit’s 60-day shelf life, set by the manufacturer, was indeed accurate. The goal of this study is to determine if reagents are stable up to six months after being unsealed, through routine testing. Extending the shelf-life of these testing reagents will allow the Section to use the entirety of the kit, without having to discard reagents before they can be utilized.

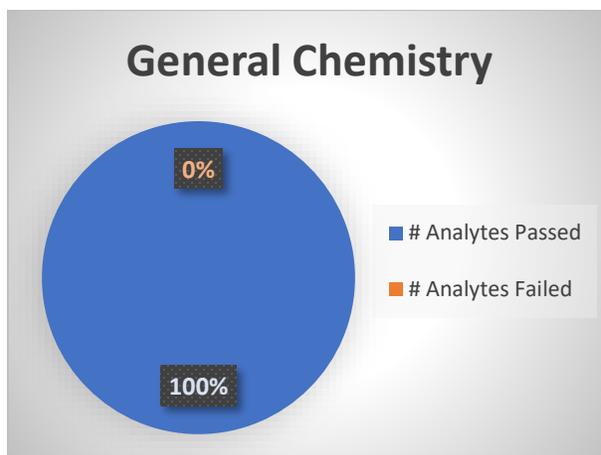
The QA Manager finished thermometer checks for all Sections, remaining checks include Fume velocity tests and Laboratory showers.

The QA Manager submitted FSIS Form-5720-14 for the fiscal year. The form contains a checklist with regards to the Laboratory’s capability and quality standards. This form is submitted every year for the Food and Dairy Section.

**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.

<b>General Chemistry</b>	
# Analytes Results Received	10
# Analytes Passed	10
# Analytes Failed	0



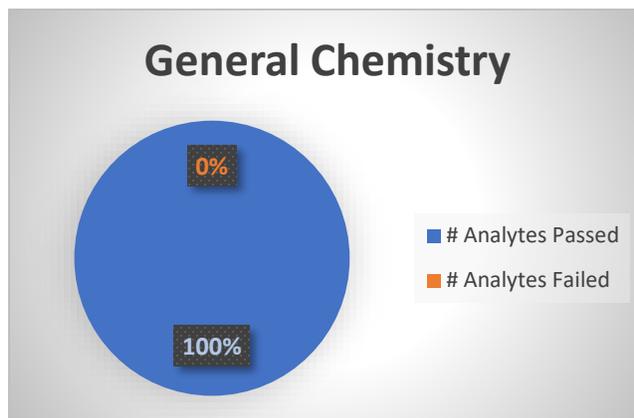
In October the QA Manager completed yearly equipment checks for FY24, including thermometers, incubators, refrigerators, freezers, fume hoods and laboratory safety showers.

The QA Manager is currently working on a Memorandum of Understanding with the Wisconsin Department of Agriculture, Trade and Consumer Protection for meat chemistry testing. Tests include protein, fat, moisture, and salt content. This will not be for routine sample testing but rather for a rare, emergency situation. Having the means to perform these tests, either in-house or through an external Laboratory, is required by the USDA.

**PT Results**

The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

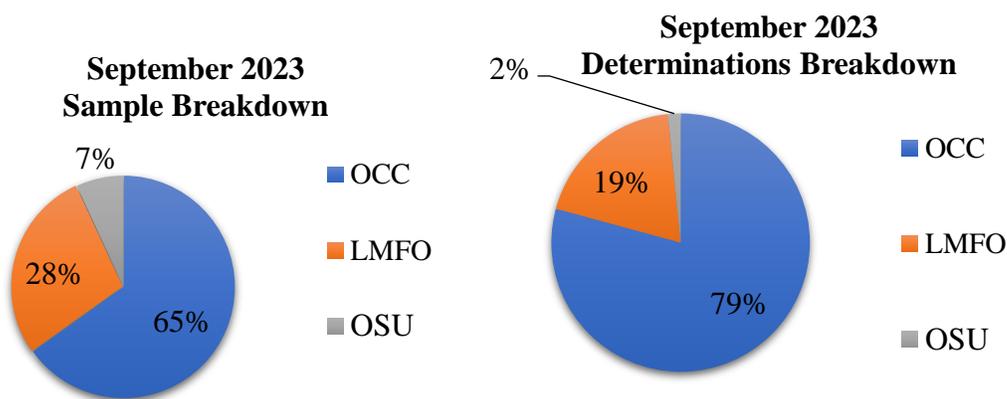
General Chemistry	
# Analytes Results Received	49
# Analytes Passed	49
# Analytes Failed	0



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

In September of 2023 the Section completed 218 samples consisting of 1906 determinations, with the following breakdown:

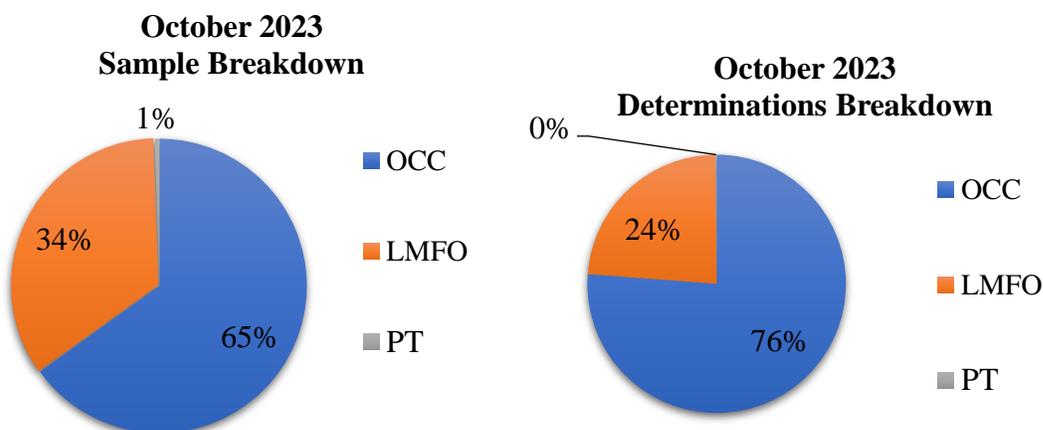
OCC	142	1510
LMFO	61	366
OSU	15	30
<b>Total</b>	<b>169</b>	<b>1416</b>



Oklahoma Conservation Commission (OCC) has ended bacteria and ammonia sampling for the year and Oklahoma Water Resource Board (OWRB) has started collecting LMFOs.

In October of 2023 the Section completed 189 samples consisting of 1647 determinations, with the following breakdown:

OCC	123	1255
LMFO	65	390
PT	1	2
<b>Total</b>	<b>189</b>	<b>1647</b>



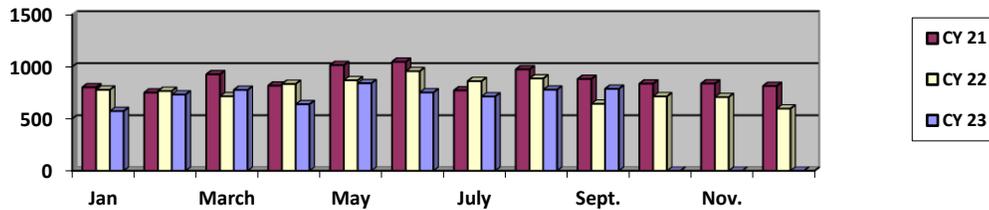
**DAIRY/FOOD SAFETY SECTION:** (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of September was a typical testing month for the Section. One dairy was not tested, one dairy is dry, one dairy ceased production and a new dairy began production. The Section tested 40 meat samples this month. This included fifteen environmental samples from a beef jerky processing plant and five beef jerky samples.

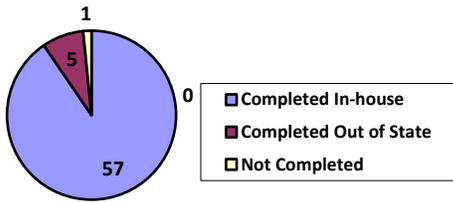
The Section received the FDA milk splits. This PT included antibiotic and somatic cell testing. The Section has been informed that the new somatic cell counter should be shipped by the end of October.

Under this year’s AFDO grant for the FDA milk program, the Dairy Section has submitted to purchase a cryoscope, another incubator and an analytical balance. The Section was informed that the grant would not be available until after December after all training classes have been held to see how much funding will be available.

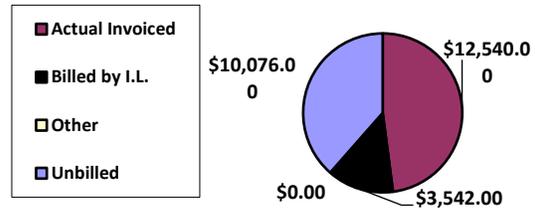
Total Determinations



Dairy Farms



Revenue Breakdown

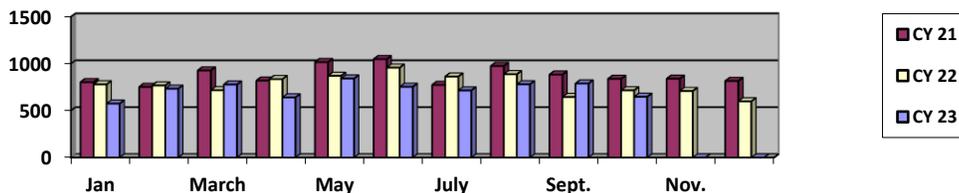


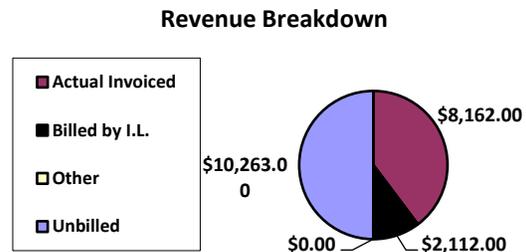
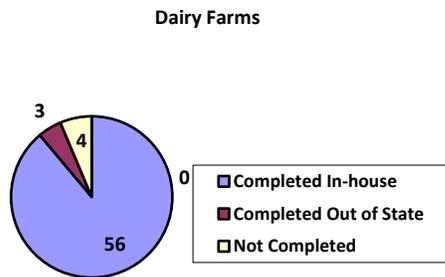
The month of October was a typical testing month for the Section. Four dairies were not tested, one dairy is dry, and one dairy closed. The Section tested twenty-one meat samples and one water sample this month. The Section was able to isolate E. coli from one meat sample and either E. coli or Shigella from a second sample this month. Isolated colonies were taken to the State Health Lab in Stillwater which will be sent to Nebraska for whole genome sequencing.

The new somatic cell counter is ready for shipping. Bentley will schedule an engineer for installation and training once it is received.

The FDA has released dates for the milk program training and the Southwest Regional Seminar. The seminar will be held in Golden, Colorado April 22<sup>nd</sup> through 26<sup>th</sup>, 2024. The Laboratory Examination of Dairy Products training class is tentatively scheduled in Alameda, California in September 2024 and the LEO training course will also be held in Alameda in May 2024. At least one laboratory employee will be attending the training classes and two for the seminar.

Total Determinations





**SEED SECTION:** (Tori Gillispie, Agriculture Services Administrator I and Wade Krivanek, State Seed Program Administrator)

Sample records indicate that a total of 234 seed samples were received in September. Overall sampling of small grains has slightly increased compared to last year. Crops tested consisted of wheat, barley and fall season grass.

Overall germination for certified wheat seed is showing good quality, with the exception of a few lots with low germination due to sprout damage. However, germination results were up from last year given the rainfall received.

Seed quality was acceptable for official samples, however there were label violations discovered on several seed samples that were not labeled for seed. All infractions have since been remedied and released from stop sale.

The Section received 209 samples for testing. The Section is winding down with small grain testing, which includes wheat, rye, and oats. The remaining crops tested consisted of fall season turf grasses, native grasses, and mung beans. Approximately forty-eight percent were taken from carryover seed lots that required new germination test dates for the Oklahoma Crop Improvement Association as well as random sample collections from CPS inspectors. Seed quality was acceptable for official samples, however there were label violations discovered on three different seed lots. All the infractions have since been remedied and released from stop sale.

**GENERAL CHEMISTRY SECTION:** (Johnathan White, Environmental/Chemical Laboratory Scientist IV)

September was a productive month for the Section. 212 samples were completed with a total of 993 determinations.

All of the Section's equipment was online and functioning correctly for the month allowing us to achieve these results. The Section's workaround for the fat analyzers is continuing to work and the dehumidifier has allowed the Section to lose minimal time due to humidity issues.

At the end of the month CPS inspectors were in town for tablet updates and during this time we were able to schedule tours of our Section. Feedback from Section staff and inspectors was positive, allowing them to see what we do with their samples and improve our working relationship with each other.

Our average turnaround for all samples was 16.32 days, below our 18-day goal. This month we hit on all our targets. As we move through fall and our samples increase our goal is to stay on trend.

Overview of Section numbers for the month:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	160	53	9	222
<b>Samples Completed</b>	161	42	9	212
<b>Determinations</b>	802	131	60	993
<b>Violations</b>	101	9	4	114
<b>Violation %</b>	12.59%	6.87%	6.67%	11.48%

September was a productive month for the Section. We completed 299 samples with a total of 1321 determinations, exceeding all our monthly targets.

Our Sulfur analyzer was a little off the beginning of the month but we were able to work through the issues. We had a Preventative Maintenance visit for that unit and the associated Nitrogen/Protein analyzer. In addition, the visit involved some beneficial training for our primary analyst. This should allow us to further streamline analysis going forward. We are currently experiencing a backlog of consumables for the sulfur analyzer but due to a slowdown in fertilizer samples the impact should be minimal.

Unfortunately schedules did not align for the setup of our new HPLC during October but we are scheduled for install in Mid-November and training in Mid-December. Our current unit is still operational so this delay will not impact performance.

Our average turnaround for all samples was 17.43 days, below our 18-day goal. This month we hit on all our targets so hopefully as we move through fall and an increase in samples we can stay on trend. We are continuing our communications with CPS to prepare for Feed Rush and maximize our efficiency to maintain our quality and speed of work under expected increased sample load.

Overview of Section numbers for the month:

	<b>Feed</b>	<b>Fertilizer</b>	<b>Lime</b>	<b>Total</b>
<b>Samples Received</b>	239	51	9	299
<b>Samples Completed</b>	201	76	11	288
<b>Determinations</b>	1025	227	69	1321
<b>Violations</b>	112	17	2	131
<b>Violation %</b>	10.93%	7.49%	2.90%	9.92%





Sulfur analysis using the LECO S832.



Section staff members were able to enjoy Halloween day.

**PESTICIDE SECTION:** (David Smith, Environmental/Chemical Laboratory Scientist IV)

In the month of September, the Nitrogen generator supplying the new LC-QQQ (6470 system) is still down. The nitrogen generator that supplies the LC-QQQ (6410 system) is currently supplying both. Currently only one system can be used at a time. Multiple quotes have been collected for the repair and replacement of the nitrogen generator.

**Pesticide Section samples completed:**

In the month of September, the Section completed 55 samples. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT). The average TAT for this month is 40 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	8	16	56	61
Residue Soil	1	1	6	41
Residue Water	2	4	14	53
Organic Act	-	-	-	-
Residue, Other	-	-	-	-
Concentrate	7	13	7	74
Tank Mix	3	6	14	177
Hemp	10	10	10	8

Average Residue Turnaround Time: 30 days

Average Formulation Turnaround Time: 105 days

Average Hemp Turnaround Time: 8 days

Totals		
# of Samples	# of Tests	# of Determinations
55	74	131

**Samples the Section received by month:**

The Section received 78 samples this month. Most of the samples received are for Residue Analysis (see Fig A).

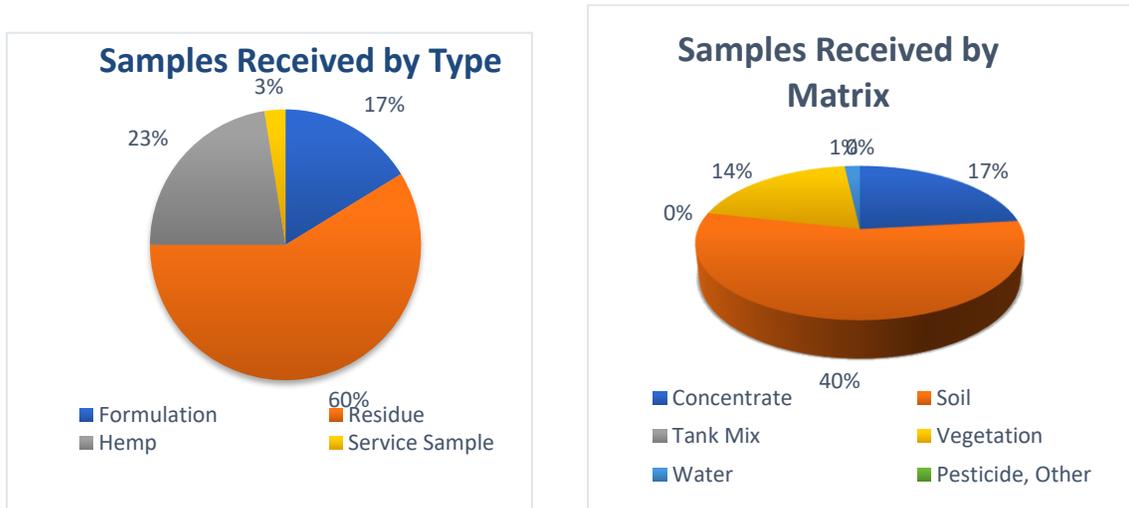


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

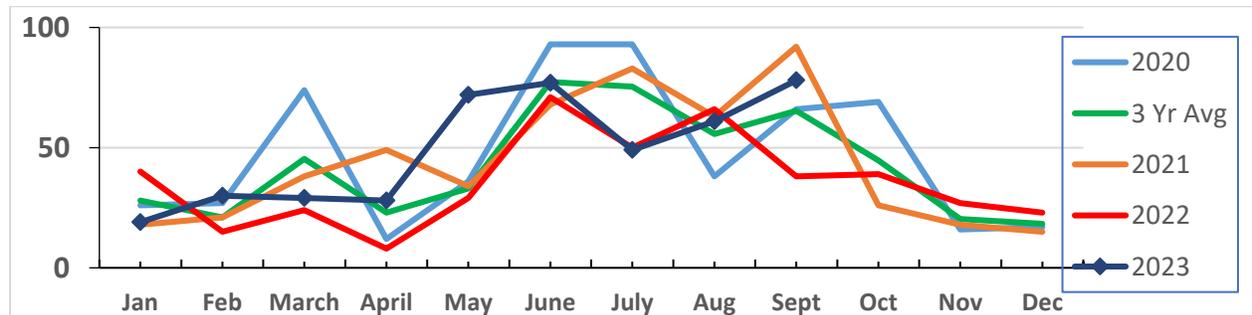


Fig B. Graph showing the number of samples received by the Section each month.

**Determinations the Section completed by month:**

This month, the Section completed 131 determinations with most of the determinations on residue vegetation samples.

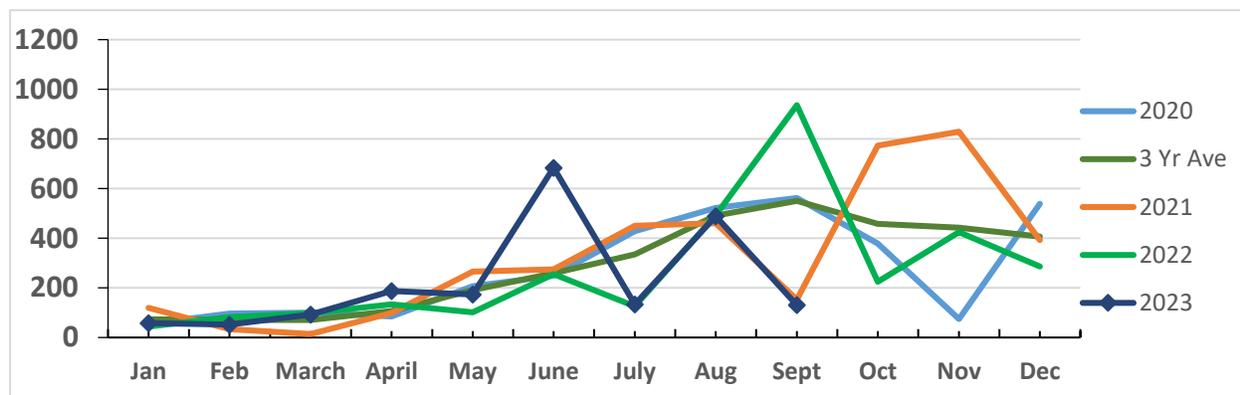


Fig C. Graph showing the number of determinations completed each month.

**Pesticide Section samples completed:**

In the month of October, the Section completed 73 samples. Below is the table showing the number of samples, tests per sample, and determinations (Det.) per sample with turnaround times (TAT). The average TAT for this month is 51 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	15	30	116	81
Residue Soil	23	31	76	21
Residue Water	1	2	11	176
Organic Act	-	-	-	-
Residue, Other	3	3	27	91
Concentrate	15	23	23	80
Tank Mix	2	8	10	114
Hemp	13	13	13	9

Average Residue Turnaround Time: 30 days  
 Average Formulation Turnaround Time: 105 days  
 Average Hemp Turnaround Time: 8 days

Totals		
# of Samples	# of Tests	# of Determinations
73	111	282

**Samples the Section received by month:**

The Section received 33 samples this month. Most of the samples received are for Residue Analysis (see Fig A).

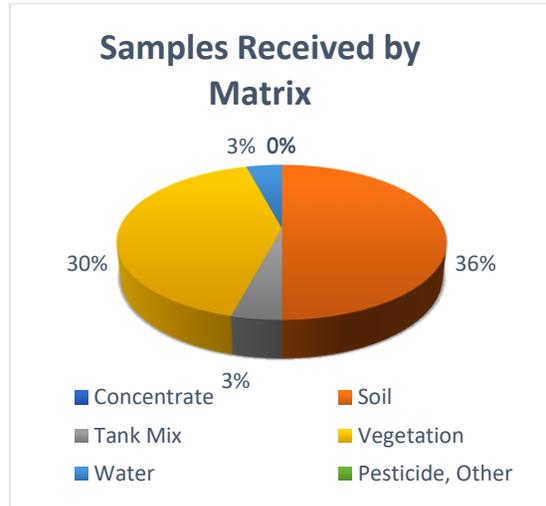
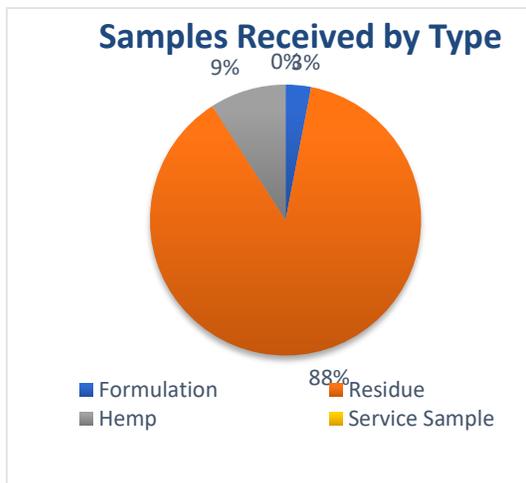


Fig A. Pie charts representing the number of samples received by type (left) and matrix (right).

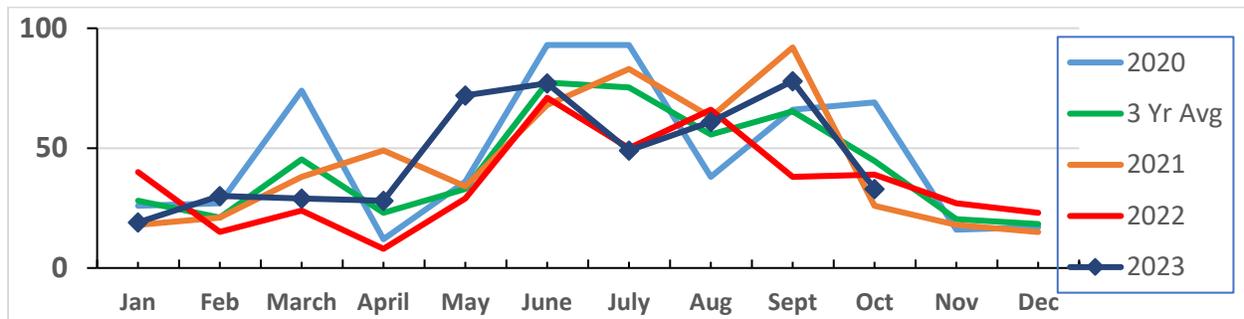
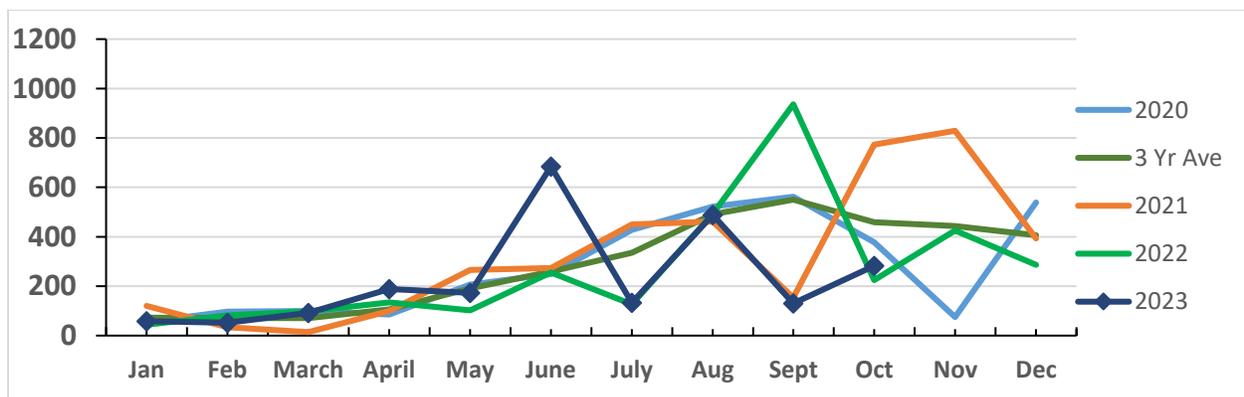


Fig B. Graph showing the number of samples received by the section each month.

**Determinations the Section completed by month:**

This month, the Section completed 282 determinations with most of the determinations on residue vegetation samples.



**OKLAHOMA BUREAU OF STANDARDS: (William Krivanek, Metrologist II)**

The following is a workload summary for the Oklahoma Bureau of Standards from September 1<sup>st</sup> through September 30th.

The Oklahoma Bureau of Standards generated a revenue of \$2,922.00 during the month of September 2023. The Bureau performed more calibrations than in previous months. Bureau employees were able to receive substantial hands-on training throughout the month. William Krivanek and Termelia Hogg will be traveling to the National Institute of Standards and Technology (NIST) during the month of October. William and Termelia will be participating in the Mass Metrology seminar held in Gaithersburg, Maryland. This is great news, as it ensures positive progress is being made to regain the Bureau's accreditation and recognition status.



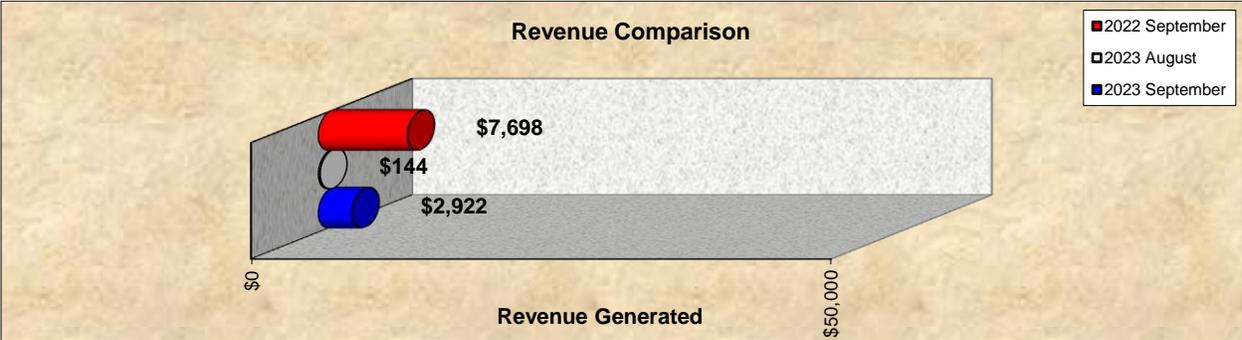
Pictured above: Termelia Hogg is working on her pre-work assignments for the Mass Metrology seminar.

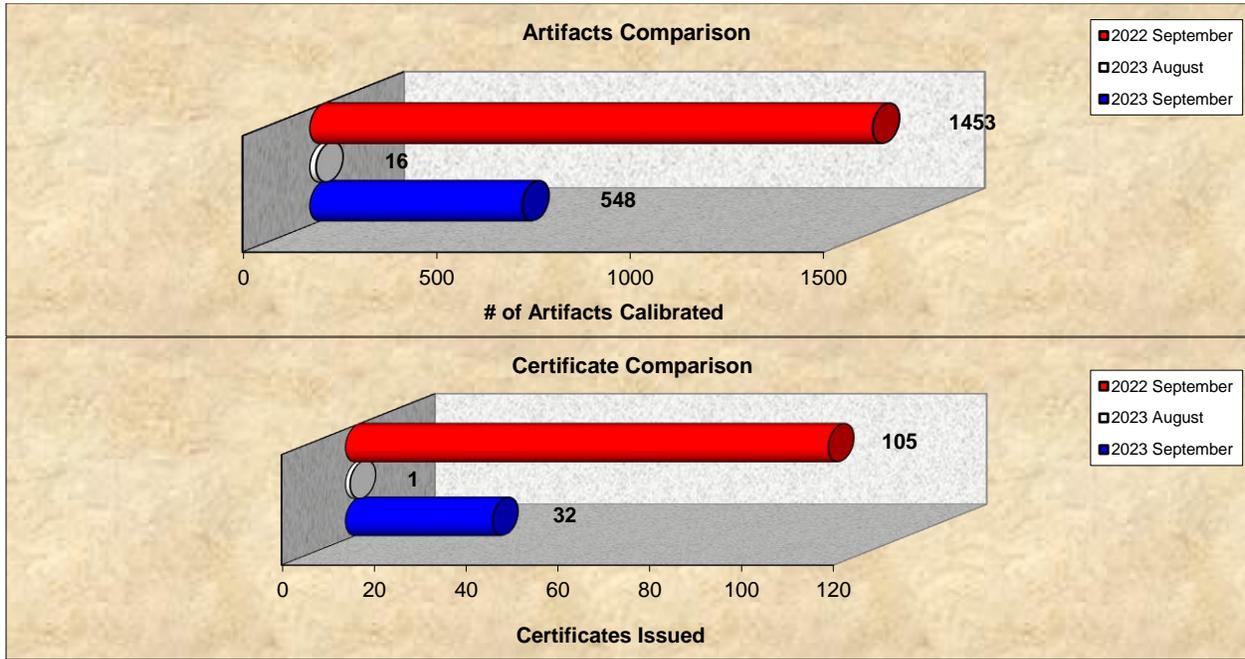


Pictured above: The Bureau’s transfer cart enables us to safely move artifacts from one room to another with ease.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	5	\$2,380.00	81.50%	112	20.44%
In-State Customers	3	\$542.00	18.50%	436	79.56%
Totals	8	\$2,922.00	100.00%	548	100.00%

Echelon	Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
Mass I / II	\$0.00	0
Mass III	\$4,783.00	0
Volume	\$0.00	0





The following is a workload summary for the Oklahoma Bureau of Standards from October 1<sup>st</sup> through October 31<sup>st</sup>.

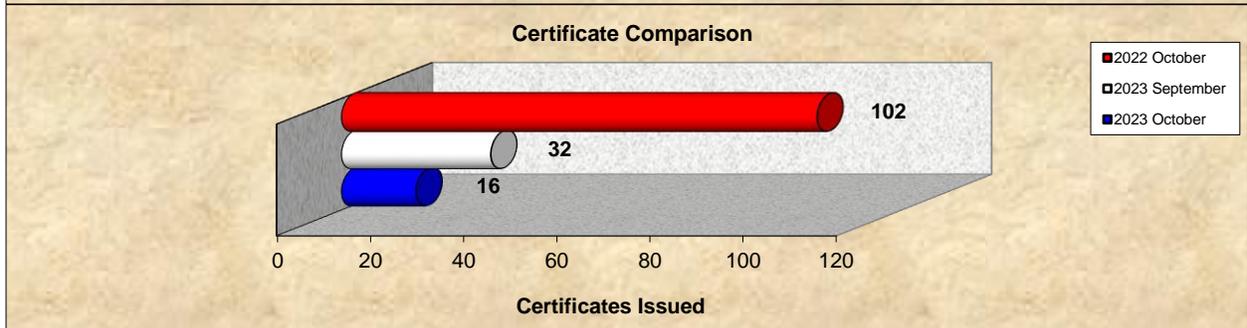
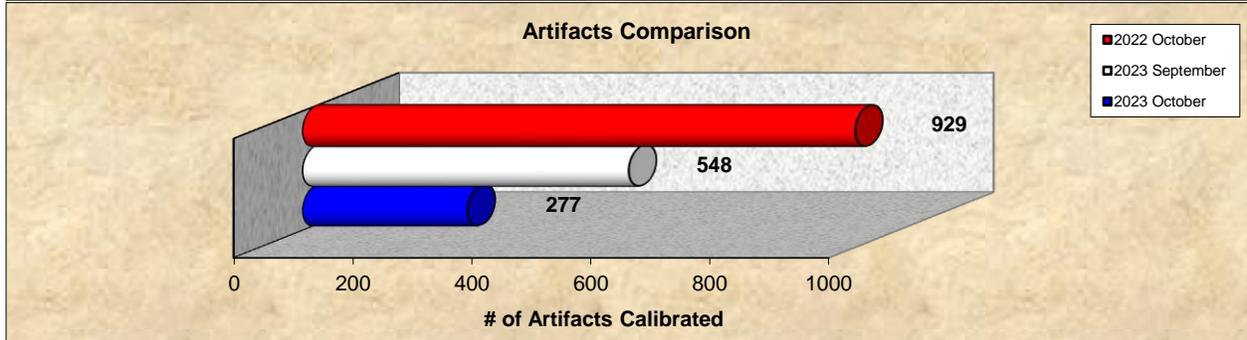
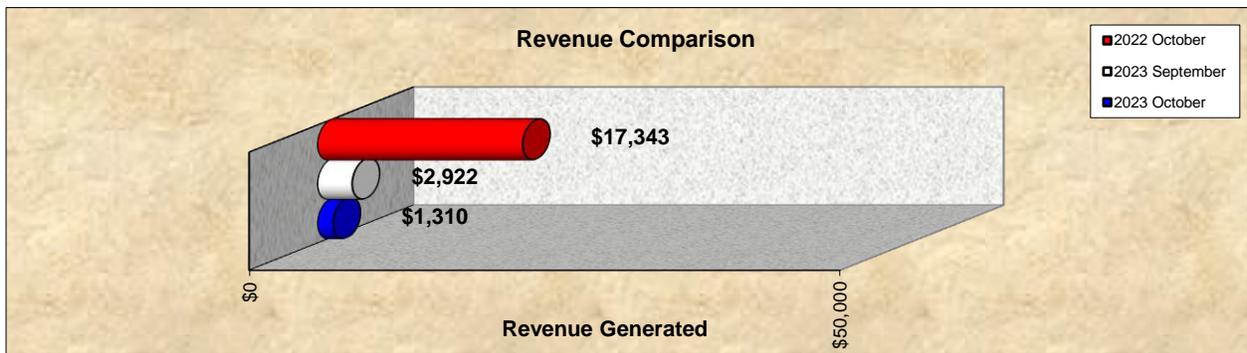
The Oklahoma Bureau of Standards generated a revenue of \$1,310.00 during the month of October 2023. The Bureau has completed a substantial amount of progress towards regaining accreditation and recognition over the past few weeks. William Krivanek and Termelia Hogg participated in the Mass Metrology seminar held in Gaithersburg, Maryland. This was a two-week long training course, which was very extensive regarding the knowledge surrounding metrology. This is a great steppingstone for the Oklahoma Bureau of Standards, as it is a requirement to attend in order to obtain Laboratory accreditation and recognition.



Pictured: The 2023 Mass Seminar participants (including William Krivanek and Termelia Hogg) are touring labs on the campus of the National Institute of Standards and Technology (NIST).

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$866.00	66.00%	33	12.00%
In-State Customers	2	\$444.00	34.00%	244	88.00%
Totals	3	\$1,310.00	100.00%	277	100.00%

Echelon	Total Fees not Charged	# Working Days Lead Time to Next Available Date for Calibration
Mass I / II	\$0.00	0
Mass III	\$3,024.00	0
Volume	\$0.00	0



Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Wade Krivanek". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Wade Krivanek  
Laboratory Director  
Laboratory Services Division

**BOARD REPORT  
 AGRICULTURAL LABORATORY SERVICES  
 SEPTEMBER 2023 ACTIVITIES**

FEED SAMPLES	160
FEED DETERMINATIONS	802
POSSIBLE VIOLATIONS	101
FERTILIZER SAMPLES	53
FERTILIZER DETERMINATIONS	131
POSSIBLE VIOLATIONS	9
LIME SAMPLES	9
LIME DETERMINATIONS	60
POSSIBLE VIOLATIONS	4
PESTICIDE SAMPLES	55
PESTICIDE DETERMINATIONS	131
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	169
DETERMINATIONS	1416
SEED SAMPLES	234
SEED DETERMINATIONS	232
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	32
NUMBER OF STANDARDS CALIBRATED	548
FEE CHARGES	\$2,922.00
DAIRY SAMPLES	473
DAIRY DETERMINATIONS	788
POSSIBLE VIOLATIONS	12
<b>TOTAL SAMPLES</b>	<b>1185</b>
<b>TOTAL DETERMINATIONS</b>	<b>4108</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>127</b>

**BOARD REPORT  
 AGRICULTURAL LABORATORY SERVICES  
 OCTOBER 2023 ACTIVITIES**

FEED SAMPLES	239
FEED DETERMINATIONS	1025
POSSIBLE VIOLATIONS	112
FERTILIZER SAMPLES	51
FERTILIZER DETERMINATIONS	227
POSSIBLE VIOLATIONS	17
LIME SAMPLES	9
LIME DETERMINATIONS	69
POSSIBLE VIOLATIONS	2
PESTICIDE SAMPLES	73
PESTICIDE DETERMINATIONS	282
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	189
DETERMINATIONS	1647
SEED SAMPLES	209
SEED DETERMINATIONS	232
POSSIBLE VIOLATIONS	3
BUREAU OF STANDARDS CERTIFICATES	16
NUMBER OF STANDARDS CALIBRATED	277
FEE CHARGES	\$1,310.00
DAIRY SAMPLES	322
DAIRY DETERMINATIONS	647
POSSIBLE VIOLATIONS	16
<b>TOTAL SAMPLES</b>	<b>1108</b>
<b>TOTAL DETERMINATIONS</b>	<b>4406</b>
<b>TOTAL POSSIBLE VIOLATIONS</b>	<b>150</b>



# OKLAHOMA FORESTRY SERVICES BOARD REPORT

*Serving Oklahomans by conserving, enhancing, and protecting our forest and natural resources for present and future generations.*

*Forestry Services' 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.*

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## URBAN AND COMMUNITY FORESTRY

### Program Highlights

On October 5<sup>th</sup>, Riley Coy presented at the Oklahoma Vegetation Management Conference at the Hard Rock Hotel in Tulsa to 60 tree professionals about the Common Problems and Solutions of Evergreen and Deciduous Trees in Oklahoma.

October 11<sup>th</sup> Mark Bays met with several homeowners in Goldsby to discuss trees with leaf scorching and early leaf drop. It was determined that newly planted trees were not getting sufficient watering during the heat of the summer and were improperly mulched.

October 12<sup>th</sup> Mark Bays met at Kite Park in Nichols Hills to discuss several trees exhibiting severe decline. One English Oak lost most of its leaves in the past month. Samples were taken and sent to OSU for diagnostic analysis.



The week of October 16<sup>th</sup>-19<sup>th</sup>, Riley Coy and Mark Bays attended the 2<sup>nd</sup> World Forum on Urban Forestry in Washington D.C. There were over 1,000 participants from 61 countries discussing urban forestry projects around the globe.

On October 19<sup>th</sup> Mark Bays and Riley Coy met with representatives from the 50 U.S. states and the territories to discuss upcoming projects in urban forestry. Included is a photo taken at the event of the 13 southern states' urban program leaders.

On October 26<sup>th</sup>, Riley Coy and Elizabeth Bland-Corbishley met with the Altus Tree Board to discuss replacement of the downtown Altus Street trees. This will be an ongoing project.

On November 1<sup>st</sup>, Foresters Riley Coy, Mark Bays, Connie Robinson, Evan Long, Tony Pascall, and Elizabeth Bland-Corbishley attended the Oklahoma Community Forestry Council Conference called "The Science of Tree Health". There

were 70 participants that heard from local and national speakers about urban forestry science and principles. Forester Mark Bays presented at the conference on the Oklahoma City National Memorial.



## COMMUNITY OUTREACH AND COMMUNICATIONS

### FORESTRY EDUCATION

On October 4<sup>th</sup>, Education Coordinator Tony Pascall spoke to school administrators and officials in Edmond about the Tree City USA K-12 program, with the goal of supporting more schools through the process of becoming a Tree Campus.

On October 6<sup>th</sup>, Tony presented at the annual state Master Gardener conference in El Reno about the importance of conservation education and Project Learning Tree to approximately 25 participants.

On October 7<sup>th</sup>, Tony taught an early childhood PLT workshop to 20 educators Ponca City. These educators will now have the resources to teach about the forest in their own programs with children.

On October 11<sup>th</sup>, Tony and Prescribed Fire Specialist Christian Hayes went to the Tuttle Fire Department for their Fire Prevention open house. They spoke with about 200 community members about how wildfire prevention.

On October 12<sup>th</sup>, Tony led a PLT workshop specifically for Natural Resource professionals and students. 25 attendees got resources and tools for teaching about Forestry and Conservation when they are called by a school or club to come at speak.





On October 13<sup>th</sup>, Tony taught at a Girl Scout event in Oklahoma City called “Freaky Friday.” Tony taught about the horrors of invasive species and how the girls could help prevent their spread. Approximately 60 girls attended.

On October 14<sup>th</sup>, Tony taught an early childhood PLT workshop to 20 educators Oklahoma City.

On October 16<sup>th</sup>, Tony and Christian taught about forest health and management at the Ag Day at Oakridge Elementary School in Moore to approximately 75 3<sup>rd</sup> graders.

On October 17<sup>th</sup>, Tony taught at the H2Oklahoma festival in Harrah. Over 350 4<sup>th</sup> and 5<sup>th</sup> graders learned about the impacts that healthy forests have on their water and wildlife habitat.

On October 18<sup>th</sup>, Tony and Information Representative Keith Merckx taught 25 Biology students from Burns Flat High School at Foss Lake State Park about forest management, micro-habitats, and benefits of forests.

On October 24<sup>th</sup>, Forester Connie Robinson, Forest Regeneration Specialist Rebecca Dunkleberger, and Tony had a booth at the Women in Science Conference at Science Museum Oklahoma in Oklahoma City. They spoke with

approximately 1,000 high school girls about careers in Forestry generally and at OFS specifically.

On October 25<sup>th</sup>, Tony presented at the UCO Wildlife Society in Edmond about environmental education. These students will graduate into careers in conservation and natural resource management, and learned about the importance of environmental education in the field, and were exposed to a few activities from Project Learning Tree.

On October 26<sup>th</sup>, Tony helped teach over 60 5<sup>th</sup> graders at Will Rogers Elementary School in Oklahoma City about the importance of trees. The students then witnessed a tree planting by OKC Beautiful.

On November 2<sup>nd</sup>, Tony had a booth at a STEAM night at Bethany Elementary about the products and ecosystem services that trees provide. Over 150 students and their families participated.



## COMMUNICATIONS

### SafeStayOK

Progress on the Hochatown Project for property owner/visitor wildland fire safety and awareness effort continues with grants applications, website refinement, continued mapping, printed item design, merchandise design, and publication placement.



### Fall Foliage

Information Representative Keith Merckx and APO Taylor Centrella traveled eastern areas of the state documenting the change in fall color for the OFS Image Library. They captured video and still images and were accompanied by Forest Management Chief Craig Marquardt for the portion of the project covering the Talimena Scenic Byway area including the Kerr Arboretum. Images and video were shared to social media platforms where they gained traction with followers.



### Recent Media Coverage

[KTUL – Seedling sale](#)

[KFOR - Alternative tree options that withstand Oklahoma's climate](#)

[KFOR - Oklahoma Forestry Service's tree seedling sale begins](#)

[KOCO - Bagging up leaves](#)

[Morning Ag Clips – FTIC hosts International Trade Mission](#)

## FOREST HEALTH

Forest Health Specialist Evan Long and FIA Forester Noah Schaper conducted aerial surveys over 800,000 acres in Southeastern Oklahoma. The purpose of these surveys is to look for any major forest health threats occurring within McCurtain, Pushmataha, and LeFlore County, especially for any signs of southern pine beetle, a forest pest that can cause a severe economic impact on pine plantations. While this pest has not been found since the 90's, OFS remains vigilant. Other pests typically occur and are monitored by these flights as well. Past years with heavy drought have shown increased pine mortality across the landscape. The weather in 2023 was much more favorable and the flights found significantly less damage across the survey area than previous years.



## PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

### NORTHEAST AREA

#### Forest Protection Highlights

From September 30th through November 9th, the Northeast Area had 2 fires for 10.5 acres in the protection area. NE Area Rangers have started the Walnut and Burr Oak seed collection. Craig Longshore and Chad Bateman met with Caleb Fields on the 12th to discuss the new CDL process.

The month of October held multiple Smokey programs where Forest Rangers were able to share Fire Prevention messages with several different schools and events across N.E. Oklahoma. Below are the events Smokey visited:

- Locust Grove Early Learning Center – 220 Students
- Tahlequah Adventure Head Start – 40 Students
- Mosley School – 92 Students
- Dewar, OK – 60 Students
- Sallisaw Head Start – 50 Students
- Tenkiller Schools – 120 Students
- Westville School – 115 Students
- Stilwell School – 120 Students
- Braggs School – 65 Students
- Hero's Night @ Tahlequah – 100 Students
- Pryor School – 110 Students

*Total of 11 Events – 1092 Participants*



Doug, Travis, and Barry at Smokey Event in Pryor

Connie Robinson attended the Wood Utilization Boot Camp in Wisconsin. She reviewed 25 proposals and submitted comments for the Landscape Scale Restoration Competitive Grant Review Team. Connie assisted with booth setup as the Women in Science Conference in OKC. She completed a Forest Stewardship Plan for a property in Mayes County for 117 acres and revised another plan in that county. She assisted landowners with two site visits and phone calls with three landowners.

Evan long met with five landowners regarding tree health, disease, and stewardship planning. He responded to 3 calls and emails regarding tree health and management. He completed a burn plan for a property near Strang. Evan presented two education events for two Scout groups about forest ecology. Evan virtually attended the Southern Group of State Foresters discussion on harmonizing how to report invasive species. He attended "The Science of Tree Health" conference in Tulsa.

**Administrative**

Kaley Helton attended the 2023 OkAPP Forum in Tulsa, OK on October 19th. This conference focused on different areas of procurement for the State of Oklahoma. The Forum also completed the continuing education units that are required for the Certified Procurement Officer title for the years 2022-2023.



Ashley Johnson, Kaley Helton, Tama Lester, Tammy Carter, & Eve Hawkins at OkAPP Forum



Above: Tony Hadley at Locust Grove  
Right: Waldrop, Kimble, and Jones at Tenkiller School



**EAST CENTRAL AREA**

**Forest Protection Highlights**

Since the last board report, EC has suppressed one fire that burned 5.0 acres with no structures threatened or lost. EC also responded to four false alarms. Several EC rangers along with NE and SE rangers also traveled to southeast Louisiana on the Southeastern States Forest Fire Compact in support of wildfires in Louisiana.



EC Rangers also assisted SE Area Ranger Don Cook in wildfire risk assessment of cabins in the continually growing Hochatown area. This is a time-consuming process because each cabin is visited by a ranger and assessed based on a variety of factors that include construction, materials, position on the slope, surrounding vegetation, access, water availability, and hazards related to each. Don has been working on this project for quite some time and myself along with the rangers have a much greater understanding and appreciation of the work that he and others have been doing to help ensure public safety in the event of a wildfire in this area. I would encourage everyone to take a quick drive through Hochatown and these subdivisions to see the complexity involved in ensuring safety in the event of a wildfire.



### **Prescribed Fire**

Three Rx Burn plans were completed covering a total of 743 acres. EC rangers pushed fire lines for future prescribed burning projects which will treat 224 acres.

### **Forest Management Highlights**

Two new forest stewardship plans were completed since last report on a total of 697 acres.

### **Information / Education Highlights**

EC District personnel manned a fire prevention/education booth for the three days at the annual Robber's Cave Fall Festival and EC personnel manned a fire prevention/education booth at the Talihina Fall Foliage Festival with a special guest appearance by Smokey Bear. These two weekend events saw a combination of 82,000 visitors by their close. EC Rangers conducted nine Smokey Bear school programs at area schools. Forester Eddie Woods also presented at the Kiamichi Technology Center 8th grade Career Fair in Poteau and was also the guest speaker at the EOSC Ag Orientation.

### **Personnel update**

EC Area currently has three vacancies. Forester JT Allen transferred from Antlers into the vacant Talihina District Forester position. JT started his career with OFS in 2017 as the Service Forester. He promoted and transferred to the Antlers District Forester position in December 2021. Since then, JT has gained a wealth of knowledge in the position that he will bring to his new position at Talihina. The EC vacancies include the Service Forester Position at Talihina, the Adamson Ranger I position, and the Blanco Ranger I position. EC hopes to fill all four of these positions in the near future. EC has started conducting interviews for these three positions at the submission of this board report and have several qualified applicants for each position.

Many of the EC Rangers participated in First Aid/CPR/AED and Defensive Driving conducted by Rick O'Daniel. Due to the rugged, remote areas that rangers work in during fire suppression and prescribed fire duties the training they receive is invaluable in helping ensure personnel are equipped with the first aid knowledge that could potentially be required on the fireline in the event of an injury.

### **Ongoing Issues**

Filling vacancies and new employee fire and cdl training will continue to be most the pressing issues.

### **SOUTHEAST AREA**

#### **Forest Protection Highlights**

- Protection Area Fires: In October a total of 20 fires were extinguished that burned 693.1 acres. To date in November, no reported fires.
- October 209 Fires: Powerline Fire burned 585 acres in Atoka County.
- False Runs – October – 4; November to date – three.
- Burn Notices – the SE Area approved 48 burn notices in the month of October and has taken ten to date in November.
- Currently, Steve Painter, Oley Walker, Bryden Walker, and Chris Hutson are on fire assignment in Alabama with two transports and dozers with chase trucks to assist with wildfire suppression efforts.
- Rangers from the East Central area, Northeast area and Southeast area are currently updating the entire Hochatown structure assessment database on the Collector app. This is an ongoing project.
- 



**JT Allen cruising timber**

### Forest Management/Programs Highlights:

- Will Phifer had seven landowner assists and 223 acres of site prep completed.
- Antlers foresters have made nineteen landowner contacts this month.
- Tony Macon, Pat Wayman, and Woodrow Wilson provided a Smokey program to 20 students at the Clayton Head start Center in Clayton, OK
- Other rangers in Antler's district have put on two Smokey Bear programs for Pushmataha and Atoka County Schools.
- Smokey (Adam Burleson) and friends passed out candy in Atoka at the 1st Responder Trunk or Treat. 900 people were in attendance.
- Broken Bow District has collected approximately 100 lbs. of Bois D'arc seed and 100 lbs. of Persimmon seed. We are currently collecting White Oak and Overcup Oak seed.

### Rx Assistance:

JT Allen and Christian Hayes mapped and planned Beaver's Bend State Park to prepare for prescribed burning operations this fall and next spring.

### Safety/Training Highlights:

- Don Cook and Sonny Jonson attended the McCurtain County Firefighters Association meeting in October and November.
- Antler's district conducted safety training covering proper PPE use.
- Tama Lester attended the OkAPP Forum for Procurement Professionals in Tulsa and received ten continuing education units towards the CPO yearly requirements.
- SE Area staff attended monthly staff meeting in Broken Bow on October 10th.
- First Aid and Def Driving classes at SE Area office
- Tama Lester attended two webinar CPO classes this month.
- Broken Bow district had two safety meetings – PPE use and Protocol: Vehicle Backing.



Smokey and Megan Burleson at the 1st Responder Trunk or Treat in Atoka, OK



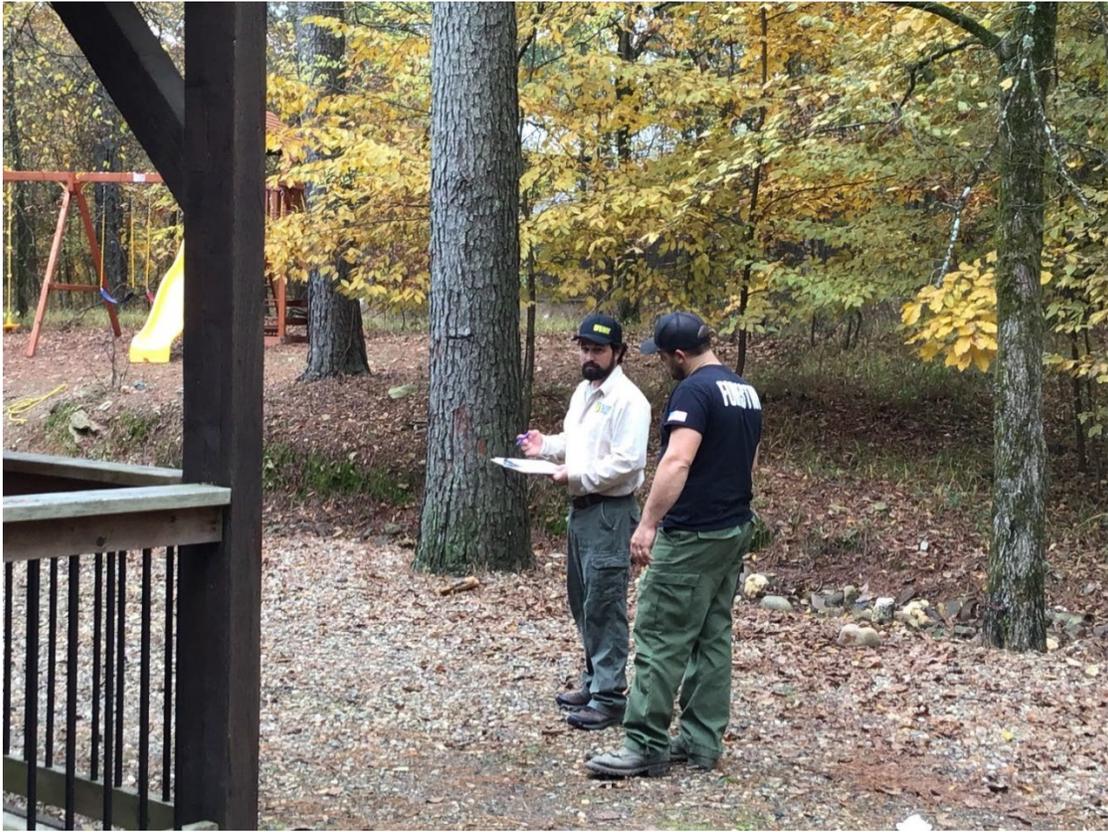
Oklahoma Forestry Association - Firefighter of the Year - Don Cook, center, receives his plaque. Shown with Don is Brock Hill, SE Area Forester and Mark Goeller, State Forester.

### Employee Recognition/Other

- Adam Burleson assisted with Southern Pine Beetle detection flights over McCurtain County
- Antler's equipment inspections will be completed over next few weeks.
- Don Cook, Ranger 3 from Eagletown, OK, was named OFA's Wildland Firefighter of the Year.

### Upcoming events/activities:

- Ranger I interviews at Broken Bow and Antlers and Forester interviews at Antlers.
- Prescribed burning operations at McGee Creek are planned after leaf-fall.
- Cross cut saw event at the Folk Festival in Beaver's Bend State Park.
- Seed collection will continue.



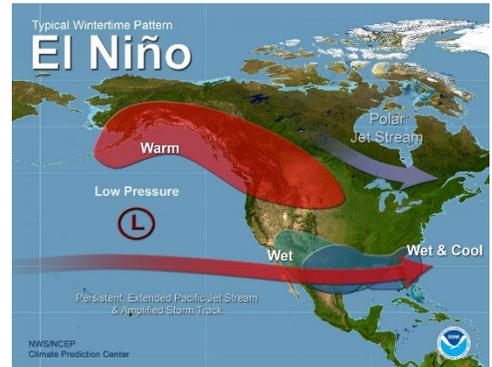
Calvin Webb and Derik Gee assisting with cabin assessments and mapping for the Hochatown Project.



**Wildfire Activity & Outlook Executive Summary:**

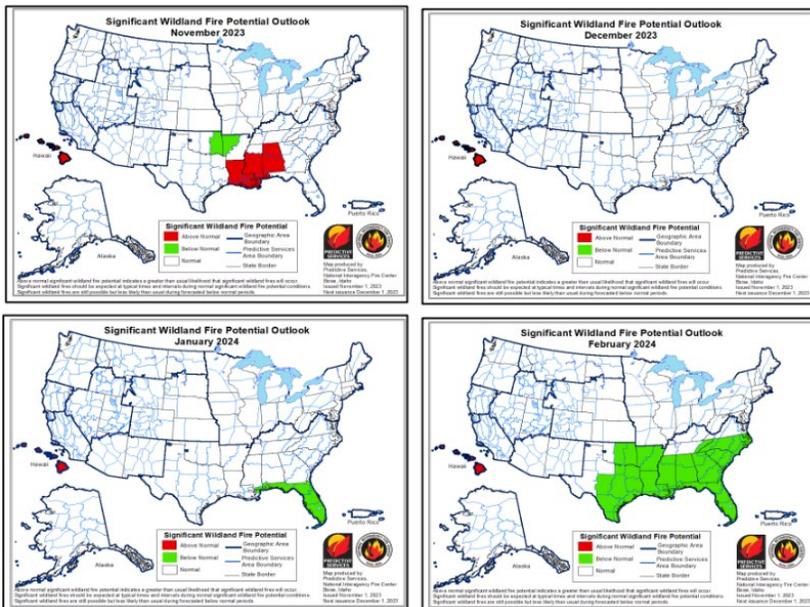
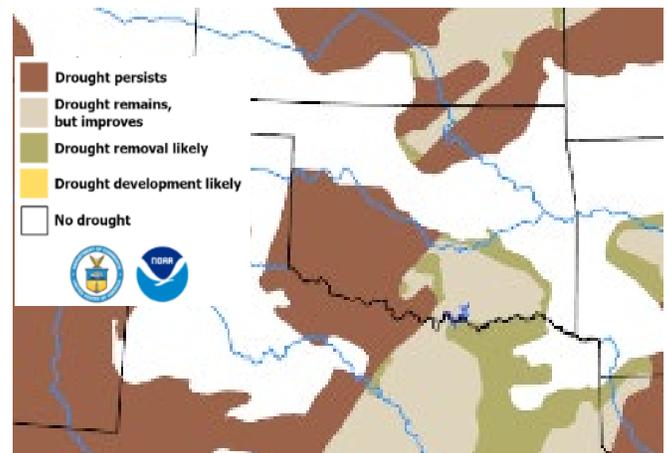
Through October 31, 2023, Oklahoma Forestry Services has responded to and supported operations on **458 wildfires burning 45,709.4 acres**. OFS prescribed burning for objective driven resource benefit year-to-date statistics are **43 Rx fires treating 7,722.7 acres**.

El Niño influence is expected to persist through the dormant season although the cooler/wetter expectation has yet to be fully realized. In recent weeks we have observed some wet periods and cold snaps holding concerning fire danger and fire activity at bay; however, those abbreviated periods have been bookended by extended warm, dry periods. This trend causes some concern now that a killing freeze has occurred at most locations across Oklahoma thrusting warm-season herbaceous fuels into the seasonal curing process leading to dormancy. Given the drought conditions that flexed, intensified, and migrated through summer persisting into fall, cooler/wetter conditions would be very much welcomed. So far, we have seen a few peeks at this but no consistent overall pattern changes to boost observed confidence.



Quite a bit of attention has been given to the drought indices that intensified over the summer months. We will enter the dormant season with some areas expressing signs of recovery while others continue to cope with severe to extreme drought intensity including far southwestern counties, north-central counties along the OK/KS border, and parts of southeastern Oklahoma. The most recent update by the Climate Prediction Center to the Drought Outlook for November holds some optimism for improvement in south-central and southeastern Oklahoma while persistence is likely where higher intensity drought indices developed.

Despite the drought conditions that have persisted, in general Oklahoma received adequate rainfall early in the growing season coupled with a few timely summer rains to produce normal to above-normal herbaceous fuel loading across the state. OFS determines herbaceous fuel loading by assessing multiple inputs. The primary input is annual observation and photo comparison at locations across the state as indicated in the map and inset to the right. Additionally, sources like Grass-Cast, timing and amount of precipitation, hay prices and other remote sensing inputs are incorporated. The big take-away for now is that, unlike last year, there is ample wildland fuels on the western Oklahoma landscape to support potential for large and/or significant fire activity when combined with fire effective weather.



Regarding an outlook for the dormant season, OFS typically develops that product in December. Currently, a number of uncertainties exist rendering an outlook marginally useful. The current interagency outlook products to the right, which OFS has input in developing, leans heavily into the El Niño influence. More detail regarding this product can be accessed [here](#):

OFS recently hired a Prescribed Fire Specialist, Christian Hayes. Christian, an Oklahoma State University graduate, will be provide oversight and direction to the OFS prescribed burning efforts as well as working alongside partner agency and organization personnel promoting effective use of prescribed fire for resource benefit, fuels reduction and site preparation. Christian has jumped in full bore, seeking out training opportunities, familiarizing himself with OFS operations, conducting fuels assessments and participating in Oklahoma Prescribed Burn Association events. Christian will be developing a detailed update to the US Bureau of Reclamation's Fire Management Plan for all their holdings in Oklahoma in early 2024. OFS has an agreement with the BOR to contractually maintain their fire management plans as well as conduct prescribed burning and hazard fuels mitigation on their project areas. In 2024 OFS has approximately 6,000 acres to be treated on BOR sites generating approximately \$158,000 in revenue.

As the 2023 calendar year winds down, OFS will be seeking reimbursement from the United States Forest Service for mobilization of our equipment to wildfires across the country. OFS mobilized personnel and equipment to the following states under agreement with the USFS: TX, WA, MT, FL, LA, NC, CO, OR and CA generating an estimated \$724,490.35. Additionally, OFS supported the state of Louisiana under the South-Central Compact agreement generating an estimated \$101,637.60 in equipment use reimbursement.

### **STATE FORESTER ACTIVITIES from 7 October thru 9 November 2023:**

- Attended scheduled Director's Meetings
- Virtually attended two Steering Committee meetings for the *S-520 Advanced Incident Management Course* (Goeller serves as a Subject Matter Expert/Cadre/Steering Committee member)
- Attended the October monthly meeting of the Oklahoma Rural Fire Coordinators
- Attended the Board of Agriculture Fall Tour and Meeting in SE Oklahoma
- Attended an incident management team course development session in Boise, ID with the National Wildfire Coordinating Group's Incident Management Team Course Steering Committee.
- Virtually attended the Southern Group of State Forester's Fire Management Chief's Monthly Call.
- Attended the HCM Listening Session at ODAFF.
- Conducted an interview with an applicant for Forestry Services' Water Quality Forester vacancy
- Participated on the October National Association of State Foresters' All State Foresters Monthly Policy Call
- Attended the Oklahoma State Suppliers Expo
- Virtually participated in an Incident Management Team Course Development Steering Committee call.
- Attended two 'strategy meetings' with the National Association of State Forester's and the National Forestland Owner Association for an upcoming call with the US EPA regarding prescribed burning.
- Attended the November OFS First Tuesday Meeting

Respectfully submitted,

Mark E. Goeller, State Forester/Director  
Oklahoma Forestry Services



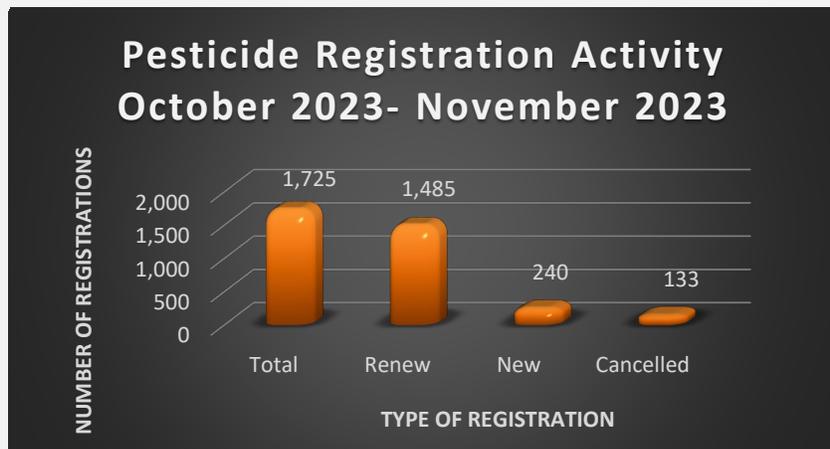
## CONSUMER PROTECTION SERVICES DIVISION

### DECEMBER 6, 2023 BOARD MEETING REPORT FOR SEPTEMBER/OCTOBER 2023

#### PESTICIDE SECTION

##### Pesticide Registration Activity

Pesticide registrations for October 1<sup>st</sup> to November 20<sup>th</sup> in 2023 are presented in the following chart. A total of 1725 products were registered, of the products registered 1485 were renewals and 240 were new. There were 133 products cancelled.



##### Pesticide Samples

Pesticide samples taken September-October 2023 are presented in the following chart. A total of 67 Residue, 14 Concentration, 4 Plant Food, 25 Documentary, and 2 Pollution samples were taken.

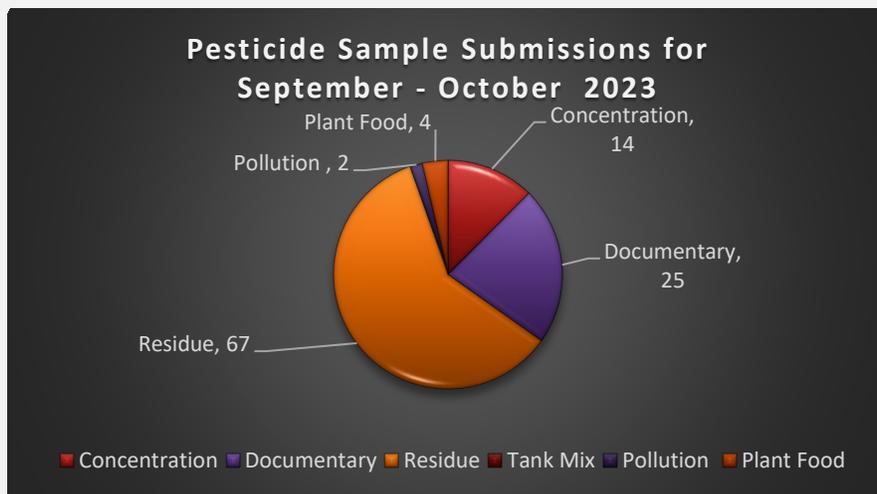


Table 1. Inspection Count for September - October 2023\*

Inspection Type	Number of Inspections		
	September	October	Two Month Total
Experimental Use Permit	0	0	0
Marketplace	15	24	39
Pesticide Applicator Facility	25	18	43
Pesticide Service Inspection	0	0	0
Restricted Use Pesticide Dealer	8	11	19
Container Containment Inspection	3	0	3
Producer Establishment	6	1	7
Use	100	49	149
Termite	1	0	1
Wood	0	0	0
Pre-treat	4	2	6
Drift Investigation	0	0	0
Pesticide Label	727	2034	2761
Worker Protection	13	0	13
<b>Total</b>	<b>902</b>	<b>2139</b>	<b>3041</b>

\* 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 43 nonagricultural use samples, 13 nonagricultural follow up samples, 21 agricultural use samples, 8 agricultural use follow up samples, and 27 producer establishment samples for a total of 112 samples.

### Applicator Renewals

Private applicator and certified applicator CEU letters for renewal went out at the end of August. Applicators started renewing certifications September 1<sup>st</sup>.

## OKVMA

Megan Parker, Pesticide Program Administrator attended the Oklahoma Vegetative Management Association's Fall Conference on October 4<sup>th</sup> and 5<sup>th</sup>. She gave a presentation on CEUs, renewals, and recordkeeping to approximately 260 attendees.

## Ag Expo

Megan Parker, Pesticide Program Administrator also attended the Oklahoma Agricultural Retailers Association conference on November 6<sup>th</sup>-8<sup>th</sup>. She gave a presentation on CEUs, renewals, recordkeeping, and standards for pesticide applications to approximately 160 attendees.

## Pesticide Complaints

PESTICIDE COMPLAINTS	October 3, 2023 – November 20, 2023			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	7	18	3	18
MUSK THISTLE:	0	0	0	0
PMR CASES:	7	3	0	3
CASES REFERRED TO OGC:	3			

## **ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION**

### *Plant Protection Program*

#### Phytosanitary Certificates

Federal phytosanitary certificates Issued from **October 1, 2023 – October 31, 2023**

Commercial value of shipment \$1,250 or more:  
19 Federal phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:  
2 Federal phytosanitary Certificates issued @ \$61.00 each

Federal Phytosanitary Certificates (October 1, 2023 - October 31, 2023)			
Country	Product	Quantity	Phytos Issued
China	Barrelclover Seed	50 G	1
Indonesia	Miscanthus Seed	20 Totes	1
Japan	Agave	50 plants	2
Mexico	Sesame Seed	428,629 lbs	10
Republic of Korea	Mung Bean Seed	380 Metric Tons	3
Thailand	Miscanthus Seed	60 Totes	3
United Kingdom	Barrelclover Seed	1 G	1

Companies applying for federal phytosanitary certificates:

OSU	2
International Ingredient	4
Sesaco	10
Tobin Newcomb	2
Jlee	3

State phytosanitary certificates Issued from **October 1, 2023 – October 31, 2023**  
55 phytosanitary certificates for 1,218 plants



### Japanese Beetle Survey

CPS had 5 inspectors involved in the Japanese Beetle survey this year, which began at the end of May. Inspectors placed 42 traps over 7 counties. The traps were checked twice per month in June and July and once per month in August, September, and October. The survey ended in October when the traps were removed. Japanese Beetle was collected in Oklahoma County this year, a county that was already previously positive. No other Japanese Beetles were found in the other surveyed counties.

## Sweet Potato Weevil Trapping

Sweet Potato Weevil trapping concluded in early November. This survey involved 1 inspector setting 11 traps across sweet potato fields in 3 counties around harvest. All traps were negative, and the survey has concluded, resulting in compliance agreements issued to the sweet potato growers that are shipping product out of state.

## Boxwood Blight

On October 9, 2023, the Plant Disease Lab at OSU found Boxwood Blight (*Calonectria pseudonaviculata*) on a Boxwood sample submitted by an Oklahoma nursery. This is the first finding of Boxwood Blight in Oklahoma. The nursery has disposed of all the positive Boxwood variety that it was found on, and measures are being taken to sample all surrounding Boxwood varieties to make sure the pathogen isn't present on other varieties.

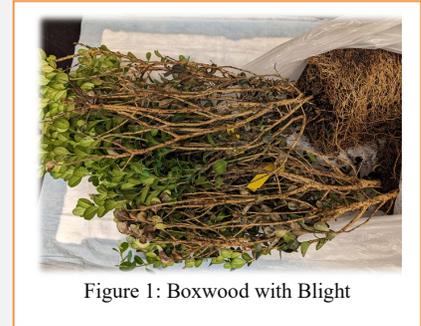


Figure 1: Boxwood with Blight

## Aster Yellows

In mid-November, an Oklahoma Mum grower contacted ODAFF to report positive samples for Aster Yellows. Aster Yellows is caused by a phytoplasma, and is not federally regulated, but regulated on a state-by-state basis. This grower is testing all his stock and is going through sanitation measures in an effort to begin growing the next mum crop in early Spring.

ODAFF will inspect and sample the operation in January or February to make sure the disease is not present before shipping begins.

## Holiday Inspections

CPS Inspectors are keeping a special eye on holiday plants while they are inspecting their local nurseries. Many holiday-season nursery items can be carriers of invasive pests from other states, like Spotted Lanternfly, Gypsy Moth, different types of scale, and root rots. Our inspectors are looking closely at live trees, garland, wreaths, and similar items.



Figure 2: Pest Concerns for Holiday Inspections

## Hemp

The Hemp Regulator Conference was at the beginning of November and Caroline Nelson, Hemp Program Administrator attended the meeting. The conference discussed hemp issues specifically the post-harvest hemp products like delta-8, CBD, etc. These products are currently unregulated in Oklahoma even though they are intoxicating and available to Oklahoma's youth for consumption. ODAFF has approached the legislature about regulating these products.

## Apiary

This is the final month of the 2023 USDA/ODAFF Honeybee Survey. Most of the samples have been taken and shipped the remaining samples will be shipped next week. We are looking forward to the results for both individual beekeepers and the state results.

## **AGRICULTURE RESOURCE SECTION**

### Weights & Measures Program

During this period the large capacity scale technicians tested 91 vehicle scales and 10 of the scales were rejected.

CPS inspectors checked a total of 1255 small scales and 13 platform scales, 38 of the scales were rejected. There were 44 random pack inspections and 61 standard pack inspections conducted that resulted in 24 companies receiving letters of warning and 3 company's receiving a Stop Sale. Additionally, 159 price verification inspections were conducted at various retailers that resulted in one company receiving a letter of warning.

A total of two scale companies received a letter of warning for not properly servicing scales.

### Feed Program

During this reporting period there were a total of 193 official feed samples analyzed, with 1025 feed determinations made from these samples. These determinations resulted in the issuance of 52 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 Fat. Other violation includes Crude Protein, Calcium, Vitamin A, Crude Fiber, Zinc, Salt, Phosphorus, Copper, Magnesium, Sodium, and Potassium. Thirty-One stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Nineteen stop sales were issued for products deficient in Vitamin A. Four stop sales were issued for products deficient in Calcium. Three stop sales were issued for products deficient in Salt. Three stop sales were issued for products 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 Crude Protein.

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 September 2023 - October 2023**

Nutritional Guarantee	Number of Label Violations		
	October <sup>1</sup>	September <sup>2</sup>	Two Month Total
Crude Protein	9	15	24
Non-protein Nitrogen	0	0	0
Crude Fat	10	4	14
Crude Fiber	4	7	11
Calcium	6	9	15
Phosphorus	3	6	9
Salt	5	5	10
Magnesium	2	2	4
Potassium	1	5	6
Copper	3	1	4
Manganese	0	1	1
Zinc	4	8	12
Vitamin A	5	5	10
Methionine	0	0	0
<b>Total</b>	<b>52</b>	<b>68</b>	<b>120</b>

<sup>1</sup>193 feed samples analyzed with 1025 determinations; <sup>2</sup> 159 feed samples analyzed with 796 determinations

**Table 2. Feed Stop Sale Summary September 2023 - October 2023**

Nutritional Guarantee	Number of Stop Sales		
	October <sup>1</sup>	September <sup>2</sup>	Two Month Total
Crude Protein	1	6	7
Non-protein Nitrogen	0	0	0
Crude Fat	3	7	10
Crude Fiber	0	1	1
Calcium	4	1	5
Phosphorus	0	0	0
Salt	3	2	5
Magnesium	0	0	0
Potassium	0	0	0
Copper	1	0	1
Zinc	0	1	1
Vitamin A	19	16	35
Medicated Feed	0	0	0
<b>Total</b>	<b>31</b>	<b>34</b>	<b>65</b>

<sup>1</sup>193 feed samples analyzed with 1025 determinations; <sup>2</sup> 159 feed samples analyzed with 796 determinations

### Fertilizer Program

### Program Performance

Below you will find the performance numbers for the fertilizer, agricultural lime, and soil amendment programs for the time-period of September 30<sup>th</sup> through November 15<sup>th</sup>, 2023.

Sample Type	Number	Deficiency Penalty/SS
Fertilizer	55	12
Lime	6	1

Investigation Type	Number
Dry Bulk Fertilizer Storage Facility	51
Liquid Bulk Fertilizer Storage Facility	36
Facility Pre-Site	3

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  
December 6, 2023  
Activities October 1, 2023 – November 10, 2023

**Animal Disease Traceability:**

We continue to distribute the free RFID tags to interested veterinarians and producers. During this time, we shipped 15,900 tags to 17 veterinarians and five producers. We distributed five RFID readers to livestock market veterinarians during this time.

We've had nine new account requests for our no cost electronic CVI to make a total of 192 registered users.

**Aquaculture:**

During this time, we have licensed a new program participant and received two inquiries for initial aquaculture applications.

On November 6, we were contacted by Beckham County FSA Service Center about gaining more knowledge about aquaculture practices in the state in order to prepare for the Emergency Assistance Program for livestock, honeybees, and farm-raised fish (ELAP).

**Biologics:**

During this time, we registered a new product and issued a verbal warning for expired biological products found at a farm supply store in Norman.

**Cattle Programs:**

**Brucellosis:**

One Brucellosis Certified Free herd is currently completing their yearly testing, and a reminder has been sent to another herd that their re-certification is due.

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.

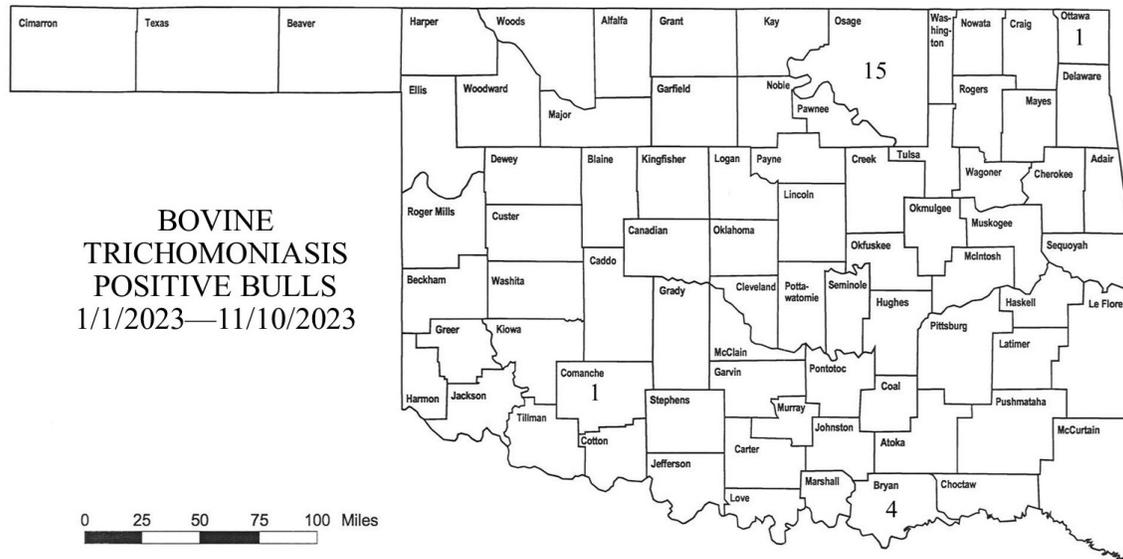
While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (Swine Brucellosis) in cattle, which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle occasionally.

**Tuberculosis:**

One TB Accredited Free herd is currently completing their biennial testing.

**Trichomoniasis:**

During this period there were 1,699 Oklahoma bulls tested for Trichomoniasis with seven positive individuals found.



13,703 bulls tested / 21 positive = 0.15% 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, 0.35% in 2020, 0.28% in 2021, and 0.3% in 2022.

**Johne’s Disease:**

During the reporting period we received nine positive Johne’s reports for seven new premises. These numbers are very similar to last year numbers. We have received 78 positive reports year to date from 43 new premises. It is significant that 21 of the 78 positive reports are for small ruminants where management is more difficult to implement.

We continue to work to educate producers and veterinarians about management strategies to reduce disease.

**Emergency Management:**

On October 10, Dr. Gorczyca-Southerland met with Cordon Dekock and Seth Reynolds of Oklahoma Veterinary Medical Association to discuss the future of the OK State Animal Response Team. OVMA is the sponsoring agency for SART, and it was discussed how to have OVMA more active in the management of the team. OVMA leadership were amicable to the idea and Dr. G will provide more information at the next OVMA board meeting for continued discussion and plan of action.

On October 17-18, an Animal/Plant Health Joint Criminal Epidemiological Investigations Workshop was hosted on the OSU campus. It was presented under the Weapons of Mass Destruction directive by USDA and the Federal Bureau of Investigation. Law enforcement agents, Investigative Services, USDA personnel and Dr. Stone attended. The training was important when we realize that throughout history every war has been won by the best fed army, and that America is the envy of the world with the cheapest,

safest and most abundant food in the world. America has enemies, and agriculture is a soft target that has multiple points of vulnerability. The importance of “see something say something” was discussed. Getting to know people and building relationships was almost as important as the training.

On October 31, Dr. Gorczyca-Southerland and I participated in a planning call for the upcoming full scale FMD exercise that the Kansas Department of Agriculture hosts each year. We will participate virtually this year to support KDA’s goals and objectives for the exercise.

On November 7, Dr. Gorczyca-Southerland participated in a phone interview with Allison Wheeler, an Agriculture Communications major at OSU about African Swine Fever preparedness for show and exhibition hogs.

Dr. Gorczyca-Southerland has been working with Andrew Wilson and Dave Rivas, USDA ESF-11 Coordinators, to offer an agricultural focused Incident Command System 300 and 400 course for ODAFF staff. Participants from Animal Industry, Food Safety and AEMS will come together on November 14-16 to take ICS 300. ICS 400 will be offered in the spring and will allow these participants to then be eligible for position specific training to help build capacity for an Incident Management Team for ODAFF in addition to the Oklahoma Forestry Services IMT that currently assists divisions during their respective responses.

**Equine Programs:**

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

There are no Piroplasmosis cases in Oklahoma.

Since the last board report, two of the three premises that were quarantined for Equine Infectious Anemia have completed their second round of testing with no additional positive cases detected. The quarantine in Carter County was released on October 12<sup>th</sup>, 2023, and the Tulsa County quarantine was released on October 20<sup>th</sup>. Both of those investigations have been closed.

There is one open EIA investigation in Payne County. A second horse on the quarantined premises was confirmed positive for EIA on November 9, 2023. The positive horse was found recumbent and unable to stand and was euthanized prior to getting the confirmed diagnosis. The remaining exposed horses will be quarantined and retested in 60 days. The epidemiological investigation is ongoing.

There have been 13 confirmed cases of West Nile Virus in equine in Oklahoma since the last board report. That brings the total number of reported cases for 2023 to 19 with 15 different counties being affected.

Dr. Ruby participated in a round table discussion on Equine Herpes Virus at the United States Animal Health Association Meeting in Maryland on October 16, 2023. The

Committee on Equine held the round table to discuss how different states would respond to Equine Herpes Virus at a large equine event.

Dr. Ruby presented an overview of Oklahoma's EIA cases in 2023 on the National Equine Conference Call on November 9, 2023.

**Farmed Cervidae Programs:**

Cervid imports have continued through this reporting period as hunting and breeding season gets underway.

Dr. Stone is arranging to provide cervid sample collection training to veterinarians and veterinary students. Several veterinarians who responded to the farmed cervidae veterinary service provider questionnaire have requested training for collecting tissue samples for CWD testing and receiving the additional training required by the USDA for tuberculosis testing. Dr. Stone will hold one of these training sessions at the OSU veterinary teaching hospital in early December.

After many months of working with a Red Deer producer based in New Zealand, construction is well underway for a substantial breeding facility in Hughes County. Fraser Deer USA will be fully operational soon. One of our inspectors has visited the facility and has provided very positive feedback on the double fenced facility and will continue to work with the producer as they complete construction. The owner also plans to establish a high fenced hunting facility in Oklahoma, for their trophy Red Deer and other species.

Heather Schmidt has been instrumental in assisting with the financial logistics for the CWD predictive genetics cooperative agreement. This funding is provided by the USDA and will be distributed to Whitetails of Oklahoma as their whitetail deer breeders participate in the predictive genetics project to build resistance to Chronic Wasting Disease (CWD) in the herd.

On October 26, 2023, Dana Call received phone notification from Dr. Mendel Miller of South Dakota, that there were five whitetail deer imported into Oklahoma who originated on a farm in SD with confirmed positives for CWD. Two male deer were consigned to a Commercial Hunt Area in Woodward County, and three female deer were consigned to a Commercial Hunt Area in Hughes County in late 2022. We're waiting for SD to complete their investigation.

**Feral Swine:**

There continues to be a steady increase in the feral swine hunter license applications. There have been a few more feral swine handling facility applications recently submitted. There have not been any complaints or concerns reported at this time.

**Foreign Animal Disease:**

There were two FAD investigations during this time.

One was a horse from Leflore County with vesicular lesions that were suspicious for Vesicular Stomatitis.

One was a cow from Delaware County that had oral vesicular lesions that were suspicious for Vesicular Stomatitis and Foot and Mouth Disease.

Thankfully, neither was diagnosed as a FAD.

**Livestock Market Audits:**

During this period, staff worked with parties involved in the transfer of ownership of the auction market in Hugo, OK. Longtime market owner David Minyard sold the market and corporation to Mr. Chris Smith. Since the purchase has been completed, Mr. Smith has formally changed the name of the livestock auction to Three Creek Livestock. The new ownership is continuing to host weekly sales on Friday morning, as well as periodic sheep and goat sales.

Jeff Scott continues working with William Forney regarding the license process for Prague Livestock Auction. Jeff has received all paperwork required of Mr. Forney, but is waiting on USDA approval of their license requirements as well as facility inspection. The new ownership of the Prague facility hopes to have approval from all parties to begin operating during the month of November.

As well as the new market activity, this period also allowed for several custodial account reviews.

**Livestock Auction Market Activities**

Auction market licenses issued	1
Auction market licenses pending	0
Market custodial audits completed	7
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

**Outreach:**

On October 13, Dr. Gorczyca-Southerland and I met with APHIS Administrator Kevin Shea, Associate Administrator Dr. Mike Watson, Chief Veterinary Officer Dr. Rosemary Sifford, and VS' Associate Deputy Administrator Dr. Alecia Naugle during the US Animal Health Association Conference. We discussed our appreciation for the cooperation we receive from the USDA team in Oklahoma, as well as USDA's contribution to training resources and incident management resources. We also discussed some issues we have with sampling sheep and goats for Scrapie in order to maintain our Scrapie Consistent State status, and issues with the Oklahoma international import/export center.

On October 21 Dr. Stone gave a presentation to the American Dairy Goat Association and the American Association of Small Ruminant Practitioners in Tulsa covering

regulatory medicine in Oklahoma, program diseases that affect small ruminants, and answered questions of *Coxiella burnetti* zoonotic risk reduction for producers.

On October 23 and November 2, I met virtually with the Assistant District Attorney for Major County and helped them understand the law related to equine import and assisted them in forming an animal welfare case against a person who illegally imported horses into Oklahoma.

Dr. Stone, along with USDA Epidemiologist Dr. Jill Duel, presented training over several days to the Food Animal Medicine class at OSU CVM. This is important for students to get hands on training in proper tuberculosis training. They also covered the Scrapie program, BSE, and Johne's Disease management.

On October 27, I hosted a virtual meeting with our ODAFF and USDA Veterinary Services veterinarians. It was the first meeting we've had in several months. We used to have these meetings in person almost every month but during the pandemic we stopped. They are valuable meetings, so I plan to work harder to get us in the habit of hosting them again.

On October 24, Dr. Gorczyca-Southerland participated on a veterinary panel for the Pork Industry Group hosted by the OK Pork Council.

On November 3 I was interviewed by a reporter for Fox 25 News about the outbreak of Highly Pathogenic Avian Influenza.

On November 6 I was interviewed by a reporter for KFOR News about the outbreak of Highly Pathogenic Avian Influenza.

Dr. Gorczyca-Southerland was selected to review the 2024 National Animal Disease Preparedness and Response Program grant applications. Over 130 projects were submitted with total funding requested at \$34 million. NADPRP only has \$17 million available for projects. The NADPRP reviewers will determine which projects best align with the funding priorities and rank them based on merit of value.

**Poultry Programs:**

There have been 27 sick or dead birds submitted for our sick bird/dead bird program since the last board report, for a total of 130 cases this year.

Since the last board report, there have been 4 confirmed cases of Highly Pathogenic Avian Influenza in Oklahoma. Three cases have been detected in backyard flocks in Carter, Wagoner, and Grady Counties, and in each case domestic poultry had direct contact with migratory or resident wild waterfowl. The fourth case was a resident swan on a golf course pond in Oklahoma County. The virus continues to be very aggressive causing high mortality. Turkeys, chickens, and Guinea fowl are the most susceptible although death is seen in a wide range of bird species. The affected backyard flock premises will remain under quarantine for 120 days.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 49 states with the death or depopulation of over 61 million birds. This is the largest foreign animal disease incursion in US history. We continue to stress the importance of biosecurity in both commercial and backyard flocks through outreach such as emails, social media, and county extension officers.

### **Public Health**

Due to the highly sensitive nature of canine brucellosis testing, there has been an increase in both suspect and positive test results received from OADDL. These results are derived by a screening test and not a confirmatory test. Dr. Gorczyca-Southerland and Dr. Hall met with Dr. Jerry Saliki on October 24<sup>th</sup>, to discuss a protocol to only report true positives to ODAFF. The current protocol is to allow the submitting veterinarian to determine if confirmatory testing will be conducted. It was discussed to increase the price point of the *B. canis* testing at OADDL to cover both screening and confirmatory testing. This will allow only true positive results to be reported to Animal Industry. We are hopeful that this course of action will decrease the number of false positives currently being reported and thus will decrease the workload for AEMS, as any suspect or positive test on a screening test is actionable.

### **Rabies in Livestock:**

There were no cases of rabies in livestock during this time.

### **Sheep and Goat Programs:**

I worked with Dr. Jill Duel, our USDA Veterinary Services epidemiologist, to find ways to collect more samples for Scrapie in sheep. Since we don't have an adult sheep slaughter plant in Oklahoma it is difficult for us to test the number of sheep necessary to be a Scrapie Consistent State with USDA.

### **Swine Programs:**

I continue to be part of two working groups composed of swine industry representatives, USDA veterinarians, and State Animal Health Officials to plan a response strategy to African Swine Fever.

Dr. Gorczyca-Southerland, Dana Call and Marissa McLaughlin have started reviewing the secure pork supply plans for the Oklahoma commercial swine facilities that are using the RabApp program. They have created a way to identify and track the participating farms within USA Herds. Dana created a check list to assist with achieving a thorough review of the secure pork supply plan that will serve as the confirmation that the plan was reviewed by the Department. They have also been participating in a bi-weekly call with several other states to specifically discuss secure food supply plans and share strategies, tips, and questions. Dr. Gorczyca-Southerland will meet with a group of exhibition swine producers to discuss secure pork supply plans and monitoring swine movements at the end of November.

Dr. Gorczyca-Southerland has arranged for assistance from the USDA with premises validation. Premises verification is ongoing.

As a part of AIS preparedness for a disease event, Dana Call, Marissa McLaughlin and Austyn Fuss have completed four Incident Command courses through FEMA. There will be an additional three days of training November 14-16.

The Oklahoma Animal Disease Diagnostic Laboratory in Stillwater has released a public information statement reminding all spring swine exhibitors to test their animals for pseudorabies and brucellosis on or after November 10, 2023. The email system of providing AIS with swine test charts and other test charts has been working very well.

AIS once again worked the entry gates at this year's Fall Classic swine sale and show at the Stephens County Fair Grounds in Duncan, Oklahoma. There was a noticeable increase in the number of electronic health certificates from our Oklahoma Veterinarians using Vet-CVI.

**Miscellaneous:**

On October 12-18, Drs. Gorczyca-Southerland, Ruby, and I attended the US Animal Health Association annual conference in National Harbor, Maryland. It was a very productive meeting where we had the opportunity to meet and collaborate with other State Animal Health Officials, USDA veterinarians and policy makers, and industry representatives.

We were fortunate to have six veterinarians in Oklahoma receive the Veterinary Medicine Loan Repayment Program grant for the 2023 cycle. I am able to nominate seven areas yearly that are designated as shortage areas for food animal practitioners. Eight veterinarians applied for grants in six of the shortage areas, and six of them received the awards. Unfortunately, one of the nominated areas did not have an application submitted for it.

On November 6 I attended a meeting at Heritage Place where Chairman G.T. Thompson and Chairman Frank Lucas made comments and answered questions about the process of passing a new Farm Bill. Secretary Arthur was the moderator of the discussion.

On November 8, I submitted the seven nominations for the 2024 VMLRP cycle.

On November 9, I traveled to Stillwater to attend the College of Veterinary Medicine's Distinguished Alumni Luncheon. Former State Veterinarian Dr. Becky Brewer-Walker, former State Representative Dr. Lee Denney, and OSU CVM Associate Dean For Student Affairs Dr. Jerry Ritchey were honored.

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 October 2023 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 452 properties with an estimated 972,654 acres of land under agreement. Additionally, WS helped 838 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 \$463,833 during this period. Beaver damages accounted for losses totaling \$52,750. Coyotes were responsible for several damage requests, primarily to livestock, with losses totaling \$13,221. Feral swine damages accounted for losses totaling \$387,696, while other species of wildlife were responsible for \$10,166 in damages to property, agriculture, and livestock.

**Providing Wildlife Services**

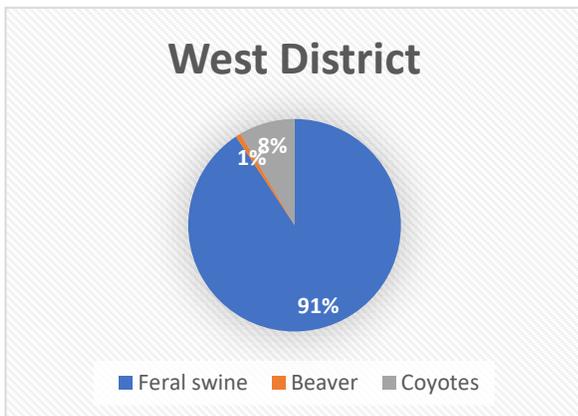


Figure 1: Species Removed in West District by percentage during October 2023

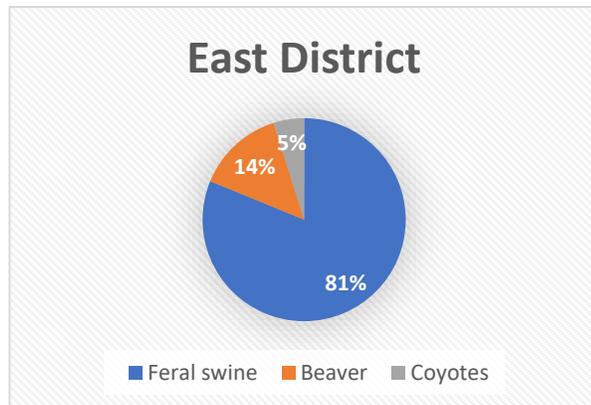


Figure 2: Species Removed in the East District by percentage during October 2023

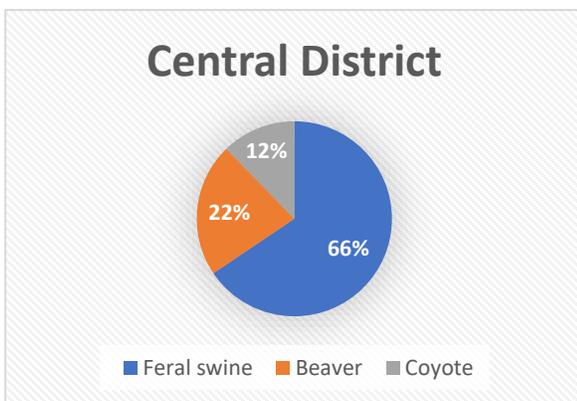


Figure 3: Species Removed in the Central District by percentage during October 2023

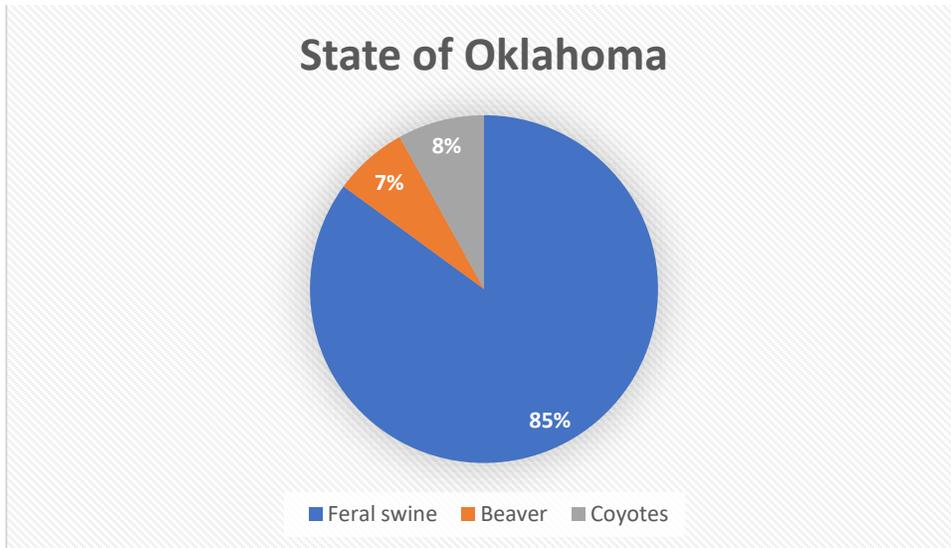


Figure 4: Species Removed in the State by percentage during October 2023

### **Coyote Damage Management**

**Harper County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed two calves valued at \$1,763. The Wildlife Specialist assigned to Harper County responded to the request and examined one of the carcasses and confirmed coyotes were responsible for the loss of the calves. The Specialist used snares, leg hold traps, and shooting to remove four coyotes. Control efforts continue to prevent additional losses.

**Texas County** livestock producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes had killed one calf valued at \$1,000. The Wildlife Specialist assigned to Texas County responded to the request and examined the carcass. He was able to confirm that coyotes were responsible for the loss of the calf. The Specialist used leg hold traps, snares, and calling/shooting to remove six coyotes. Control efforts continue to prevent additional losses.

**Ellis County** livestock producer requested assistance with coyotes depredating on his lambs. The producer reported that coyotes killed a lamb valued at \$171. The Wildlife Specialist assigned to Ellis County responded to the request and examined the carcass and was able to confirm that coyotes were responsible for the loss. The Specialist recommended non-lethal methods of carcass removal, night penning, shed lambing, and guarding animals to help reduce future lamb losses to coyotes. Control efforts have removed eight coyotes and are continuing currently to further reduce predation losses to coyotes for the producer.

**Cherokee County** sheep producer called WS for assistance reporting that she'd lost 12 ewes over the last few weeks. The sheep predation was verified, and damages from the losses were valued at \$2,400. Coyote sign was found in and around the sheep pens and positively identified coyotes as the predator causing the losses. The Specialist was able to find eight areas where coyotes had dug

into the sheep pens. The Specialist used these areas to place neck snares and two coyotes were removed. This project is still being monitored.

### **Feral Swine Damage Management**

**Jackson County** landowner contacted WS needing assistance with feral swine rooting up twelve acres of pasture valued at \$2,400. The Wildlife Specialist assigned to Jackson County responded to the request and verified the damage. A live trap was utilized to remove forty-one 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.

**Custer County** landowner contacted WS needing assistance with feral swine damaging his milo field. The landowner estimated the damage to the fields to be \$3,500. The Wildlife Specialist assigned to Custer County responded to the request and verified the damage. A live trap was set and removed forty-eight 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.

**Dewey County** farmer requested assistance with feral swine causing damage in his pastures. The farmer reported that feral swine are responsible for damaging twenty acres of soybeans valued at \$5,000. The Wildlife Specialist assigned to Dewey County responded to the request and his field inspection verified the damages to his pasture. The Specialist set a live trap and removed fifty-five feral swine. The area continues to be monitored for activity to determine if additional management efforts are needed to further reduce damage.

**Delaware County** cattle rancher called WS for assistance with feral swine when he found damage to his pasture. The feral swine rooting damage was confirmed and estimated at \$1,400. After pre-baiting, a remote camera trap was placed on the property and twenty-one feral swine were removed. This project is still being monitored and the owner was advised of environmental changes that could deter future feral swine issues.

**McIntosh County** rancher called WS for assistance when he saw feral swine on his property. Having previously dealt with feral swine and the rooting damage they had done to his property, he called for assistance before any significant damage could occur again. Pre-baiting with corn was started and a remote camera trap was placed on the property. Eight feral swine have been removed to date and this project is still being monitored. The owner was advised about environmental changes that could help deter future feral swine issues.

**Seminole County** cattle rancher called WS for assistance when he found feral swine damage to his pasture. The damage was verified and estimated at \$3,500. After pre-baiting, a remote camera trap was placed on the property and twenty-three feral swine were removed. This project is still being monitored.

**Osage County** producer called WS for assistance when he found rooting damage to his cattle pastures. The damage was verified and estimated to be \$1,500 to approximately two acres of pasture. A trapping location was selected and after pre-baiting with corn, a remote camera trap was placed. To date, twenty-one feral swine have been removed. This project is still being monitored.

**Cleveland County** landowner contacted WS concerning feral swine damage to his mixed hay fields. WS responded and verified the damage estimated at \$6,560. WS pre-baited and set a live trap. Six feral swine have been removed to date and trapping is still ongoing.

### **Aerial Operations**

Aerial operations were conducted in **Custer County**. Operations were conducted on roughly 7,000 acres in Custer County in response to request with feral swine damaging wheatfields, milo and corn fields. The helicopter was utilized for six hours with the removal of one hundred and twenty-eight feral swine. Additional flight operations are planned in this area to further reduce feral swine populations and damage associated with feral swine.

### **Beaver Damage Management**

**Blaine County** Road Commissioner contacted WS for assistance with beaver that were responsible for damming up the creek on a bridge culvert, causing the water to go over the road. The Commissioner estimated the damage to the road and bridge structure to be \$2,000. The Specialist for Grant County responded and verified the damage. Control measures used by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to road and bridge.

**Bureau of Indian Affairs (BIA) in Blaine County** contacted WS for assistance with beaver that were responsible for damming up tinnhorn on a road on BIA property. BIA estimated the damage to the creek crossing to be valued at \$3,000. The Specialist for Blaine County responded and verified beaver were responsible for damage. Control measures used by the Specialist were successful in removing the beavers from the creek to help reduce any additional damage to pasture.

**Custer County** landowner contacted WS for assistance with beaver that were responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the dam to be valued at \$2,500. The Specialist for Custer County responded and the damage. Control measures used by the Specialist were successful in removing three beavers from the pond to help reduce any additional damage to the pond dam structure.

**Choctaw County** property owner called for assistance with beaver damage to the pond on her property. The beaver damage to the pond dam was verified and estimated at \$3,500. Conibear traps were placed and to date three beavers have been removed. This project is still being monitored.

**Okmulgee County** property owner called WS for assistance with beavers flooding and tree damage along a creek on his property. The beaver damage was easily verified and estimated to be \$500. Conibear traps were placed, and two beavers have been removed to date. This project is still being monitored.

**Muskogee County** rancher called WS for assistance with beavers in his pond and damming up the drainage. The beaver damage was verified and estimated at \$500. Conibear traps were placed, and three beavers have been removed to date. This project is still being monitored. The owner was advised on environmental changes that could help deter future beaver issues.

**Garvin County** property owner contacted WS reporting that beavers were causing damage in his pond. WS responded and confirmed that beavers were digging and burrowing into the pond dam, causing an estimated \$5000 to the pond. Body grip traps were set and control efforts are in progress.

**Black Vultures Management**

**Le Flore County** River Valley power plant called WS for assistance with black vultures roosting on the structures located within the facility. The plant operators are required to maintain the facility to meet specific standards. The growing number of vultures using the power plant structures for roosting and staging areas was causing issues with the operations at the plant, as well as human health concerns due to the amount of fecal material the birds were leaving behind. Damage amounts caused by the vultures exceeded \$5,000 from clean-up expenses alone. After an original meeting to establish a contract and to verify the vulture activity. A location on the property was selected to construct a vulture trap. To date, seventy-five black vultures have been removed. This project is still being monitored.

**Prairie Dog Management**

**Ellis County** landowner contacted Wildlife Services with prairie dogs damaging his pasture. The Specialist assigned to Ellis County conducted a site visit and determined the prairie dogs damaged five acres of the pasture. The damages to the pasture and grazing loss were estimated to be \$1,000. Fumitoxin was applied to reduce the prairie dog population in the area. The area is closely being monitored to determine if addition applications are needed.

*Table 1: Beaver, Coyote, and Feral Swine removal in Oklahoma by WS October 2023*

County	Beaver	Coyote	Feral swine	District
Adair	6	3	2	E
Alfalfa		3		W
Atoka			13	E
Beaver		6		W
Beckham	2		16	W
Blaine	5	3	47	W
Bryan	8		15	E
Caddo			138	W
Canadian	3			C
Carter		5	21	C
Cherokee	2	5		E
Choctaw	3		7	E
Cimarron		3		W
Cleveland	6		14	C
Coal				C
Comanche			20	W
Cotton			27	W

Craig		11	24	E
Creek	3		50	E
Custer	1	10	215	W
Delaware			40	E
Dewey		5	65	W
Ellis		17	50	W
Garfield	3	1		C
Garvin		2		C
Grady				W
Grant				C
Greer			168	W
Harmon				W
Harper		6		W
Haskell	2			E
Hughes				E
Jackson		2	158	W
Jefferson		1	4	C
Johnston	1	1	3	C
Kay				C
Kingfisher				C
Kiowa		7		W
Latimer	6			E
Leflore	7		12	E
Lincoln				C
Logan	10	3	75	C
Love				C
Major				W
Marshall	8			C
Mayes	3			E
McClain	3			C
McCurtain			26	E
McIntosh	1		8	E
Murray	3	11		C
Muskogee	3		6	E
Noble				C
Nowata			1	E
Okfuskee			3	E
Oklahoma	9	1		C
Okmulgee	3		1	E
Osage			23	E
Ottawa			20	E

Pawnee			22	C
Payne		1		C
Pittsburg	3		12	E
Pontotoc	1			C
Pottawatomie				C
Pushmataha	2	2	28	E
Roger Mills			5	W
Rogers				E
Seminole			46	E
Sequoyah			7	E
Stephens				W
Texas		6		W
Tillman		11	11	W
Tulsa				E
Wagoner	8		6	E
Washington				E
Washita		7	8	W
Woods				W
Woodward		1		W
<b>TOTAL</b>	<b>115</b>	<b>134</b>	<b>1417</b>	

\*E -East, W - West, C - Central Districts

### **Wildlife Disease Sampling**

During the month of October 2023, the Wildlife Services Disease Biologist collected 25 samples from four counties that will be tested for classical swine fever, pseudorabies, and swine brucellosis.

*Table 2: Species/Disease sampling, October 2023*

	<b>Count Swine</b>	<b>Count Samples</b>
CADDO	10	10
CREEK	5	5
DELAWARE	5	5
OTTAWA	5	5

In addition, the Wildlife Disease Biologist collected 38 genetic ear samples to track interstate feral swine travel from six counties.

*Table 3: Genetic ear sampling, October 2023*

	<b>Count Swine</b>	<b>Count Samples</b>
CADDO	10	10
CRAIG	5	5
CREEK	5	5
DELAWARE	12	12
NOWATA	1	1
OTTAWA	5	5

Respectfully submitted,

Scott Alls  
Division Director  
Wildlife Services Division

**October 2023 Activity Report  
for  
December 2023 Board Meeting  
Agricultural Statistics Division**

**General**

Rainfall totals the **first week of October** in Oklahoma averaged 0.92 inches. According to the October 3rd US Drought Monitor Report, drought conditions were rated 63 percent abnormally dry to exceptional drought, down 37 points from last year. Additionally, 45 percent of the state was in the moderate drought to exceptional drought categories, down 55 points from the previous year. Statewide, temperatures averaged in the low to upper 60's. Topsoil moisture conditions were rated adequate short to and subsoil moisture conditions were rated short to adequate.

Rainfall totals the **second week of October** in Oklahoma averaged 0.03 inches. According to the October 10th US Drought Monitor Report, drought conditions were rated 63 percent abnormally dry to exceptional drought, down 37 points from last year. Additionally, 43 percent of the state was in the moderate drought to exceptional drought categories, down 57 points from the previous year. Statewide, temperatures averaged in the upper 50's to low 60's. Topsoil moisture conditions were rated adequate to short and subsoil moisture conditions were rated short to adequate.

Rainfall totals the **third week of October** in Oklahoma averaged 0.00 inches. According to the October 17th US Drought Monitor Report, drought conditions were rated 73 percent abnormally dry to exceptional drought, down 27 points from last year. Additionally, 48 percent of the state was in the moderate drought to exceptional drought categories, down 52 points from the previous year. Statewide, temperatures averaged in the low 60's. Topsoil moisture conditions were rated very short to adequate and subsoil moisture conditions were rated short to adequate.

Rainfall totals the **fourth week of October** in Oklahoma averaged 2.82 inches. According to the October 24th US Drought Monitor Report, drought conditions were rated 72 percent abnormally dry to exceptional drought, down 28 points from last year. Additionally, 49 percent of the state was in the moderate drought to exceptional drought categories, down 51 points from the previous year. Statewide, temperatures averaged in the upper 50's to mid 60's. Topsoil and subsoil moisture conditions were rated adequate to short.

**Small Grains:** Winter wheat planted reached 75 percent, down 7 points from the previous year and down 9 points from normal. Winter wheat emerged reached 54 percent, down 5 points from the previous year and down 14 points from normal.

**Row Crops:** Corn harvested for grain reached 89 percent, down 2 points from the previous year but up 1 point from normal. Sorghum mature reached 98 percent, down 1 point from the previous year but up 3 points from normal. Sorghum harvested for grain reached 60 percent, down 3 points from the previous year and down 1 point from normal. Soybeans dropping leaves reached 87 percent, down 2 points from the previous year but up 4 points from normal. Soybeans harvested reached 47 percent, down 2 points from the previous year but up 7 points from normal. Peanuts mature reached 93 percent, down 1 point from the previous year but up 1 point from

normal. Peanuts harvested reached 55 percent, down 2 points from the previous year but up 2 points from normal. Cotton harvested reached 33 percent, up 5 points from the previous year and up 6 points from normal.

**Hay:** The fifth cutting of alfalfa hay reached 32 percent, down 17 points from the previous year but up 6 points from normal. The third cutting of other hay reached 70 percent. The fourth cutting of other hay reached 7 percent, down 37 points from the previous year and down 8 points from normal.

**Pasture and Livestock:** Pasture and range condition was rated at 67 percent fair to good. Livestock condition was rated at 86 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
Pecan AP	DCC	9/29 -10/5
October Ag Yield	DCC	9/29 - 10/5
Small Grains CE Tier 1	DCC	8/9 – 10/6
Cotton Ginnings	DCC	10/2 – 10/4
NFI Slaughter	DCC	10/3 – 10/5
Cattle on Feed	DCC	10/3 – 10/10
Grain Prices	DCC	10/6 – 10/13
Cotton Ginnings	DCC	10/16 – 10/17
AG Labor	DCC	10/18 – 11/6
November Ag Yield	DCC	10/30 – 11/6
Cotton Ginnings	DCC	11/1 – 11/3
NFI Slaughter	DCC	11/6 – 11/8
Cattle on Feed	DCC	11/1 – 11/8

**Statistics:** On November 9, 2023, the November Crop Production report was released. Highlights include:

Oklahoma **Upland cotton** production is forecast at 350 thousand bales, 15 percent higher than 2022. Yield averaged 542 pounds per acre, compared with 634 pounds last year. Acreage harvested, at 310 thousand acres, is up 35 percent from last year.

Oklahoma **corn** production is forecast at 50.4 million bushels, up 107 percent from the previous year. Statewide yields averaged 144 bushels per acre, 22.0 bushels higher than 2022. Acres harvested for grain, at 350 thousand, is up 75 percent from last year.

Oklahoma **sorghum** production is forecast at 14.2 million bushels, up 146 percent from last year. Yield averaged 43.0 bushels per acre, up 19.0 bushels from the previous year. Acres harvested, at 330 thousand acres, is 38 percent higher than 2022.

Oklahoma **soybean** production is forecast at 8.40 million bushels, up 30 percent from last year. Yield is expected to average 20.0 bushels per acre, compared with 17.0 bushels in 2022. Harvested acreage, at 420 thousand acres, is 11 percent higher than last year.

Oklahoma **peanut** production is forecast at 54.6 million pounds, 14 percent lower than last year. Yield is forecast at 3,900 pounds per acre, up 180 pounds from 2022. Harvested acres are down 18 percent from last year to 14.0 thousand acres.

**Information Requests:** Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 25.

**Releases for October:**

Crop Production  
Cattle on Feed  
Agricultural Prices

**Relating Dates:**

October 1, 2023  
October 1, 2023  
October 15, 2023

**Release Dates**

October 12, 2023  
October 20, 2023  
October 31, 2023

**Releases for November:**

Crop Production  
Cattle on Feed  
Farm Labor  
Agricultural Prices

**Relating Dates:**

November 1, 2023  
November 1, 2023  
April, October 2023  
November 15, 2023

**Release Dates**

November 9, 2023  
November 17, 2023  
November 22, 2023  
November 30, 2023

**Meetings and Events:**

OTCAC Planning Meeting  
Ag Board Trip  
AYC Session 2  
Bacone College  
State Technical Meeting  
IAC Regional Meeting  
TECO Meeting  
OACD Regional Meeting  
OBHRPI Small Farms Conference  
AYC Session 3

**Date:**

October 11, 2023  
October 18-19, 2023  
October 23, 2023  
October 24, 2023  
October 26, 2023  
November 6-7, 2023  
November 8, 2023  
November 9, 2023  
November 17, 2023  
November 21, 2023

**Location:**

Virtual  
SE OK  
Stillwater, Ok  
Muskogee, Ok  
Stillwater, Ok  
Tulsa, OK  
Stroud, OK  
OKC, OK  
OKC, OK  
OKC, OK

Respectfully Submitted,

Troy Marshall

# MARKET DEVELOPMENT SERVICES

*December 6, 2023*

**Report to the State Board of Agriculture**

## AG IN THE CLASSROOM

### AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 113
- Total Number of Pre-service Teachers Impacted: 25
- Total Number of Extension Educators Impacted: 1
- Total Number of Students Directly Impacted by Coordinators: 2,722
- Total Number of Resources Given: 2,650
- Total Number of Teachers/PreService Teachers Resources Given to: 53
- Total Number of PreK-12th Grade Students Resources Given to: 1,012

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

- The AITC monthly email is delivered to 17,038 accounts.
- The AITC Facebook page now has 9,696 followers.
- The AITC Twitter page now has 580 followers.
- Oklahoma AITC Instagram account now has 787 followers.
- Oklahoma AITC Pinterest account now has 219 followers.
- The AITC YouTube channel now has 9,697 views.

### Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
8 Preservice teachers	OSU Stillwater Early Childhood Science Class Preservice Teachers	Farm Boots, Matching, STEM Protect the Pringle, Pumpkin Pie in a Bag, Butter making, website exploring, resources	8 Barns full of all of our resources
17 Northwestern Student Teachers	Northwestern OSU in Alva	Grady, Farm Boots, Pig Personality	Barn full of resources

### Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
Francis/Byng, Allen, Stonewall, Vanoss, and Washington Schools - TOTAL of 305 5th grade Students	Pontotoc County Outdoor Day - Ada, OK	Made butter with students	Oklahoma Ag Magazine

Elk City, Eric, and homeschool - TOTAL 160 5th grade students	North Fork of Red River Conservation District Outdoor Day- Elk City, OK	Made butter with students	Oklahoma Ag Magazine
Oakridge Elementary in Moore School District - 105 5th Grade students	Oakridge Elementary Ag Day - Moore, OK	Modifying the Plow lesson - students learned about advances in technology and then designed and built their own plows.	Technology in Agriculture Reader
25 4th grade students	Presentation of the Bushel of Books winner from Read an Accurate Ag Book Week to Bridge Creek 4th grade teacher, Mrs. Nash.	N/A	Bushel of about 25 accurate Ag Books
15 High School Waurika FFA Students	Presentation of the Bushel of Books winner from Read an Accurate Ag Book Week to Waurika FFA. Ag Teacher is Ms. Blue.	N/A	Bushel of about 25 accurate Ag Books
25 4th grade students	Presentation of the Bushel of Books winner from Read an Accurate Ag Book Week to Mill Creek Elementary 4th grade teacher Mrs. Duck.	N/A	Bushel of about 25 accurate Ag Books
440 5th grade students from Lawton Public schools	Lawton FFA Ag Days - Lawton School Farm	Minute to Win-it agricultural games - Lipstick stack (lipstick contains by-products of beef cattle) and Corn race (corn is grown in Oklahoma)	N/A
600 7th grade students from Lawton Public Schools	Lawton FFA Ag Days - Lawton School Farm	Minute to Win-it agricultural games - Lipstick stack (lipstick contains by-products of beef cattle) and Pig Wholesale cut puzzle.	N/A
300 7th grade students from Lawton Public Schools	Lawton FFA Ag Days - Lawton School Farm	Minute to Win-it agricultural games - Lipstick stack (lipstick contains by-products of beef cattle) and Pig Wholesale cut puzzle.	N/A
250 Elementary School students	Gore ELeMentary Ag Day	Pumpkin Catapults	N/A
17 4-H students	Presentation of the Bushel of Books winner from Read an Accurate Ag Book Week to Holdenville 4-H Club.	N/A	Bushel of about 25 accurate Ag Books
335 students, 16 (2nd Grade) Classes	Sand Springs FFA Farm - Farm to School 2nd grade district event	Betsy the Cow- Dairy Toss	Choc Milk Brown Cows and Elementary Dairy Tear Sheets
170 Maysville Elementary Students	Maysville Elementary Pumpkin Festival	Pumpkin Seeds, Book about pumpkin	N/A

25 High School Students students	Presentation of the Bushel of Books winner from Read an Accurate Ag Book Week to Cordell FCCLA	N/A	Bushel of about 25 accurate Ag Books
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**Ag in the Classroom- Resources Mailed or Delivered**

Locations where Resources are Mailed or Delivered	
Orvis Risner Elementary - Edmond	Mary Jo Peeper - Garfield County Farm Bureau
Oakridge Elementary - Moore	Stillwater FFA
Farm Bureau Convention - booth	

**Ag in the Classroom- Other Events**

Event	Highlights
<b>OK Pork Council Grant Winners Announced - Fall 2023</b>	<p><b>Jacey Duncan, Oklahoma Union Schools</b> Agriculture - It Doesn't Just Happen: The Use of Drones in High-Tech Farming Summary: The Association for Unmanned Vehicle Systems International predicts farms will eventually account for 80 percent of the commercial drone market. Drone applications in precision agriculture include mapping, surveying, monitoring, planting, crop dusting, and spraying. The purpose of the project is to allow students to discover the science behind how a drone works, exploring how drones are used in agriculture, programming, and operating a drone for the purpose of surveying a field.</p> <p><b>Debra Wood, Orvis Risner Elementary, Edmond, Oklahoma</b> Experiencing the hands-on approach to discovering the importance of renewable energy (biomass), renewable energy (wind) and electrical engineering first hand would help my Gifted and Talented students to understand the direct relationship between this energy component and its importance to Oklahoma agriculture. Students' curiosity of science, math, engineering, and technology would be ignited in a hands-on project of creating methane bottles to discover the importance of "Pig Poop Power", designing and building model pig barns with working LED lights with a small fan component and the significance of wind energy when it comes to windmills for the watering of animals and wind turbines for creating electricity for farms. Students would be challenged to experiment with the possibilities of methane gas (Farming for Energy), create a windmill to "lift" the water for the ground in order to keep the livestock watered, and to design an environment, a pig barn, that will help farmers meet the needs of pigs and they would understand that like humans and other animals, pigs have four basic needs—air, water, food, and shelter.</p>

	<p><b>Dusti McCartney, Willard Elementary, Ada, Oklahoma</b> Students will learn about the nutrition that they gain from garden vegetables and how that nutrition can be gained in more effective ways through the addition of micro greens. Through a variety of growing applications, students will measure, record, and analyze data about the best practices for growing microgreens through the activities within this unit. Some artistic application will also happen as students create their very own micro green corn maze to take home and share with their families.</p> <p><b>Jackie McGolden, Cornelsen Elementary, Fairview, Oklahoma</b> The Little Red Hen has always been a fun story to read to my students. Unfortunately, my students listen to the story but they don't know the background information on how the wheat is grown to provide the flour for the bread. We will also talk about the bread that the Little Red Hen made and the process and the steps she used. I will bring in some wheat berries provided to me by some Major County Farm Bureau Families. My students will learn from the Ag in the Classroom lesson "Little Red Hen" and we will use all of the lessons from the AITC website. We will also read the non-fiction book, "From Wheat to Bread" to further illustrate the process. We will also tie in the Ag in the Classroom lesson "Breads Around the World" and discuss different types of breads. With the addition of the wheat mill I wish to receive with this grant, we will grind our own wheat into flour and then make our own bread.</p> <p><b>Amber Bales, Will Rogers Elementary, Stillwater, Oklahoma</b> I have a unique opportunity to teach "Ag Fridays"! My team combines our entire 4th grade into two rotating groups. Thus, I teach every 4th grader for 30 minutes for an Ag Friday lesson. My students explore what we eat, how agriculture impacts our daily lives, STEM projects, careers to name just a few of our "Ag Friday" lessons. This year, I am focusing on the National Center for Agricultural Literacy AgBadging Field Guide all the while incorporating Oklahoma Ag in the Classroom lessons, accurate agriculture books, and of course taste testing. Once students complete three milestone in a theme (Agriculture &amp; the Environment, Plants &amp; Animals, Food &amp; Health, Technology &amp; Engineering, and Geography &amp; Culture), students will earn a badge (sticker).</p> <p><b>Johnnie Keel, Truman Elementary, Norman, Oklahoma</b> Taste of Ag will provide a buffet of appetizing activities that integrate curriculum while indulging students in unique agricultural experiences. From planting seeds to classroom cooking, students will be actively engaged as they sink their teeth into the wonders of food. Project highlights will include students creating food-focused games, maps, recipe books with food narratives, agricultural-inspired art, edible canvasses, a display at the school-wide Multicultural Fair and an end of the year tasting party.</p>
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2024 Oklahoma Ag in the Classroom Contest announced



## AGRITOURISM

### Agritourism - Site Visits

Producer	Location	Category	Highlights
Sunshine Shelly's	Shawnee	Pumpkin Picking, Maze	Site visit, discussed hosting Christmas events, diversification grant
Oh My Gourd Pumpkin Patch	Glencoe	Pumpkin Picking	Farm fresh food snack video
Jahn Pumpkin Hill	Cyril	Pumpkin Picking, Mazes, Petting Farm	Site visit, made Instagram reel, visited about season
Orr Family Farm	Oklahoma City	Pumpkin Picking, Mazes, Petting Farm	Site visit, visited about season, and new additions
Lakeview Market	Yukon	Pumpkin Picking, Farmers Market Hub	Site visit, visited about season and new additions

### Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Destiny Ranch	Roff	Direct to consumer beef	Delivered OK Grown bags
Birch Creek Farm	Bixby	Farm-to-Table	Site visit, officially signed up into program, Delivered OK Grown bags
Landgraf Pecan Farms	Madill	Farm-to-Table	Site visit, officially signed up into the program
Rising Eagle Brewery	Elgin	Brewery	Site visit, officially signed up into the program
The Links Flower Farm	Lexington	Horticulture	Site visit, not ready to be added into program yet
Pear Grove Farm Store	Talihina	Pumpkin Picking	Site visit, officially signed up into the program

### Social media

#### Facebook

- 22,862 likes

- 25,353 followers

Instagram

- 2,620 followers

**Agritourism - Other Activities**

- Phone consult/conversations with: Gail with Main Street USA insurance about agritourism insurance for OK producers, Kimberly Brown – farm hub questions, Don King – handwashing stations questions, Kris Cross – farm to table dinner questions, Jace Dunagan – farm hub questions, Krystal Newell, Growing Paynes, Cornerstone Kids Ranch, Oh My Gourd, Oklahoma Tulips, Mary Jahn, Rising Eagle Brewery, Wonderland Farms, Orr Family Farm
- OKLAS planning
- Hosted cattle ranch visit for Sri Lanka exchange student
- Presented about farm hubs at Hungry for Action conference
- Phone interview with Tarleton State University student for a class project about careers
- Presented about farmers markets and farm hubs for TSET grantee conference
- Attended and setup booth at Central OLAC Workshop
- Coordinated and sent out 19 more free handwashing stations to specialty crop producers through SCBG
- Agribusiness management in service meeting Autry Technology Center and share Presentation with Agribusiness group
- Attend OSU Ag Communications Internship Showcase
- Present to two OSU Ag Communication writing classes
- Schedule a meeting with Edible OKC Magazine
- Attend Ag Days at Lawton Middle School, shared agritourism with 600 students
- Judge Central Area AFR Speech contest
- Attend Farm Bureau Convention

**ECONOMIC DEVELOPMENT**

Activity	Action
Agriculture Enhancement & Diversification Program	The selection committee for the Ag Enhancement & Diversification Program met on November 7 <sup>th</sup> to consider applications for loans and grants. The committee reviewed 19 applications and are recommending 9 projects for approval.
2023 SCBG application	USDA-AMS contacted ODAFF that the State Plan that was submitted for 2023 Specialty Crop Block Grant was approved for funding. The total award was for \$545,237.77 and will be used to fund 6 projects to promote the specialty crop industry in Oklahoma.
Resilient Food Systems Infrastructure Program	ODAFF submitted the initial draft of our State Plan on August 23 <sup>rd</sup> and received comments back from USDA the end of October. Staff is currently revising the State Plan and will resubmit to USDA. Once approved ODAFF will be able to begin promoting the new grant program and plans to host 2-3

	educational webinars during December with a goal of releasing the RFA in January 2024.
OKLAS Conference	ODAFF grant coordinator was asked to be part of a panel discussion on finding grant funding for your farming operation at the OKLAS conference on October 18 <sup>th</sup> . The conference was held at the Gordon Cooper Tech Center in Shawnee and other panelist represented USDA agencies and Career Tech.

## FARM TO SCHOOL

F2S Contact Meetings	Highlights
Meeting with: Patrick Duffy: Superintendent John Rex Charter School  Jennifer Nakayama: President & CEO Downtown Oklahoma City Partnership	John Rex is a charter school in downtown OKC that is installing a new state-of-the-art greenhouse. Jennifer and the Downtown OKC Partnership have already established a great partnership and she wanted to inform me what Downtown OKC Partnership does, how they help John Rex, and how she thinks we can partner together in the future.
Tour of Better Day Farms with Broken Arrow Schools  Melodie Royal: BA Child Nutrition Specialist Tamara Frawley: BA Staffing Coordinator Jason Schmidt: Superintendent	Better Day Farms is a hydroponics farm that grows a variety of lettuces and herbs for local schools..
Tour of the Frontiers Produce Tulsa facilities  Angus Martin: Better Day Farms Taryn DeWitt: Frontier Produce	Met with Angus and Taryn to discuss how F2S can partner in the future. We also toured the Frontiers Produce warehouse in Tulsa.
F2S Meeting with Opa  Kay Divelbiss: Director of Nutrition Outreach  Sheila Frost: Vice-President of Governmental Relations Greg Frost: Vice-President of Business Development	Meriruth and I had the opportunity to meet with several Opa employees to discuss how we can create a partnership and work together for training and grant opportunities. We also discussed ways schools that use Opa can properly utilize the Local Food for School Incentive Grant.
Natural Freedom Farm visit  October 20 <sup>th</sup>	Natural Freedom Farms is a relatively new farm in Chandler Oklahoma. They are a nonprofit farm whose vision is to provide healthy food to the children and youth of our community. I created a promo video for this farm and featured them on the Farm to School Facebook page.
TSET introduction meeting with Jamie McDaniel Associate Director of Community Programs	Jamie McDaniel from TSET reached out to me and wanted to connect and see how we can partner on projects.

Other Meetings	Highlights
PLANTS Grant Webinar: Sneak Peek	This webinar was an overview of the funding opportunity, objectives, eligibility requirements, and key upcoming dates.
Ag Youth Council	This session was held at the OSU campus where the delegates learned about the Ferguson College of Ag where they met with the Ambassador team and discussed potential majors and career opportunities. They also received a tour of the OSU dairy, greenhouses and FAPCE. We also met again this month to discuss and plan the upcoming AYC seminars.
Judged the AITC Pork Council Grants	Judged applications
Chris Jones: Senior Director, NASDA Foundation	Opportunity to discuss the FANE (Food & Ag Non-Formal Education) Grant. We have discussed ideas around MO LifeQuest and some work with OSU as well.
ASPHN's Farm to ECE 2023-2024 Webinar Series	This webinar focused on the foundations of Farm to ECE, the evidence and value, as well as explore Farm to ECE strategies and opportunities. There were speakers from ASPHN, NFSN, and state Farm to ECE leaders from states with strong Farm to ECE programs.
Getting Familiar with the FY 2024 Farm to School RFA Webinar	This webinar provided an overview of the FY 2024 Farm to School Grant Program Request for Applications (RFA), including updates to eligibility, funding priorities, and more.
Getting Your Grant Package Together for the 2024 Farm to School Grant Webinar	During this webinar, we explored the key characteristics of competitive Farm to School grant applications.
Community Eligibility Expansion: An Important Step Toward Healthy School Meals for All Webinar	Since its inception, the Community Eligibility Provision (CEP) has been instrumental in eliminating the stigma surrounding school meal participation, reducing burdens on families and districts, and ensuring that all students have access to healthy school meals. In the 2022-2023 school year, 82% of eligible schools participated in CEP.
Oklahoma County Extension PAC Meeting	. This meeting was a great networking opportunity I met a variety of future partners.

Events Attended	Highlights
OLAC Conference	Farm to School panel
Sand Springs Farm at School Day	<p>interactive game booth that focused on the MyPlate suggested servings of dairy children should be consuming in a day</p> <p>Attending schools:</p> <ul style="list-style-type: none"> <li>• Angus Valley Elementary</li> <li>• Pratt Elementary School</li> <li>• Limestone Technology Academy</li> <li>• Northwoods Fine Arts Academy</li> <li>• Garfield STEM Academy</li> </ul> <p>Reached 335, 2<sup>nd</sup> grade students.</p>

Oakridge Elementary School Ag Day	Taught three 1st-grade classes about The Story of Milk.  Reached 50, 1st-grade students.
Jackson County Ag Youth Day	Hosted a booth about beef  Attending Schools: <ul style="list-style-type: none"> <li>• L Mendel Rivers Elementary School</li> <li>• Altus Elementary School</li> </ul> Reached 140, 4 <sup>th</sup> graders.
OSU ECE Class with Annie Davis	Taught about how these future ECE teachers can incorporate AITC and F2S materials into their classroom curriculum.  Reached 7 college students.

**F2S Social Media: October 1 – November 15, 2023**

- Facebook has 952 followers, which is up by 26 followers from last month.
- Facebook Reach: 5,578
  - Videos: 4
    - Better Day Farms
    - Positive Towmorrrows School Garden
    - Natural Freedom Farm
    - OSU Dairy
  - Posts: 13
  - Stories: 2
- Facebook Engagement: The number of reactions, comments, and shares on your posts. This metric counts all reactions and comments.
  - 670

**2023 School Garden Contest:**

I finally wrapped up the 2023 School Garden Contest. The judging committee met on October 5<sup>th</sup>, to finalize the results of the contest. Below are the results of the contest. Several members of the Farm Bureau Women’s Leadership Team and I visited all of the winner school gardens and presented them with their award.

**Startup Garden: \$500**

- Maysville Elementary School

**Best Education Garden: \$500**

- Eugene Field Elementary

**Best Overall School Garden: \$1,000**

- Positive Tomorrow School

**Best Harvest Partnership School Garden: \$500**

- Redbud Farm School

**Best Community Collaboration School Garden: \$500**

- Oologah-Talala Lower Elementary

Jackson County Ag Day



Eugene Field Elementary School Garden Award Presentation



**INTERNATIONAL**

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

Food Export	<ul style="list-style-type: none"> <li>• Attended the Food Export Midwest &amp; Northeast combined Marketing Directors Meeting in Philadelphia Oct 10-12</li> </ul> <p>We covered the new data base, updates from the In Market Reps on country updates, and we heard updates from FAS and NASDA with farm bill and funding status updates</p> <ul style="list-style-type: none"> <li>• Recruiting for the Focus Trade Mission to Colombia February</li> </ul>
USLGE	<ul style="list-style-type: none"> <li>• Continued planning for the 2024 Cattlemen’s Congress</li> </ul>
GIT (Governor’s International Team)/ODEC	<ul style="list-style-type: none"> <li>• Working on the next World Trade/ Consular Summit April 8-9</li> </ul>
ODAFF Market Development Events	<ul style="list-style-type: none"> <li>• Attended the NASDA Annual Meeting- Attended several meetings on various topics and shadowed for research for hosting in 2024</li> <li>• Hosted an attendee for the State Departments professional exchange fellow as part of the University of Oklahoma Irani Center for the Creation of Wealth ( ICCEW)</li> </ul> <p>We visited several MIO Companies across the state that fit within the scope of our guest professional and business goals. The following are the visits: <a href="#">Robert M. Kerr Food and Agricultural Products Center   Oklahoma State University (okstate.edu)</a> MIAP <a href="#">About MIAP   Oklahoma State University (okstate.edu)</a> Margarita Man <a href="#">Premium Cocktail Mixes   Margarita Machines   Margarita Man</a> Retail tour of MIO outlets 360 Farms <a href="#">Elderberry Wines, Plants &amp; Products   360 Farms   Webbers Falls (360okfarms.com)</a> Livesay Orchard &amp; Peach Barn Tulsa State Fair- Sixth Day Snacks &amp; other MIO companies exhibiting at the fair <a href="#">Sixth Day Snacks - Sixth Day Snacks - Home</a> MIO Café- OK Dept of ag highlights several MIO companies in a café within the state fair Mother Road Market <a href="#">VISIT — Mother Road Market</a> Ozarka Water Stone Sister Pizza <a href="#">Stone Sisters Organics</a> Quantem Food Safety Lab <a href="#">QuanTEM Laboratories - The Lab Choice for Environmental Professionals for Over 20 Years</a> Kize Concepts <a href="#">KiZE Concepts - Life Changing Bars – KiZEConcepts</a> Flora Bodega <a href="#">Home (florabodega.coop)</a> Mollycoddled Hashslinger <a href="#">CANDY THAT LEAVES AN IMPRESSION. - Mollycoddled Hash Slinger</a> Pepper Creek Farms <a href="#">Pepper Creek Farms</a> Fields Pies Halverson Ranch</p>

## MADE IN OKLAHOMA COALITION

### Made in Oklahoma Coalition – Advertising, Web and Social Traffic

Type	\$ Spent and Information	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	\$6,750	Social media posts, digital presence, analytics, management of content and creation of digital footprint, graphic design, etc.
MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC	OKC – 8 appearances Tulsa – 4 appearances	Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV
Restaurants 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.	<b>October</b> – Toast and McKinney’s Modern Dining, Broken Arrow  <b>November</b> – OU Stadium, Levy Food Service
Edible OKC Giveaways	\$100/giveaway	Each month MIO partners with Edible OKC to give away a \$100 gift card to our restaurant of the month.
MIO Monthly Newsletter		o 4000+ distribution list
OK Living Partnership highlighting MIO Recipes	Highlights 2-3 MIO recipes per month - Free publication to electric coop members	MIO provides recipe content and OK Living does the ad design
Recipes of the Month	MIO recipes are developed each month highlighting member company products.	October – - Banana Bread with Toasted Pecans - Apple Butter Danish - Pumpkin Crumb Bars - Sheet Pan Grilled Cheese with Tomato Soup  November – - Classic Green Bean Casserole - Browned Butter Mashed Potatoes - Sweet Tea Brined Turkey
October Retailer of the Month	FireLake	Shawnee, Tecumseh, McCloud
November Retailer of the Month	Jumbo Foods	Enid

### Made in Oklahoma Coalition – Other Activities

Activity	Information
Sri Lankan Entrepreneurial Exchange Fellow Tours in Lawton and Pauls Valley	Staff and Jamie Cummings hosted Sri Lankan entrepreneurial exchange fellow, Sanjay Ignatius on tours and meetings to expose him to Oklahoma

- October 3 <sup>rd</sup>	agriculture and connections that might be beneficial to his business. Sanjay is an Aloe Vera processor that works with local aloe vera farms in Sri Lanka.
Oklahoma Grocers Association Education Foundation Golf Tournament - October 10 <sup>th</sup>	Staff and MIO members participated in the annual Oklahoma Grocers Education Foundation Golf Tournament that supports scholarships in the food and grocery industry in Oklahoma. Staff serves on the board of trustees for the OGEF foundation.
MIO Member Town Hall Meeting - October 13 <sup>th</sup>	Staff hosted our first MIO member town hall meeting. The meeting consisted of educational programming, member networking and lunch. The morning session included a presentation from Jami Longacre on MIO's legislative involvement and the afternoon session was a panel discussion from 6 companies centered on opportunities associated with attending National Trade Shows.
MIO Pop-up at Mother Road Market - October 16- 30 <sup>th</sup>	Staff and MIO Program Coordinator Jenna Brinlee worked together to create an opportunity for 29 Coalition and Program members to participate in the Made in Oklahoma at the Market pop-up selling event at Mother Road Market. This event was a collaboration between ODAFF and Mother Road Market.
Pruett's Foods in-store sampling event - October 19 <sup>th</sup>	Staff worked with MIO retail advocate and several MIO members to set up an in-store sampling event at the newly remodeled Pruett's Foods grocery store off NW Expressway in OKC. 10 MIO members participated in the event. This is the most recent of several events of its kind with Uptown Grocery/Pruett's Foods. The store has seen much success from partnering with MIO and providing sampling events to their customers.
MIO Member Photoshoot - October 20 <sup>th</sup>	MIO set up a photoshoot date for members to sign up for reduced cost photography opportunities to get new head shots and product shots. 8 members took advantage of this opportunity.
MIO + Levy Partnership Meeting - October 23 <sup>rd</sup>	Staff and MIO Food Service Committee chairman Colt Clark met with Executive Chef of the Paycom Center and head of Food Service with Levy, Kelly Joiner to bring new MIO products into the concourse dining services as well as to bring into the MIO Court Cart.
MIO + Pork Council Shopper Sweepstakes at Homeland - October 24 <sup>th</sup>	Staff worked with Homeland Stores and Kylee Deniz, Executive Director for the Oklahoma Pork Council to promote Oklahoma Pork Month with a MIO Shopping Spree and a Free Pork Lunch for Homeland Shoppers. There were over 2500 entries for the Shopper Sweepstakes and we gave away 200 pulled pork sandwiches. The winner of the sweepstakes won over \$800 worth of MIO groceries. It was a successful partnership and all partners were happy with the results.
Oklahoma's Finest "A Showcase of Homegrown Excellence" - October 25 <sup>th</sup>	This event celebrated the spirit of Oklahoma entrepreneurship and allowed attendees to discover the amazing products made right here in our state. It was a ticketed event for \$75/person. Tickets gave attendees access to MIO spirits, wine, and beer along with a sampling of small plates and desserts throughout the evening. The event sold out at 75 tickets sold.
MIO Presentation at Ponca City Country Club - November 1st	Staff was asked to give a presentation on the MIO Coalition to members of the Ponca City Country Club.
MIO Board of Directors Meeting and Membership Interviews - November 2 <sup>nd</sup>	MIO Board of Directors interviewed Okie Skies and Fireflies, Taffy2You, Rainbow Nut Butter and Serve Group for membership in the MIO Coalition. Rainbow Nut Butter was approved for full membership and Serve Group was approved for associate membership. The other two companies did not qualify for membership at this time.
MIO Membership Meeting - November 3 <sup>rd</sup>	Staff and MIO President Courtney Talbot ran the November MIO Membership meeting which was held via zoom. 40 members and guests were in attendance.

<p>MIO Tabling Event with the OKC Thunder + Court Cart Launch</p> <p>- November 6<sup>th</sup></p>	<p>MIO is partnering with the OKC Thunder and Levy Food Service to implement the MIO Court Cart concept in the arena. Our cart is in the concourse in section 111. MIO snacks are served along with the Thunder Dog, a ½ pound hot dog topped with pulled pork and served on an MIO bun. Every ingredient in the court cart is sourced from an MIO company.</p> <p>Staff and MIO Food Service Chairman Colt Clark staffed the MIO info table and handed out informational materials and MIO stickers to guests while encouraging them to eat at the Court Cart.</p>
<p>MIO Chef Partnership at OKC Thunder Courtside Club</p> <p>- November 8<sup>th</sup></p>	<p>Staff worked to connect the Paycom Center food service staff with Oklahoma Chefs to be featured as “star chefs” in the Thunder Courtside Club. The first chef to be highlighted is Chef Ben Alexander of McNellies Group out of Tulsa. Chef Ben was featured on Veterans night as he is a Naval veteran. He is the VP of culinary operations for McNellies group which consists of over 16 local dining concepts in the Tulsa area.</p>



## MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Tulsa State Fair, Vendor Area	Sept. 28-Oct. 8	Exchange Building, Tulsa State Fairgrounds	Contracted out 52 booths to companies of the Made in Oklahoma Program.
Tulsa State Fair, OK Cafe	Sept. 28-Oct. 8	Lower Ford Truck Arena, Tulsa State Fairgrounds	Daily duties included cooking/preparing food, serving, managing cash

			registers, coordinating volunteers and more.
Made in Oklahoma at the Market	October 16-29	Tulsa, OK	We had 33 companies participate in this retail space at Mother Road Market – staffed by us to promote and sell Made in Oklahoma products
Stockyards Stampede	Oct. 21	Stockyards (OKC)	24 companies participated in Made in Oklahoma Market at Stockyards Stampede

**New Producers:**

Hi-Five Crafts	Hilltop Ranch & Cattle	Pride Popcorn	Victoria Nicol, LLC
Yaya’s Creations	Hicks Lawn and Landscaping LLC	Two Bens Barkery	Zorval Scents
Soaps and Suds by Regina	Big Chiefs Donuts	Shuyi Co LLC	Mood Bru
Esoteric Essence, LLC	Flying D Beef	51 Market and Nursery	Sweet Temptations
Morel Designs	Prairie Threads	Wildflower Cottage LLC	Smart Whoopies LLC
Crossed Arrows Alpacas	Teresa’s Canvas Creations	Courtnea’s Creations	Joyful Spirituality
Sirius Snacks	Featherweight Designs	The Flower Meadow	Union Rose
Rustic Silhouette	Blonde Arrow	Willow Creek Wax Co.	Prairie Dancer Media
Simply Jules	Poppie + Stone	This & That	Southwest Hot Sauce
Bold Collective Co.	ChiOkie	Premier Steel Services	Sashay & Flounce
Duchess Creek Farms	Legacy Homestead and Apothecary	Lunae Candle Co.	Bohnafade LLC
Biohacked Beauty	The Loaded Goat Beard Company	Teri James Photography	Becca & Bella’s

**VITICULTURE & ENOLOGY**

**Viticulture & Enology - Site Visits**

<b>Producer</b>	<b>Location</b>	<b>Category</b>	<b>Highlights</b>
Grayson College	Grayson, TX	Meeting	Met with Director of Fermentation Science at Grayson College in Denison, TX. This program is a hub for winemakers throughout Oklahoma. We discussed redrawing the Texoma AVA boundary to include the northern half of the Texoma region which extends into Oklahoma. We also discussed different ways Texas and Oklahoma can work

			<p>together better when it comes to wine and spirits. They began planning a trip to Wanderfolk Spirits in Guthrie.</p> 
Sabatia	Norman	Winery/Vineyard	<p>.Sabatia is producing our state’s highest quality wine. We tasted through his Oklahoma varietals that are mid-fermentation and discussed potential blending percentages. Sabatia’s goal is to find a foot hold in some of our metro fine dining restaurants, so I chose to showcase them at the Made in Oklahoma Coalition dinner in Oklahoma City.</p> 
C&H Vineyard	Jones	Vineyard	<p>Stopped by C&amp;H Vineyard to pick up a donated case of rose. Talked to Harley Duncan about how the harvest went this year and his thoughts on the quality of grapes that came out of the 2023 vintage.</p>
MIO Coalition Dinner	OKC	Networking/Event	<p>Brought in 100% Oklahoma wine (a red and rose) to pour during the Coalition dinner. Although we don’t have any wineries within coalition, the board allowed us to pour some and achieve a 100% Oklahoma sourced dinner. Sabatia was able to showcase their product to Chef Fleishreiser who is a</p>

			<p>key figure in the Oklahoma City fine wine community.</p> 
Farfalla Winery	Yukon	Winery	<p>Visited Farfalla Winery to deliver new passports and learn about their business. I discussed with their winery manager about different resources ODAFF can connect her with for improved marketing and education opportunities.</p>

**Viticulture & Enology - Other Activities**

- Fixed wine trails app and created new domain after our old domain expired.
- Created graphics for posting about wine pairings for holiday season to spice up our social media.
- Continuously working on wine faults PowerPoint to present at the OSU Wine Faults class this coming January.
- Created a TODS (tourist oriented directional signs) reimbursement application. Our winemakers can receive up to 70% reimbursement if approved for a sign by ODOT. Our first application came in, and B&G Meadery successfully received their funds.

## MARKET NEWS SERVICES

September 29, 2023-November 14, 2023

- **Grain Report:**

	September 29, 2023,	November 14,2023	DIFFERENCE
<b>WHEAT: (bu)</b>	\$5.19-\$6.09	\$4.95-\$5.87	\$0.24 to \$0.22 Lower
<b>MILO: (bu)</b>	\$4.77-\$4.97	\$4.73-\$4.98	\$0.04 to \$0.01 Lower
<b>SOYBEANS: (bu)</b>	\$11.65-\$12.35	\$12.80-\$13.37	\$1.15 to \$1.02 Higher
<b>CORN: (bu)</b>	\$4.67-\$5.17	\$4.68-\$5.18	\$0.01 to \$0.01 Higher
<b>COTTON: (lb)</b>	81.90 cents	73.93 cents	\$7.97 Lower

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

### **FEEDER STEERS**

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

- (11-15-22) \$172.00-197.00 Wtd. Avg \$184.50
- (11-14-23) \$245.00-313.00 Wtd. Avg. \$279.00

### **HEIFERS**

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

- (11-15-22) \$140.00-176.00 Wtd. Avg \$158.00
- (11-14-23) \$206.00-259.00 Wtd. Avg. \$232.50

- **Weekly Report:**

- Six weekly Oklahoma Market Reports were sent to 10,892 subscribers September 29, 2023-November 14, 2023 (**up from 94 subscribers last report**).

- **Voice Messaging System:**

- The market news voice messaging system during
- Monthly Total: August 16, 2023-September 29, 2023, **6,712 Accessed Times**
- Last Report June 23, 2023-August 16, 2023, **6,724 Accessed Times**
- Compared to Last Month: **Accessed Times-is DOWN 12 on Accessed times**

- **Oklahoma Agriculture Market News**

- **Facebook Page**
  - Likes/Followers 541
  - **UP 41 Likes/Followers**
  - People reached through pasted report: 713 people

- **Oklahoma Hay Directory**
  - Hay Directory
    - **65 people are on the Oklahoma Hay Directory.**
- **Hay Report**

**This Month:** September 29, 2023-November 14,2023, Hay Traded 16,408  
**Last Year** September 23, 2022-November 11,2022, Hay Traded 11,729  
**UP 4,679 Bales Reported**

**OKLAHOMA HAY MARKET REPORT  
 10-27-23**

**Receipts: 3,915 Last Reported: 3.406 Year Ago: 1,540**

Compared to the last report: Hay trade is still slow. The trades that are being made are from long-time clients. Oklahoma has a larger hay inventory than usual. The larger hay inventory has caused the market to be a buyer's market.

Trends:  
 Alfalfa Large squares \$180-\$200 a ton  
 Alfalfa Rounds - No Trend  
 Grinding hay - No Trend  
 Bermuda 5x6 rounds - \$70-\$100 a bale  
 Bermuda Large Squares - No Trend  
 Grass Hay 4x5-4x6 - \$60-\$70 a bale  
 Grass Hay 5x6 - \$70-\$80 a bale

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 1.16 percent in an extreme drought, 13.68 percent in severe drought, 35.81 percent in moderate, 50.39 percent in abnormally dry conditions, 49.61 percent that has no drought conditions.

\*\*\* The next report release will be on November 23rd\*\*\*

**Central**

**Alfalfa: Good/Premium (Trade/Per Ton)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	700	180.00	180.00	Delivered

**North Central**

**Bermuda Grass: Premium/Supreme (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	40	100.00	100.00	F.O.B

**Bermuda Grass: Premium/Supreme (Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	215	12.00	12.00	F.O.B

**Bermuda Grass: Premium(Trade/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	180	90.00	90.00	F.O.B

**Prairie/Meadow Grass: Good (Ask/Per Bale)**

Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round		70.00		F.O.B.

<b>Northeastern</b>				
<b>Prairie/Meadow Grass: Good (Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Medium Round	920	65.00	65.00	F.O.B.
<b>Wheat Straw: Good (Trade/Per Bale)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Small Square	500	7.00	7.00	F.O.B.

<b>Northwestern</b>				
<b>Alfalfa: Good/Premium (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square	400	180.00	180.00	Delivered
<b>Bermuda Grass: Premium (Trade/Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	220	185.00	185.00	Delivered
<b>Bermuda Grass: Good/Premium (Trade/Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	180	175.00	175.00	Delivered
<b>Bermuda Grass: Good/Premium (Trade/Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Square 3x4	320	150.00	150.00	Delivered
<b>Grass: Good (Trade/Per Ton)</b>				
Size	Qty	Price Range	Wtd.Avg.	Freight/Used
Large Round	240	100.00	100.00	Delivered



**Oklahoma Department of Agriculture,  
Food, and Forestry  
October Board Report for the  
Agricultural Environmental  
Management Services Division  
September 4, thru November 5, 2023**

## AEMS Division Activities

- An AEMS representative participated in the Illinois River Watershed (IRW) Partnership conference calls to review technical efforts and monitoring of waterbodies within the watershed area.
- Several AEMS Staff participated in the FEMA ICS 300 class.

### AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 25
- Number of AgPDES PGP Authorizations this reporting period: 1
- Number of AgPDES CGP Authorizations this reporting period: 10

### 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:

22	Complaints received and investigated this reporting period.
23	Complaints closed this reporting period.
<b>Complaints Received - Breakdown</b>	
	Cattle - 4
	Swine – 0
	Poultry-0
	Misc. Animal - 0
	Other – 6
	Animal Shelter -2
	Pet Breeder- 13
43	Year-to-date complaints received in FY 24
33	Year-to-date complaints closed in FY 24
32	LMFO/CAFO inspection and technical assistance.
72	Poultry inspections and technical assistance.
76	Pet Breeders/Shelters inspections and technical assistance.

**CAFO and LMFO Activities - Month and Fiscal Year 2024**

	Sept 4-Nov 5, 2023	FY 24 Total
Complaint or Compliance Follow-ups	14	40
Annual Inspections	146	264
Technical Assistance with Contacts	32	91
Site Visit/Review – No contact made	3	25

**Poultry Activities – Month and Fiscal Year 2024**

	Sept 4-Nov 5, 2023	FY 24 Total
Complaint or Compliance Follow-ups	3	5
Annual Poultry Inspections	72	113
Poultry Technical Assistance	221	674
Site Visit/Review – No contact made	50	181
Eucha-Spavinaw CNMP Written	13	39

**Pet Breeders Activities – Month and Fiscal Year 2024**

	Sept 4-Nov 5, 2023	FY 24 Total
Complaint or Compliance Follow-ups	21	42
Breeder/Shelter Technical Assistance provided to owner/operator	76	113
Breeder/Shelter Annual Inspections	14	59
Breeder/Shelter Close out	5	7

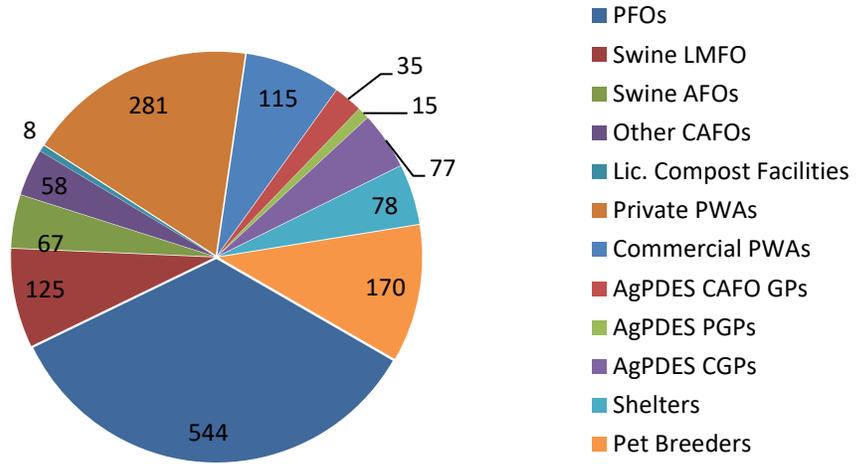
**AGPDES – Month and Fiscal Year 2024**

	Sept 4-Nov 5, 2023	FY 24 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections (Annual or Compliance Follow-ups)	0	3
Technical Assistance provided to owner /operator	0	12

**Composting Activities – Month and Fiscal Year 2024**

	Sept 4-Nov 5, 2023	FY 2 Total
Complaint or Compliance Follow-ups	7	16
Site Inspections (Annual or Compliance follow-up)	5	6
Technical Assistance provided to owner /operator	11	12

## Current FY 24 AEMS Numbers



Respectively,

Teena G. Gunter  
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE  
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
 DECEMBER 2023 BOARD REPORT  
 REGARDING OCTOBER 2, 2023 THROUGH NOVEMBER 12, 2023  
 ACTIVITIES OF THE OFFICE OF GENERAL COUNSEL**

**AMOUNT OF ADMINISTRATIVE FINES COLLECTED:**

Amount to Date (2023)	Amount of Fines for this Board Meeting
\$351,995.00	\$2,700.00
\$207,400.00	2022
\$57,475.00	2021 Total (5/31-12/31/2021)

**CONTRACTS REVIEWED OR DRAFTED (172):**

Marketing: 53
CPS: 3
Forestry: 106
Admin: 2
AEMS: 2
Lab: 3
Wildlife: 1
Food Safety: 1
Animal Industry: 1

**ADMINISTRATIVE HEARING PROCEEDINGS:**

Total Number of Open Cases: 156
Total Number of New Cases: 170
Total Number of Cases Closed: 102
NOVs Sent: 19

**OTHER ACTIONS AND PROCEEDINGS:**

<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.

<b><i>William Grossman v. Lori Howard et al.</i></b> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services 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.
<b><i>Spring Creek Coalition v. ODAFF and Trong</i></b> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed.
<b><i>Spring Creek Coalition v. ODAFF and Phan, et al.</i></b> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. Discovery ongoing. Responded to Motion for Summary. Motion to Dismiss filed. Hearing had March 2, 2023. Supplement brief filed regarding Motion to Dismiss.

**MEETINGS:**

Date	Activity
October 2, 2023	AEMS Legal
October 2, 2023	Director's Meeting
October 3, 2023	OBA GALPS
October 3, 2023	U.S. 412 Advisory Committee
October 5, 2023	State Suppliers Expo
October 9, 2023	OKC Mediation Project FOR
October 9, 2023	Prairie Dirt
October 9, 2023	AEMS Legal
October 10, 2023	Director's Meeting
October 10, 2023	Enid Packing
October 10, 2023	AEMS Interviews
October 10, 2023	Depositions of CPS personnel
October 10, 2023	OMES EAP
October 10, 2023	Directors Meeting
October 11, 2023	OBA Women in Law
October 12, 2023	Intern Interview
October 12, 2023	ALJ Docket
October 12, 2023	OBA Legislative Monitoring Committee
October 16, 2023	AEMS Legal
October 18, 2023	State Board of Agriculture Retreat
October 18, 2023	OBA ILS
October 19, 2023	State Board of Agriculture Retreat
October 19, 2023	State Board of Agriculture
October 19, 2023	OBA Workers Compensation Conference
October 20, 2023	OBA Workers Compensation Conference
October 23, 2023	OU Daugherty Moot Court Competition
October 24, 2023	AEMS Legal
October 24, 2023	Directors Meeting

October 24, 2023	OU Daugherty Moot Court Competition
October 24, 2023	Attorney interview of CPS Inspectors
October 24, 2023	OK Flood and Drought Management Task Force
October 25, 2023	OU Daugherty Moot Court Competition
October 26, 2023	OGC Staff
October 26, 2023	AgPDES
October 30, 2023	AEMS Legal
October 31, 2023	Directors Meeting
October 31, 2023	OMES HCM Listening Session
November 3, 2023	OBA ELS Annual Seminar
November 6, 2023	AEMS Legal
November 6, 2023	Farm Bill Discussion
November 7, 2023	OBA GALPS
November 9, 2023	AALA Conference
November 10, 2023	AALA Conference
November 11, 2023	AALA Conference

**RULE ACTIVITIES:**

<p><b>Chapter 10. Agricultural Products (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.</p>
<p><b>Chapter 15. Animal Industry (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.</p>
<p><b>Chapter 17. Water Quality (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.</p>
<p><b>Chapter 20. Forestry (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.</p>
<p><b>Chapter 30. Consumer Protection (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment</p>

will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.
<b>Chapter 37. Food Safety (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.
<b>Chapter 40. Market Development (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.
<b>Chapter 45. Water Quality Standards Implementation Plan (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.
<b>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2024):</b> On November 7, 2023, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on December 1, 2023. Public comment will start on December 1, 2023 and remain open until January 4, 2024. A public hearing has been scheduled for January 4, 2024.

**OPEN RECORDS REQUESTS (21):**

AEMS: 3
CPS: 6
AIS: 4
Pet Breeders: 3
Admin/Mkt Dev: 2
Inv. Services: 1
Food Safety: 2

**OTHER ACTIVITIES:**

Phone calls or emails with the public: 9
Assistance to industry: 2
Assistance to AEMS: 5
Assistance to CPS: 6
Assistance to Wildlife Services: 0
Assistance to Forestry: 7
Assistance to AIS: 8
Assistance to Admin: 3
Assistance to Human Resources: 4
Assistance to Market Development: 5

Assistance to other state agencies: 7
Assistance to federal agencies: 0
Assistance to Food Safety: 7
Assistance to NASS: 0
Assistance to Executive Office: 4
Assistance to Lab: 0
Assistance to Investigative Services: 1
Assistance to Legislature: 0
Assistance to Attorney General: 2
Assistance to Public Information: 2

Respectfully Submitted,



Teena G. Gunter  
General Counsel

## FOOD SAFETY REPORT OCTOBER 2023

### 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 3,155,223 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 45,822 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors provided USDA poultry grading services on poultry products being shipped from National Steak & Poultry Quality Meats in Owasso. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. A Child Nutrition Labeling Program Review was conducted under the USDA cooperative agreement at OK Foods in Oklahoma City. Routine egg quality inspections under the Oklahoma egg law were conducted. Bryan Buchwald attended the virtual mid-year conference of the National Egg Regulatory Officials.

#### Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Eleven organic crop producers
- One organic livestock producer
- Four organic processors
- Collected two organic samples
- Six 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 2 requests for organic crop applications, 1 request for an organic livestock application and 1 request for an organic processing application.

#### Produce Safety Section

- Visited 12 farms providing outreach and education to producers and to verify inventory
- Conducted outreach about the Produce Safety Rule at the Oklahoma Local Agriculture Collaborative Central Workshop, Peanut Growers Field Day, and Native Pecan Field Day
- Assisted 1 farm with remote technical assistance
- Assisted 1 farm with on-site technical assistance
- Visited 3 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Quarterly FDA monitoring call
- Sent out an e-mail newsletter about upcoming Produce Safety classes being taught by OSU FAPC
- Regular conference calls with TX, LA, AR, NM, MO, MS

#### Homemade Food Freedom Act

- Received 16 complaints on Homemade Food Freedom businesses
- Sent 2 warning letters and 7 verbal warnings
- Meat compliance assisted with 2 complaints
- Outreach and education at OLAC Central Workshop
- Taught a class about the law at Northeast Tech in Pryor

## OKLAHOMA MEAT INSPECTION SERVICES

### Investigations and Compliance Activities

Planned Compliance Reviews	10
Random Compliance Reviews	207
Person-to-Person Contacts	77
Special Investigations and/or Projects	06
Reports of Apparent Violations	04
Detentions	02
Consumer Complaints	04
Verbal Warnings Issued	12
Letters of Warning Issued	04
Samples Submitted to Lab for Analysis	00
Accident Investigations	01
Administrative Procedures Act (Pending)	02 Enid Packing & The Forum Group LLC

**The Oklahoma Highway Patrol notified Meat Inspection Compliance with (1) truck accidents in the month of October 2023**

**See details below:**

ACCIDENT LOCATION	Meat Product/Livestock	DISPOSITION
I-40 east of Shawnee	950- 40lb boxes of frozen chicken quarters	OKC Landfill

**Highlighted Activities:**

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out four (4) Letter of Warning for Violations of the Oklahoma Meat Inspection Act and/or State Statutes.

**Leave taken in September:**

Ron Hall- 16 hours    Brad Klaassen- 8 hours    Wayne Mactolff- 8 hours

**MEAT INSPECTION**

<b>Number of Cattle</b>	<b>1,358</b>
<b>Total Beef Condemned</b>	<b>17,180 lbs</b>
<b>Beef Heads &amp; Livers</b>	Avg. H wt 20, Avg. L wt 10
<b>Number of Swine</b>	<b>209</b>
<b>Total Pork Condemned</b>	<b>1,188 lbs</b>
<b>Pork Heads &amp; Livers</b>	Avg. H wt 10, Avg. L wt 2 lbs
<b>Number of Sheep and Goats</b>	<b>3,429</b>
<b>Total Condemned</b>	<b>21 lbs</b>
<b>Number of Chickens</b>	<b>1,614</b>
<b>Number of Rabbits</b>	<b>15</b>
<b>Total Condemnations</b>	<b>0 lbs</b>
<b>Number of Buffalo</b>	<b>8</b>
<b>Total Condemnations</b>	<b>100 lbs</b>
<b>TOTAL MEAT INSPECTED</b>	<b>1,345,750 lbs</b>

**PROCESSED MEAT INSPECTED**

<b>Processed Red Meat</b>	<b>1,360,271 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Poultry (Portions)</b>	<b>260,789 lbs</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Rabbit Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>Exotic Deer Meat</b>	<b>0</b>
<b>Condemned on Reinspection</b>	<b>0 lbs</b>
<b>TOTAL PROCESSED MEAT INSPECTED</b>	<b>1,621,060 lbs</b>

<b>AVG. CARCASS WT.</b>	<b>Beef 700 lbs., pork 250, sheep goat 100</b>
<b>AVG. BEEF HEAD / LIVER</b>	<b>Head 20 lbs. / Liver 10 lbs</b>
<b>AVG. SWINE HEAD / LIVER</b>	<b>Head 10 lbs. / Liver 2 lbs.</b>
<b>AVG. LAMB/GOAT HEAD</b>	<b>Head 2 lbs.</b>

Meat Sample activity:

24	Samples Submitted for Analysis	0 (Heat) Samples Not Analyzed
24	Samples Analyzed	0 Samples Non-Compliant
24	Samples Negative Analysis	

10/16-17 Scott Yates and Thomas Stephens attended the USAHA / NASMFID State directors conference in National Harbor, Maryland.

- 10/24 Keegan Molen was interviewed and hired for the Southwest area.
- 10/24 Lauren Moczynski was interviewed and hired for the Southwest area.

## DAIRY SECTION

Dairy staff conducted routine inspections at dairy farms, dairy plants, performed equipment checks and collected farm and plant dairy samples throughout the state. Additionally, Dairy Services conducted a dairy farm survey on DFA Central Council 18 (BTU 40-018) and a Single-Service Survey at O-I Glass (BTU 40-127) in Muskogee. Both surveys received passing scores. Information regarding these surveys can be found on FDA's Interstate Milk Shippers List website.

FDA Milk Specialist, Clinton George, conducted multiple FDA Check Ratings in Northeast Oklahoma on CEC 69 (40-69), DFA SE Council 100 (40-100), DFA SE Council 102 (40-102), and Amelia Creamery (40-124) in Nowata. Each check rating will receive passing scores.

Continuing our efforts, Dairy Services is sampling Swan Bros. Dairy Inc. for Listeria and Campylobacter on a quarterly basis.

The Oklahoma Dairy program is participating in a National Drug Residue Monitoring Project with the FDA. All samples will be collected at random from bulk milk tankers and shipped to a 3<sup>rd</sup> party laboratory for anonymous sample preparation. This national study will help FDA determine if the current drug residue screening methods are effective or need to be expanded.

In professional development, Inspector Jayson Jones worked with FDA Milk Specialist Clinton George for initial Dairy Farm Sanitation Rating Officer certification. Dairy Services attended an Animal/Plant Joint Criminal Epidemiological Workshop at OSU hosted by the FBI in October.

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a large, prominent "S" and "Y".

Scott Yates  
Director of Food Safety

## Communications

Compiled 11/22/23

### *Social Media Highlights*

**SE Oklahoma Inbound Trade Mission – Oct. 17-20** | ODAFF assisted in hosting delegations from Vietnam and Thailand as part of an inbound trade mission. The delegates made stops in Oklahoma, Arkansas, and Texas.

The delegates toured a tree farm in Idabel, a distillery in Hochatown, and the Oklahoma Department of Agriculture, Food, and Forestry Tree Improvement Center.



**AYC Tours OSU Ferguson College of Ag – Oct. 23** | The Agriculture Youth Council had a wonderful time visiting the OSU Ferguson College of Agriculture near the end of October. The Council learned about the college experience from Ferguson College Ambassadors, toured the Robert M. Kerr Food and Agricultural Products Center, the Greenhouse Learning Center, and the Ferguson Family Dairy Center.

**Sec. Arthur Awarded Highest FFA Degree – Nov. 3** | Sec. Arthur was awarded an Honorary American FFA Degree at the 96th National FFA Convention & Expo in Indianapolis!

The Honorary American FFA Degree is the highest degree bestowed upon an individual by the National FFA Organization.



**Farm Bill Discussion – Nov. 6** | We were happy to welcome Pennsylvania Congressman Glenn "GT" Thompson to Oklahoma in early November. Rep. Thompson, who is the U.S. House Committee on Agriculture Chairman, was joined by Oklahoma Congressman Frank Lucas to discuss the upcoming Farm Bill.

Sec. Arthur moderated the discussion, which included a Q & A session with those in attendance at Heritage Place in Oklahoma City.

## ***Social Media Impact***

### **Facebook**

*21,849 followers (up 57 followers since last period)*

*Since October 20, 2023:*

- Posts and content reached 27,113 users (down 9% from last period)
- 21,431 Page Likes (up 72 from last period)

### **Instagram**

*3,374 followers*

*Since October 20, 2023:*

- Posts and content reached 2,138 users (up 27% from last period)
- 58 new Instagram users have followed the account

## **News & Notes**

***Program Spotlights*** | Each week we have been promoting programs within ODAFF. Examples so far include the Agriculture Youth Council, Made in Oklahoma, and Agritourism. This series will continue throughout 2023 and into 2024.

***6 Oklahoma Veterinarians Receive VLMRP Awards*** | Six Oklahoma Veterinarians were awarded Veterinary Medicine Loan Repayment Program grants for the 2023 cycle. The purpose is to assist the recipients in reducing their educational debt. That news was shared on our social media channels.

***2023 Oklahoma Agriculture Statistics Book Released*** | A link to the digital version of the latest book was shared on our social channels in mid-November.

# DECEMBER 6, 2023 BOARD MEETING

## PURCHASES/CONTRACTS

### ANIMAL INDUSTRY

**Farmed Cervid CWD Cooperative Agreement - \$248,703.00** –This cooperative agreement addresses the funding priority to conduct novel research on, or implement, whole genome predictive genetics in farmed cervids. Purchase white tail deer semen, contract services to artificially inseminate deer, insemination equipment, genetic testing and hire two ODAFF personnel for management of the project. The \$248,703.00 will be revenue from USDA to ODAFF, and the \$206,900 will be expenditures from ODAFF to Whitetails of Oklahoma. The difference, \$42,197 will be for ODAFF administrative costs.

### FORESTRY SERVICES

#### **FY 24- \$15,000**

Purchase parts and labor to repair John Deere Tractor 6410. The tractor is inoperable and requires extensive repairs to address significant leaks and loose axles. This is a significant safety issue, and the tractor is required to perform essential field tasks to grow conservation seedlings. **Justification:** Without these repairs, the seedlings will not be grown or harvested for landowners.

#### **FY24- \$55,000**

Purchase a spray irrigation boom, turbine drive traveler and monitoring system for the Forest Regeneration Center (FRC). Purchasing this irrigation boom will replace the obsolete irrigation system that is beyond repair for the conservation containerized seedlings grown at the nursery. This system will provide direct and consistent irrigation for the seedlings to ensure their survival and ensure that we can offer healthy containerized seedlings to landowners. This purchase will be reimbursed by Revegetation/National Seed Strategy Funding Grant. **Justification:** Without this purchase, we will not be able to irrigate the containerized conservation seedlings and we will fail to meet the needs of landowners.

#### **FY24- \$45,000**

Purchase 650,000 Loblolly seedlings from Arkansas Forestry to provide Oklahoma landowners seedlings is necessary for the regeneration program to continue to provide an adaptable and reliable genetic seed source for reforestation efforts of private landowners in SE Oklahoma. Due to this year's harsh weather events and overwhelming consumer demand, the regeneration program has a limited inventory of its superior genetic seedlings to offer for sale to landowners that wish to purchase seedlings that are highly resilient to the often harsh and diverse Oklahoma climate. **Justification:** Without this purchase private landowners would have to rely on lesser genetic material that are not genetically selected for S.E. Oklahoma which could potentially have a negative effect on possible reforestation efforts.

#### **FY24- \$50,000**

This funding is provided to the State of Oklahoma as part of the FY 2020 (FEMA/DHS) Homeland Security Grant Program for the purchase of radio and satellite communications equipment for the Agriculture Trailer. This equipment will upgrade the Ag Trailer to allow

communications with response agencies during disaster response. **Justification:** This communication's equipment is needed to equip the Ag Trailer for response and communications during natural and man-made disasters.

**FY24- \$80,000**

Oklahoma Forestry Services will be providing financial assistance to landowners to manage invasive plant species currently present on the land. By participating in this program, landowners will be able to remove non-native invasive plants on their lands. **Justification:** Landowners will maintain healthy forests across the landscape that are resilient to current and future forest health threats such as pests, diseases, and wildfire. Funds spent on this program will be federally reimbursed.

**FY24- \$10,000**

Purchase parts to repair retaining wall behind the Antlers shop building. All labor will be provided by rangers. We plan to remove the rotted and crumbling railroad ties that made up the original retaining wall and replace them with concrete blocks. This will also require a lot of dirt work to clear the site for placement of the blocks and back-filling behind the new wall.

**Justification:** If the wall is not repaired the ground the shop sits on will continue to wash out until it is no longer adequate for supporting the building. This would lead to structural instability and damage at best, and eventually potential building collapse at worst. Funding was included in our current FY Budget.

**FY24- \$24,000**

Purchase wildland firefighting boots and firefighting personal gear for OFS personnel.

**Justification:** OFS is required to supply OFS firefighters with mandatory personal protective equipment (PPE) and gear for their protection and care while on duty.

**FY 24 – Forest Inventory and Analysis research vehicle \$55,040.48 (State Matching Cost Share – FIA Grant)**

Purchase of a ½ ton truck equipped with 4-wheel drive, skid plates, tow hooks, 10-ply all terrain tires, etc. for transportation and off-road access to remote forest research

plots. **Justification:** The truck will be used daily in forest health monitoring, wildfire risk assessment, and timber inventory purposes and will anchor the efforts of foresters as they traverse the state's forests from McCurtain County to Cimarron County, often solo. Funding for this purchase matches a cost-share in salary/supplies from the US Forest Service – FY23 FIA Grant.

**FY 24 – Forest Inventory and Analysis all-terrain vehicle (ATV) \$13,797.71 (State Matching Cost Share – FIA Grant)**

Purchase of an all-terrain vehicle equipped with 4 wheel drive, skid plates, winch, safety features, etc for off-road access to remote forest research plots. **Justification:** The ATV will be used in remote forest health monitoring, wildfire risk assessment, and timber inventory purposes and will multiply the efforts of foresters as they visit some of the state's most wild and distant forests. Funding for this purchase matches a cost-share in salary/supplies from the US Forest Service – FY23 FIA Grant.

**MARKET DEVELOPMENT**

FY2024 – advertising – Good Day Tulsa – Made in Oklahoma TV segments - \$14,000

FY2024 – Stacey Mauch – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

FY2024 – Ben Birdwell – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

FY2024 – Huai – Veteran or Young Farmer/Ag Enhancement & Diversification Grant - \$10,000.00

**OFFICE OF GENERAL COUNSEL**

Contract for an OGC Administrative Law Judge for FY 2024, effective 07/1/2023 - 6/30/2024. The Contract not to exceed \$10,000 to perform services as a Hearing Officer/Administrative Law Judge (ALJ) in cases assigned, in accordance with a signed agreement on file with the Oklahoma Depart of Agriculture Food, and Forestry. The vendor will perform services at an hourly rate of \$125.00/hour.

**NOVEMBER 2023 BOARD MEETING**

**OUT OF STATE TRAVEL**

**ESTIMATED COST**

Laboratory Services Division

William Krivanek – 10/22/23 - 11/04/23  
National Institute of Standards and Technology  
Gaithersburg, MD

\$5557.50

Required training for Mass Metrology Seminar, which the Bureau needs to continue Mass Echelon III calibrations and to obtain reinstatement of accreditation. (Pre-approval request attached).

Termelia Hogg – 10/22/23 - 11/04/23  
National Institute of Standards and Technology  
Gaithersburg, MD

\$6457.50

Required training for Mass Metrology Seminar, which the Bureau needs to continue Mass Echelon III calibrations and to obtain reinstatement of accreditation. (Pre-approval request attached).

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

**APPROVAL OF CASES**

ON THIS 6<sup>th</sup> day of December 2023, 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 6<sup>th</sup> day of December 2023.

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Blayne Arthur  
President  
State Board of Agriculture

**Exhibit A  
Board of Agriculture  
December 6, 2023**

**Cases Resolved by Stipulation**

**Agricultural Environmental Management Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
David H. Lemon	OGC-23-872	AEMS	\$200.00

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Green Gro	OGC-23-756	CPS	\$1,500.00
Pedro Santamaria	OGC-23-166	CPS	\$500.00

**Consideration and Proposed Action on Final Order:**

**Consumer Protection Services**

<b><u>Name</u></b>	<b><u>File No.</u></b>	<b><u>Division</u></b>	<b><u>Amount</u></b>
Terminix	OGC-21-107	CPS	\$500.00

**OKLAHOMA DEPARTMENTT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. DAVID H. LEMON**

**Case File No. OGC-23-872**

**David H. Lemon  
Route 3 Box 669  
Westville, AR 74965**

**Summary of Facts:** Respondent failed to timely submit their updated Poultry Feeding Operation Nutrient Management Plan.

**Statute or Rule Violation:** 2 O.S. § 10-9.7(E)(1)

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

**Deviations:** None.

**Other Actions Required:** None.

**OGC Attorney:** Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF )  
AGRICULTURE, FOOD, AND FORESTRY, )  
BY AND THROUGH THE )  
OFFICE OF GENERAL COUNSEL )  
 )  
COMPLAINANT, )  
v. )  
 )  
DAVID H. LEMON )  
ROUTE 3 BOX 669 )  
WESTVILLE, OK 74965 )  
 )  
RESPONDENT. )

**FILED**  
OCT 05 2023  
STATE BOARD OF AGRICULTURE

Case No: OGC-23-872

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.

To whom it may concern,  
our plan has been in progress for years. It is currently being worked on by Sheri Herron.

RESPONDENT:

Signature

David H Lemon  
Printed Name and Title:

Date:

10/2/23

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**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-23-872**

**DAVID H. LEMON )  
ROUTE 3 BOX 669 )  
WESTVILLE, AR 74965 )**

**RESPONDENT. )**

**NOTICE OF VIOLATION**

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

**PREHEARING CONFERENCE NOTICE**

2. Respondent is hereby notified that a Prehearing Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on January 11, 2024** 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.**

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<sup>1</sup> 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 owning or operating a Poultry Feeding Operation (“PFO”), located in Oklahoma.

16. Pursuant to the Oklahoma Poultry Feeding Operations Act, Okla. Stat. Tit. 2 § 10-9 *et seq.* (“the Act”), ODAFF has authority to regulate persons who own or operate PFOs.

17. The Act at Okla. Stat. Tit. 2 § 10-9.7(E)(1) states: “*Except as otherwise provided in this subsection, a Nutrient Management Plan for every poultry feeding operation shall be renewed and an updated plan shall be submitted to the Oklahoma Department of Agriculture, Food, and Forestry every six (6) years from the date the initial or previous plan was submitted.*”

### **ALLEGATIONS OF FACT**

18. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

19. Nutrient Management Plans (“NMP”) for PFOs expire every six (6) years and must be renewed with the updated NMP submitted to the Department.

20. On or about June 7, 2023, the Agricultural Environmental Management Services (“AEMS”) Division of the Department sent Respondent a Letter of Warning regarding their expired NMP.

21. Respondent’s NMP expired December 30, 2016.

22. To this date, Respondent has failed to respond to their Letter of Warning or submit their updated NMP to the Department.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, Respondent violated Okla. Stat. Tit. 2 § 10-9.7(E)(1) by failing to submit their renewed and updated NMP to the Department.

### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

28. Pursuant to Okla. Stat. Tit. 2 § 10-9.11(A)(1), any person violating the provisions of the Act may be punished by a fine not to exceed Two Hundred Dollars (\$200.00) per day of non-compliance.

**PRAYER FOR RELIEF**

29. The Department is not seeking to remove any license or registration. We are seeking a monetary penalty as set out in Okla. Stat. Tit. 2 § 10-9.11(A)(1). In this case we are seeking a Two Hundred Dollar (\$200.00) administrative penalty and submission of the updated NMP.

**OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

**ENFORCEMENT OF JUDGMENTS**

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

**INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

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

36. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may submit the updated NMP and 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 12 day of September, 2023.

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  
Brady Robinson, OBA #33600  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

DAVID H. LEMON  
ROUTE 3 BOX 669  
WESTVILLE, OK 74965

\_\_\_\_\_  
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.** )  
 )  
**DAVID H. LEMON** )  
**ROUTE 3 BOX 669** )  
**WESTVILLE, OK 74965** )  
 )  
**RESPONDENT.** )

**Case No: OGC-23-872**

**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: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. Green Gro**

**Case File No. OGC-23-756**

**Green Gro**  
**12324 E. 86th St. N.**  
**Owasso, OK 74055**

**Summary of Facts:** ODAFF Inspectors conducted a use inspection of this company in Tulsa, OK. Upon inspection, our inspectors learned that the applicator was not properly licensed to make commercial turf applications. Furthermore, this company was not licensed to make commercial applications as well. After inspections, it was determined that the company vehicle was advertising for pest and fertilizer applications. This company was not licensed to advertise as such. Making commercial pesticide applications without license and certification, advertising pesticide applications and making commercial fertilizer applications without a license are all a violation of the Oklahoma Combined Pesticide Law & Rules.

**Statute or Rule Violation:** 2 O.S. §3-86(A)(9), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), 2 O.S. §8-8-77.5(B), and O.A.C. 35:30-29-51

**Proposed Administrative Penalty:** \$1500.00; stipulated and paid in full

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison



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

<b>THE OKLAHOMA DEPARTMENT OF</b>	)	
<b>AGRICULTURE, FOOD, AND FORESTRY,</b>	)	
<b>BY AND THROUGH THE</b>	)	
<b>OFFICE OF GENERAL COUNSEL</b>	)	
	)	
<b>COMPLAINANT,</b>	)	
<b>v.</b>	)	<b>Case No: OGC-23-756</b>
	)	
<b>GREEN GRO</b>	)	
<b>12324 E. 86th St. N.</b>	)	
<b>OWASSO, OK 74055</b>	)	
	)	
<b>RESPONDENT.</b>	)	

**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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 12<sup>th</sup> day of October 2023** 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.**

---

<sup>1</sup> 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 commercial pesticide applications, located at Owasso, 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.

### **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 11<sup>th</sup> day of April 2023, the Consumer Protective Services Division of the Department conducted a use inspection located at 4022 S. 149<sup>th</sup> E Ave. in Tulsa, OK.

19. Inspectors met with your employee, Michael Olmos, who was making an ornamental and turf application to this lawn. After speaking to your employee and conducting further investigation our inspectors determined that our company is not licensed to make commercial applications, nor was your employee certified to make commercial applications.

20. Further, your company vehicle advertises pest and fertilizer applications; your company does not have the appropriate licensing to advertise as well.

21. Making commercial pesticide applications without license and certification, advertising commercial pesticide application, and making commercial fertilizer applications without a license are violations of the Oklahoma Combined Pesticide Law & Rules.

**ALLEGED CONCLUSIONS OF LAW**

22. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(9), 2 O.S. §3-86(A)(15), 2 O.S. §3-86(A)(16), 2 O.S. §8-8-77.5(B) and O.A.C. 35:30-29-51 which are stated below.

- 2 O.S. § 3-86(A)(9): “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: 9. Advertising or offering to perform in a category of pesticide application for which no license is held or under a name for which no license is held.”
- 2 O.S. §3-86(A)(15): “15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”
- 2 O.S. §3-86(A)(16): “16. Any persons to be employed or represent themselves as certified applicators or service technicians unless they have met the certification standards prescribed by the Board and obtained valid certificates or identifications

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

- 2 O.S. §8-8-77.5(B): “B. All fertilizer dealers shall obtain a license from the Board for each business location”
- O.A.C. 35:30-29-51: “(a) Any person engaged in the distribution or sale of fertilizer shall obtain a license.”

### **PRAYER FOR RELIEF**

23. For the above listed infractions and violations, the Department is seeking a One Thousand Five Hundred Dollar (\$1500.00) administrative penalty and this company and all applicators come into compliance with statutes and rules.

### **ATTORNEY CONFERENCES**

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

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

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

### **ENFORCEMENT PROCEEDINGS**

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

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

d.) Civil actions.

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

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

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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of ONE THOUSAND FIVE HUNDRED Dollars (\$1500.00) and this company, and all applicators come into compliance with statutes and rules.

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

*Brady Robison*  
\_\_\_\_\_  
Teena G. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873  
Brady Robison, OBA # 33600\*  
Richard D. Herren, OBA # 13829  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

GREEN GRO  
12324 E. 86th St. N.  
OWASSO, OK 74055

*Brady Robison*  
\_\_\_\_\_  
Brady Robison



**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**v. PEDROS LANDSCAPES**

**Case File No. OGC-23-166**

Pedro Santamaria  
Pedros Landscapes  
11735 CR 536  
Rockwall, TX 75087

**Summary of Facts:** ODAFF Inspectors conducted a use inspection in Durant, OK. Further inquiry revealed that this applicator and company were not licensed nor certified in Oklahoma. Further, the container with the application mix was unlabeled, contrary to requirements. Failing to have certification to make commercial applications, not having a license to operate a pesticide business in Oklahoma and not having the tank mix properly labeled, are all violations of the Oklahoma Combined Pesticide Laws and Rules.

**Statute or Rule Violation:** 2 O.S. §3-82(A)(1), 2 O.S. §3-86(A)(15), O.A.C. 35:30-17-26(a)

**Proposed Administrative Penalty:** \$500; stipulation is signed and paid in full

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
OCT 12 2023  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

Case No: OGC-23-166

PEDRO SANTAMARIA )  
PEDROS LANDSCAPES )  
11735 CR 536 )  
ROCKWALL, TX 75087 )

RESPONDENT. )

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** and obtain proper licensing if continuing to business in Oklahoma, 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

Pedro Santamaria  
Printed Name and Title:

Date: 10/10/23

**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-23-166**

**Pedro Santamaria )  
PEDROS LANDSCAPES )  
11735 CR 536 )  
ROCKWALL, TX 75087 )**

**RESPONDENT. )**

**2<sup>nd</sup> 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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 12<sup>th</sup> day of October 2023** 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.**

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<sup>1</sup> 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 commercial pesticide applications in Oklahoma, located at Rockwall, Texas.

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.

### **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 the 23<sup>rd</sup> day of February 2023, the Consumer Protection Services Division of the Department conducted a use inspection while you were making applications to a Quality Inn in Durant, OK.

19. When our inspector made contact with you, he learned that you were not properly licensed in Oklahoma.

20. While inspecting your truck he observed a 2.5-gallon container that did not have a legible label on it identifying its contents.

21. In order to make commercial pesticide applications in Oklahoma you must be licensed with the Department to make those applications.

22. Additionally, all pesticide containers containing product must be appropriately labeled with labels that are legible and identifiable.

### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, by not having proper licensing and illegible labels on your containers, you are in violation of 2 O.S. §3-82(A)(1), 2 O.S. §3-86(A)(15) and O.A.C. 35:30-17-26(a) which are cited below:

- 2 O.S. §3-82(A)(1): “A. LICENSE REQUIRED - 1. It shall be unlawful for any person to act, operate, or do business or advertise as a commercial, noncommercial, certified applicator, temporary certified applicator, service technician, or private applicator unless the person has obtained a valid applicator's license issued by the State Board of Agriculture for the category of pesticide application in which the person is engaged.”
- 2 O.S. §3-86(A)(15): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: 15. Any person to act, operate, do business, or advertise as an applicator unless the person has obtained a valid license issued by the Board for the category in which the person is engaged.”

- O.A.C. 35:30-17-26(a): “(a) Every container used to dispense (apply) pesticide (except bait boxes used for rodent control) shall be accompanied by a copy of a readable label for the pesticide within the container. The label shall either be attached to the container or be present on or in the vehicle used to transport the container.”

### **ATTORNEY CONFERENCES**

24. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
25. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

### **ENFORCEMENT PROCEEDINGS**

27. Enforcement proceedings may include but are not limited to:
  - a.) Administrative fines or penalties;
  - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
  - c.) Criminal actions, which could involve fines, imprisonment, or both; and
  - d.) Civil actions.
28. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have

the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

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

#### **PRAYER FOR RELIEF**

30. The Department is not seeking to remove any license or registration of any business; we are seeking a monetary penalty as set out in statutes, specifically 2 O.S. §2-18(A). In this case we are seeking a **Five Hundred Dollar (\$500.00)** administrative penalty, **obtain proper licensing if continuing to do business in Oklahoma.**

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

#### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

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

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

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

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Five Hundred Dollars (\$500.00)** and **obtain proper licensing if continuing to do business in Oklahoma.**

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

*Brady Robison*

\_\_\_\_\_  
Teena C. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Brady Robison, OBA # 33600\*  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Pedro Santamaria  
PEDROS LANDSCAPES  
11735 CR 536  
ROCKWALL, TX 75087**

*Brady Robison*  
\_\_\_\_\_  
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. )**

**Case No: OGC-23-166**

**PEDRO SANTAMARIA )  
PEDROS LANDSCAPES )  
11735 CR 536 )  
ROCKWALL, TX 75087 )**

**RESPONDENT. )**

**STIPULATION**

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Five Hundred Dollars (\$500.00)** and obtain proper licensing if continuing to business in Oklahoma, 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. TERMINIX**

**Case File No. OGC-21-107**

**TERMINIX  
9340 Pole Rd.  
Moore, OK 73160**

**Summary of Facts:** Case from 2021. CPS conducted a complaint investigation at a residence in Midwest City. Inspectors found that there was a baiting system installed at the house, however the system had not been monitored per the terms of the contract with the consumer. Additionally, a spot treatment was performed on this location. Neither of the treatments on this residence were done in accordance with the rules. For example, the brick veneer voids were not drilled and treated where the records indicated they were done; records indicated that bait stations were placed in locations that no bait stations were found. The spot treatments as well as the bait systems were not performed nor monitored per the rules and product label. Both violations of the Rules.

**Statute or Rule Violation:** O.A.C. 35:30-17-69.2 (B)(3); O.A.C. 35:30-17-75-1(D); O.A.C. 35:30:17-75-2(A); O.A.C. 35:30-17-75-3(A).

**Proposed Administrative Penalty:** Default from ALJ; \$500

**Deviations:** None

**Other Actions Required:** None.

**OGC Attorney:** Brady Robison

BEFORE THE STATE BOARD OF AGRICULTURE  
STATE OF OKLAHOMA

**FILED**  
JUL 13 2023  
STATE BOARD OF AGRICULTURE

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

COMPLAINANT, )

v. )

TERMINIX )  
9340 POLE RD. )  
MOORE, OK 73160 )

RESPONDENT. )

Case No: OGC-21-107

**PROPOSED FINAL ORDER**

NOW on this 13<sup>th</sup> day of July, 2023, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Brady Robison. Respondent appears not.

On the 13<sup>th</sup> day of July, 2023, this matter came on for Prehearing Conference. Respondents were provided a copy of the Notice of Violation entered in this matter delivered by personal service (Exhibit 1), to Terminix, 9340 Pole Rd, Moore, OK 73160 on May 25, 2023

The Notice of Violation advised Respondents that failure to appear at the designated time and place for hearing and failure to pay the recommended fine or penalty stated in the Notice of Violation following proper notice to the Respondents may result in a default judgment being entered against Respondents.

**FINDINGS OF FACT**

1. The Respondents were properly served with process and failed to plead or otherwise defend this action within the time prescribed.

2. The Notice of Violation (Exhibit 2) and Amended Notice of Violation (Exhibit 3), 3<sup>rd</sup> Amended Notice of Violation (Exhibit 4), and 4<sup>th</sup> Notice of Violation (Exhibit 5) delivered was attempted by certified mail, but service was unsuccessful.

3. Hearing was set for December 8, 2022, March 9, May 11, and July 13, 2023 at 1:30 pm.

4. On July 13, 2023 at 1:30 pm, the Complainant appeared through its Counsel of Record and the Respondents appeared not.

5. The Complainant requested entry of default judgment against Respondents for all penalties imposed by the Notice of Violation.

6. An administrative penalty in the amount of **Five Hundred (\$500) Dollars** was proposed by the Notice of Violation.

7. The undersigned granted Complainant's request based on Respondents' failure to appear and defend the allegations contained in the Notice of Violation.

#### **CONCLUSIONS OF LAW**

1. The Respondents are in violation of the laws alleged in the Notice of Violation, which is incorporated by reference.

2. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

3. The Allegations of Fact and Conclusions of Law set forth in the attached Notice of Violation are hereby adopted and incorporated by reference as Findings of Fact and Conclusions of Law.

**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED that the Amended Notice of Violation filed in this matter on May 15, 2023, be adopted as a Final Order and all penalties imposed by the Notice of Violation are incorporated herein and imposed on the Respondents.

SIGNED THIS 13 DAY OF July, 2023.

  
HONORABLE RACHEL LAWRENCE MOR  
ADMINISTRATIVE LAW JUDGE

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing Proposed Final Order was mailed by certified mail, return receipt requested, postage prepaid, on the date of filing to:

**TERMINIX  
9340 POLE RD.  
MOORE, OK 73160**

A handwritten signature in cursive script, appearing to read "Gina Blaylock", written over a horizontal line.

Gina Blaylock

## **Exhibit 1**

**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-21-107**

**TERMINIX )  
9340 POLE RD. )  
MOORE, OK 73160 )**

**RESPONDENT. )**

**4<sup>th</sup> 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 Conference<sup>1</sup> will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 13<sup>th</sup> day of July, 2023** 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.**

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<sup>1</sup> 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 commercial pesticide applications, located at Moore, 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.

### **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 15<sup>th</sup> day of March 2022, the Consumer Protective Services Division of the Department conducted a consumer complaint investigation.

19. It was reported that on February 26, 2020, you placed a residence located at 10121 Isaac Drive, Midwest City, OK under a termite baiting system contract. It was noted that you also performed Termidor HE liquid spot treatment at this location. Records show that this contract was cancelled on January 28, 2021, and the system was not monitored prior to the cancellation of the contract.

20. During this investigation it was also determined that you did not meet the termite spot treatment and termite baiting system minimum standards in the following areas: the brick veneer

voids were not drilled and treated in the location where your records indicate a sub-slab injection treatment was performed; your application records indicate that bait stations were placed around the storage shed in the back lawn of this residence, and our inspectors did not observed any bait stations around the storage shed; additionally, there were several areas around the house where the termite bait stations exceeded the 20 feet maximum spacing that is as required by the Trelona Compressed Termite Bait label.

21. ODAFF requires that termite bait and baiting systems contracts have a term for at least one year. When performing a termite spot treatment, you shall meet all minimum standards for the specific location identified. Termite bait or baiting systems shall be used according to the manufacturer's label. Accurate records are required to be kept on termite bait and baiting systems.

22. This failure to meet termite spot treatment and termite baits and baiting system minimum standards are violations of the Oklahoma Combined Pesticide Law and Rules: O.A.C. 35:30-17-69.2 (b)(3); O.A.C. 35:30-17-75-1 D; O.A.C. 35:30:17-75-2 A; O.A.C. 35:30-17-75-3 A.

#### **ALLEGED CONCLUSIONS OF LAW**

23. Based upon the application of the above law to the aforementioned facts, you are in violation of multiple rules of the Department. Those rules state:

- **35:30-17-69.2(b)(3):** "The contract shall specifically identify the exact location where the spot treatment is performed and the treatment shall meet all minimum standards for the specific location identified. The identified spot treatment location shall be at least three feet (3') in two (2) or more directions but shall not be equal to the entire structure."

- **O.A.C. 35:30-17-75-1(d):** “A written contract pursuant to 2 O.S. § 3-81(11) and OAC 35:30-17-20 shall be completed prior to a termite bait or termite baiting system application and shall also include the following: (1) A term for at least one year with an option for renewal by the parties. (2) A block for the consumer to initial verifying a consumer information sheet on the termite bait or termite baiting system was provided.”
- **35:30:17-75-2(a):** “In addition to other recordkeeping requirements contained in OAC 35:30-17-21, the applicator shall maintain the following records: (1) Date, time, and location of all monitoring of a termite baiting system, including termite activity in non-baited stations and baited stations; (2) Linear feet of perimeter of a treated structure; (3) Number of monitored or baited ground and above-ground bait stations installed around a structure; (4) Inspection diagram; and (5) Any bait application in or around the termite baiting system stations.”
- **35:30-17-75-3(a):** Termite bait or termite baiting systems shall be used according to the manufacturer’s label. (1) Monitoring of termite bait system stations shall be used to detect the presence of subterranean termites. Both baited and non-baited termite baiting system stations shall be monitored according to the manufacturer’s label. If the manufacturer’s label does not address monitoring of baited and non-baited termite baiting system stations, they shall be monitored no less than once per month during the entire length of the contract. (2) Termite bait system stations shall be placed according to manufacturer’s label. Where the manufacturer’s label does not address termite baiting system station placement, they shall be placed no more than twenty (20) feet apart around the perimeter of the structure as

practicable. If bait system stations cannot be installed according to the manufacturer's label or at a maximum of twenty (20) feet apart due to concrete or other obstructions, stations may be placed outside of the obstructions so long as the span between structure and station does not exceed twenty (20) feet. If the span between structure and station exceeds twenty (20) feet, an alternate method of treatment shall be utilized for that section of the structure. (3) Any deviation from the manufacturer's label or the twenty (20) feet maximum shall require a disclosure signed by the consumer prior to the termite bait or termite baiting system treatment. The disclosure shall include full identification of areas excluded and specify all reasons for not applying the termite bait or termite baiting system according to the manufacturer's label or the twenty (20) foot maximum and shall include all additional supplemental treatment rendered."

#### **ATTORNEY CONFERENCES**

24. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
25. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
26. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

#### **ENFORCEMENT PROCEEDINGS**

27. Enforcement proceedings may include but are not limited to:
  - a.) Administrative fines or penalties;

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

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

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

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

#### **OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT**

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

#### **ENFORCEMENT OF JUDGMENTS**

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

### **INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING**

33. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
34. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
35. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

**STIPULATION**

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Five Hundred Dollars (\$500.00).

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

*Brady Robison*

\_\_\_\_\_  
Teena D. Gunter, General Counsel, OBA # 17767  
James Rucker, Deputy General Counsel, OBA # 14574  
Kambi Maddy, OBA # 13873

Brady Robison, OBA # 33600\*  
Richard D. Herren, OBA # 13829  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**TERMINIX  
9340 POLE RD.  
MOORE, OK 73160**

*Brady Robison*  
\_\_\_\_\_  
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. )  
 )  
**TERMINIX** )  
**9340 POLE RD.** )  
**MOORE, OK 73160** )  
 )  
**RESPONDENT.** )

**Case No: OGC-21-107**

**STIPULATION**

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

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

**RESPONDENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title:

Date: \_\_\_\_\_